

1. CALL TO ORDER

A meeting of the Waite Park City Council was held on Monday, August 2, 2021, beginning at 6:30 PM.

MEMBERS PRESENT

Members present were Mayor Miller, Councilmembers Linqvist, Schmitt, and Schulz.

Member Theisen was absent.

CITY REPRESENTATIVES PRESENT

City Representatives present or on the call were City Administrator Johnson, City Clerk/Accountant Virnig, Chief of Police Benrud, SEH Engineer Halter and City Attorney Storm

OTHERS PRESENT

James March (Martin Marietta), Spencer Clock (Martin Marietta), Joel Asp (SHE), Isidore Lieser

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

Isidore Lieser (520 2nd Ave S) wondered if it was possible to get the digital speed signs placed on 2nd Ave at each end of the road.

4. COUNCIL AGENDA

Member Schulz moved to approve the agenda as presented, seconded by Member Schmitt. Motion carried unanimously by those members present.

5. CONSENT AGENDA

- 5.A. Approve Special Animal License Request
- 5.B. Approve 7/19/2021 City Council Meeting Minutes

Member Linqvist moved to approve the consent agenda as presented, seconded by Member Schmitt. Motion carried unanimously by those members present.

6. REGULAR AGENDA ITEMS**6.A. ORDINANCE 61 AND APPENDIX B FEE SCHEDULE AMENDMENTS**

Ordinance 61 regulates parking and towing within the jurisdiction of the City. The Ordinance specifies that it incorporates certain provisions of Minn. Stat. 169 et. seq. In the course of review of the Ordinance, it was observed that the provisions under Minnesota State Law incorporated into the Ordinance were renumbered and amended in recent Sessions of the Minnesota Legislature. The Ordinance was reviewed, and amendments have been submitted to harmonize Ordinance 61 with the current state of Minnesota Law by updating the citations to Minnesota Law to reflect the numbering introduced as part of the Minnesota Legislature's revisions to the statute.

The amendments submitted to the Council also include a change to Section 61.7 to effectuate the intent expressed by the Chief of Police and endorsed by the City Council that parking of commercial vehicles should not be permitted at any time in commercial vehicle no parking zones. The Chief of Police and members of the City Council noted that the safety of persons in the City as well as the orderly flow of traffic on certain streets are negatively affected by the presence of parked commercial vehicles. Ordinance 61 previously only prohibited the parking of commercial vehicles during daytime hours, Monday-Friday. The concerns for safety and ensuring orderly flow of traffic, however, do not abate during the hours not regulated by Ordinance 61 as presently enacted. With the amendment to the Ordinance, commercial vehicle parking is prohibited at all times. This change reflects the interest to ensure safety and orderly flow of traffic at all times on those roadways deemed inappropriate for the parking of commercial vehicles.

6.A. ORDINANCE 61 AND APPENDIX B FEE SCHEDULE AMENDMENTS (Cont.)

The amendments submitted to the City Council also include a change to Section 61.16 to clarify the Ordinance. The Attorney for the City of Waite Park identified an ambiguity in the Ordinance, which the Attorney recommends is clarified with the addition of new language. Section 61.15 authorizes impoundment of vehicles left parked or standing in violation of the Ordinance or the laws of the State of Minnesota. Section 61.16, Subdivision 3 authorizes the City Police Department to impound and tow the vehicle that has received three or more consecutive parking citations for failing to move a vehicle or by continuing to park a vehicle in a no parking zone. The amendment seeks to harmonize Sections 61.15 and 61.16 by clarifying that the City Police Department has the discretion to determine that impoundment is appropriate where a parked vehicle poses a hazard to the safety of vehicles, pedestrians, or the orderly flow of traffic.

Member Linquist asked that in the impoundment of vehicles section if three consecutive citations from the Police Department may result in impoundment of the vehicle. Attorney Storm clarified that would change with the addition of a sentence which states that a vehicle may be impounded immediately where the City Police Department determines the vehicles poses a hazard to the safety of vehicles or pedestrians or the orderly flow of traffic. Attorney Storm clarified that sentence would be added to the section in question. Member Linquist stated he felt it should only be two consecutive parking tickets. Attorney Storm stated in the section right before (61.15) the section in question it states that any vehicle left parked or standing in violation of the ordinance or the laws of the State of Minnesota may be towed, so if there is a justifiable reason, the vehicle can be impounded. These varying items allow for different reasons of impoundment within the ordinance.

Member Linquist asked if this applied to all vehicles and not just commercial vehicles. Attorney Storm stated that, yes, there are instances where a regular vehicle could be impounded if it were posing a risk.

Chief of Police Bentrud clarified to the City Council that the reason behind wanting to be more aggressive with parking violations is because the issue the Police Department is having is that many of the large trucks parked on the street are a part of a lease fleet, so when the Police Department runs that truck, they have no way of knowing who the driver of the truck is. Chief of Police Bentrud stated that is the issue of holding the drivers of these trucks accountable and also makes the three violations then impoundment process more difficult. This new change and impoundment would then require the driver having to come in and take care of the fine.

Member Linquist asked if the no parking zones included both regular vehicles and commercial vehicles. Chief of Police Bentrud stated it would include all vehicles.

Member Linquist moved to approve amending Ordinance 61 – Parking and Towing, Appendix B Fee Schedule and Summary Publication as proposed. Motion seconded by Member Schulz. Motion carried unanimously by those members present. **(ORDINANCE 2021-03)**

6.B. MILLER LEASE TO PURCHASE AGREEMENT

The City has had a desire to consider finding some additional land to consider a future Public Safety Facility. The Miller Property located along Parkway Drive between Bio Life and The Ledge has been identified as a desirable property to purchase for this facility. It provides enough property to consider a future Public Safety Facility while also providing for additional parking at The Ledge. The Mayor and Staff have been discussing this property with Miller and have drafted a lease to purchase agreement that would allow the City to use the property over the next couple of years while pursuing funding to purchase the entire property, which does include pursuing an additional ½ percent sales tax referendum.

The total number of acres is 17 acres and the land cost to purchase is \$2.7 million. The mayor and Staff believe it is advantageous to enter into this agreement now to secure this price and the land for future needs. The proposed agreement reduces the amount of the assessments on the property by a third annually for every year the City uses the property. This reduction is essentially the City's rent payment to use the property. The agreement requires that the City purchase the property from Miller no later than December 31, 2023. It also includes a provision that if the City is not successful with approving the sales tax that the agreement will be terminated.

Member Schulz moved to approve the Miller Lease to Purchase Agreement as presented, seconded by Member Schmitt.

Member Linquist asked for clarification regarding payment. Mayor Miller and City Administrator Johnson clarified the rent payment includes assessments being forgiven yearly, which is about \$60,000 per year, and a \$1 yearly rent payment. Member Linquist asked if the assessment amount being forgiven comes off the \$2.7 million to purchase at the end. City Administrator Johnson said it does not.

6.B. MILLER LEASE TO PURCHASE AGREEMENT (Cont.)

Attorney Storm stated that waiving the assessment fees each year is locking the City in as a buyer. Attorney Storm also stated that Miller recognizes that the City's best way of paying for it is through the tax referendum and since that vote won't happen until November 2022, Miller is willing to entertain the possibility of purchasing the property at \$2.7 million by the City waiving the assessments each year.

Member Linquist asked if there was any language in the agreement that would take into consideration if the value of the property fell at the time of purchase. Mayor Miller stated that the \$2.7 million is already a very fair price. City Administrator Johnson stated the City does have the ability not to buy it at the end of the three years and to get out of the agreement if the City can't come up with a source of funding.

Roll Call Vote:

Councilmember Schmitt: Yes
 Councilmember Schulz: Yes
 Councilmember Linquist: Yes
 Mayor Miller: Yes
 Councilmember Theisen: Absent
 Motion carried 4-0.

6.C. GRANITEVIEW ROAD CHANGE ORDER #3

City Engineer Halter stated as previously discussed with the City Council, this project encountered some significant black dirt under the roadway during construction. This resulted in a change in the roadway structural section to include an additional 18" of subgrade excavation and replacing it with 18" of select granular borrow. Additional items including bedrock blasting are also included in the presented change order.

Due to some cost savings from the 2nd Street North section of this project, City Engineer Halter estimated the final project cost will come in within about \$15,000 to the original contract amount.

Member Linquist asked when the road was schedule to be done. City Engineer Halter said the road is done, with the exception of the shoulder and some minor work. City Engineer Halter stated the contractor was willing to wait until late August or September to do the final work in case of some settling.

Member Linquist asked if the signs are going to come down that are currently up. City Engineer Halter said the signs would stay up since the shoulders aren't completed and dip down.

Member Linquist asked if there was enough money to cover this Change Order. City Engineer Halter said there were cost savings in other areas of this project where the overages aren't going to be substantial, maybe roughly \$15,000. City Engineer Halter also explained that when they opened bids, they were about \$60,000 less than originally budgeted.

Member Linquist moved to approve Graniteview Road Change Order #3, seconded by Member Schmitt. Motion carried unanimously by those members present.

6.D. DETERMINATION OF ADEQUACY OF EIS OF MARTIN MARIETTA NORTH QUARRY REDUCTION & RAINBOW QUARRY EXPANSION

It was explained to the City Council that the Environmental Review (Minnesota Rule 4410) and the Environmental Quality Board (EQB) provide guidance and determination of a project need to complete an environmental review of a proposed project. Provided was the Final EIS regarding Martin Marietta's proposed projects. This voluntary EIS was completed at the Martin Marietta site in Waite Park and is related to the 4410.4400 subpart 9 (Non-Metallic Mineral Mining) section of the rule. City of Waite Park is the Responsible Governmental Unit (RGU). The voluntary EIS process has included: Scoping Environmental Assessment Worksheet (SEAW) identified project and potential environmental concerns. Draft EIS included responses to agency comments and refined document to address issues identified in the SEAW. Final EIS included responses to agency comments.

The City contracted SEH to perform the EIS. The proposed tasks completed in summary include reducing the north quarry from 129 acres to 120 acres and the rainbow quarry will be expanded from 52 acres to 95 acres.

The largest impacts with the quarry expansion include the potential loss of about 20 acres wetland and loss of habitat.

Member Schulz stated after reading the documents that he trusts nothing is substantially changing and everything is adequate at this point.

Member Schulz moved to approve the Final EIS for Martin Marietta North Quarry Reductions & Rainbow Quarry Expansion, seconded by Member Schmitt. Motion carried unanimously by those members present.

7. COUNCIL/MAYOR

7.A. REVIEW AND APPROVE BILLS

Member Linnquist moved to approve the 6-25-21 to 7-22-21 bills as presented, seconded by Member Schmitt. Motion carried unanimously by those members present.

8. ADMINISTRATOR UPDATE


Chief of Police Benrud stated the Senior Cookout is August 11th and Night to Unite is August 3rd.

Fire Chief Aleshire stated that in general the City does a good job securing Knox box keys, but there could be an event where a rogue firefighter takes a key from the truck and uses it inappropriately. Fire Chief Aleshire is proposing getting another level of security through the Knox box system that is a wireless, cloud-based system for gaining access to the keys, that would be put on the fire truck. Everyone would have their own code to access the keys, which would be documented and time stamped. Fire Chief Aleshire stated none of the current Knox boxes would have to change, this would just be on the truck.

Mayor Miller stated he feels what is currently in place seems adequate, but if this is something the Fire Chief feels strongly about, then it should be added to the 2022 budget. City Administrator Johnson agreed that this should be talked about at a department level first.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:15 pm.


Richard E. Miller
Mayor


Karla Virnig
City Clerk/Accountant