

**MINUTES OF A REGULAR CITY COUNCIL MEETING HELD TUESDAY, FEBRUARY 13, 2001
6:00 P.M. – WAITE PARK CITY HALL.**

The meeting was called to order by Mayor Rick Miller. Roll Call was taken and the following members were found to be present: Mayor Miller, Councilmembers Dean Haskamp, Mike Linquist, Paul Ringsmuth, and Carla Schaefer. Absent: None.

Staff members present were: Police Chief Jim McDermott, Fire Chief Gary Curtis, Superintendent of Public Works Bill Schluez, EMS Director Dan Raden, and Clerk/Treasurer Rena Weber. City Attorney Gordon Hansmeier and City Engineers Terry Wotzka, Jim Miller, Greg Johnson, and Scott Hedlund were also present.

Also present were: Betty Stueve, Bena Zimmer, Marcie Curtis, Bob Kiffmeyer, Herman Bartz, Frank Theisen, Norm & Lee Ann Ruegamer, Al Ringsmuth, Mitch Anderson, Commissioner Mark Sakry, Mark Sizer, Charlie Grafft, Dave Montebello, Jackie Corkle, Frank Lyons, Charles Murray, Thomas & Lou Ann Schuller, Jeff Opitz, Sylvester & Delores Kalla, John Ludwig, Daryl Kalla, Cy Kuefler, Tim Callan, Brian & T. LaBuda, Linda Proehl, Dale Marthaler, Walt Yarborough, Jim Fautsch, Lon & Patty Johnson, and Clara Gohman

CONSENT AGENDA – Rena Weber reported that Member Ringsmuth submitted changes to the minutes of 1/9/01 regarding 13th Ave N (page 8) indicating that no assessments would occur since adjoining properties were assessed previously and also correcting the spelling of Michelle Kukoleca-Hammes. Other changes were made to 1/08/01 minutes adding “Mayor Miller also voiced concern that employees who are not on salary would not be paid on a salary basis in the future.”

Motion by Member Schaefer, second by Member Ringsmuth to approve the consent agenda as amended:

- 2a. Minutes of 1/8/01, 1/9/01 & 1/23/01
 - 2b. List of Bills and Addition CK # 28662-28331
 - 2c. Approval of 3 dogs for Mark & Lois Sizer – 905 Sunwood Park Drive
 - 2d. Approval of 3 dogs for Joe Cordie – 413 Sunwood Park Drive
- Motion carried unanimously.

INVESTMENT APPROVAL – Rena Weber requested council approval of investments for audit purposes.

Motion by Member Ringsmuth, second by Member Haskamp to approve the list of investments:

NAME	AMOUNT	INTEREST	DUE
(CD'S BOUGHT THROUGH JURAN & MOODY – 2000 G.O. IMPROVEMENT PROJECT)			
Grand Bank NA	100,000	6.65%	4/27/01
BPD International Bank New York	100,000	6.65%	4/27/01
Town Square Bank Inc.	100,000	6.55%	7/27/01
Jacksonville Bank	100,000	6.85%	10/26/01
Heritage Bank of Commerce	100,000	6.8%	12/28/01
Universal Savings Bank	<u>100,000</u>	6.9%	4/29/02
TOTAL CD'S	600,000		
MONEY MARKET FUND	906,820	5.11%	

(BOUGHT THROUGH SALOMON SMITH BARNEY)

U.S Government & Federal Agency Bonds			
Federal National Mtg. Assn. Med Term	155,000	6.90%	8/21/07
Federal Home Loan Mtg. Corp	400,000	6.45%	4/20/09
Federal National Mtg. Assn. Global	200,000	6.50%	4/29/09
Federal National Mtg. Assn.	<u>200,000</u>	7.35%	6/22/09
TOTAL US BONDS	955,000		

Certificates of Deposit

Capital One Bank C/D	100,000	7.05%	8/7/02
Direct Merchants Credit Card	100,000	7.05%	8/7/02
Providian National Bank NH	96,000	7.00%	8/4/03

Household Bank FSB IL	96,000	7.10%	8/2/04
MBNA America Bank N.A. DE	96,000	7.00%	8/9/04
American National B & T – Chicago	96,000	7.10%	8/2/05
First USA Bank, NA DE	96,000	7.10%	8/2/05
Westernbank P R C/D	<u>96,000</u>	7.00%	12/27/10
TOTAL CD'S	<u>776,000</u>		

Motion carried unanimously.

CONDITIONAL USE PERMIT STATUS – Mayor Miller voiced concern that Poganski Automotive at 408 3rd St N failed to comply with the conditional use permit conditions and did not respond to the letter written on 1/16/01. Clerk/Treasurer Weber is to forward the information to the Building Inspector.

SALES TAX SURVEY – Discussion was held regarding the sales tax survey as drafted by St. Cloud State University. A north-south Burlington Northern crossing resulted in no action. Discussion to continue. (See later minutes.)

3RD STREET NORTH UPDATE – Mitch Anderson, Stearns County Highway Engineer, was present to update the council on the right-of-way acquisition progress. Between 5 – 8 properties are in question at present and eminent domain proceedings may have to occur. Attorney Gordon Hansmeier was asked to represent the City and County in eminent domain proceedings of which Gordon agreed to.

Motion by Member Ringsmuth, second by Member Schaefer to appoint Gordon Hansmeier as attorney in eminent domain proceedings, pending agreement with Stearns County. Motion carried unanimously.

SPEED ZONE STUDY – Mitch Anderson informed the Council that he has received numerous requests for a speed zone reduction on CR 137 (7th Street South) from CSAH 64 in St. Cloud to 2nd Avenue (CR135) in Waite Park. Member Linquist questioned a bus lane on 7th Street South.

Member Linquist introduced the following resolution and moved for its adoption:

RESOLUTION NO. 01-08

RESOLUTION REQUESTING A SPEED ZONE STUDY

WHEREAS, the Waite Park City Council has been contacted regarding the speed zone in a certain area, and;

WHEREAS, the Waite Park City Council wishes to ensure the safety of its citizens and any person traveling through the city.

NOW, THEREFORE BE IT RESOLVED, BY THE WAITE PARK CITY COUNCIL, STEARNS COUNTY, MINNESOTA:

1. The Waite Park City Council respectfully requests that a speed zone study be done on CR 137 (7th Street South) from CSAH 74 in St. Cloud to 2nd Avenue (CR 135) in Waite Park.

The motion was duly seconded by Member Haskamp and unanimously approved.

HIGHWAY 23 TURNBACKS – Discussion was held regarding the turnback status of property formerly known as Highway 23. Mitch Anderson informed the council that discussions are being held with property owners. Al Ringsmuth reminded Mr. Anderson that the property was turned back to the County at the time (10 years ago) because the population of Waite Park was less than 5000. Commissioner Mark Sakry indicated the County Board would have to review this matter further.

3RD STREET NORTH RIGHT-OF-WAY AGREEMENT – Mayor Miller asked for council approval of the proposed right-of-way purchase of city owned property worth \$282,089.82 collectively and would not cost the city anything, but would be used as a soft match figure.

Motion by Member Schaefer, second by Member Ringsmuth, to approve Agreements 1 and 1C with the County of Stearns for right-of-way acquisition in the amount of \$282,089.82. Motion carried unanimously.

TRANSPORTATION REVOLVING LOAN FUND APPLICATION – Rena Weber requested council approval to apply for the loan now that we have received approval and right-of-way acquisitions were being approved.

Member Schaefer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 01-07

RESOLUTION OF APPLICATION

BE IT RESOLVED that the City of Waite Park, Stearns County, Minnesota is hereby applying to the Minnesota Public Facilities Authority for a loan to be used for the reimbursement of capital costs for the described project: **3rd Street North Improvement Project**

This project will involve the City of Waite Park, City of St. Cloud and Stearns County of which the City of Waite Park's share is \$2.1 million. The proposed project consists of widening approximately 1.3 miles of 3rd Street North into a four lane divided urban roadway with raised concrete medians, left turn channeling, and a six-foot sidewalk from 9th Avenue North in the City of Waite Park, through the TH 15 intersection, to 35th Avenue North in the City of St. Cloud. The project also consists of constructing a frontage road between 2nd Avenue North East and 4th Avenue North East, north of 3rd Street North; to provide improved access to the new signalized intersection planned for the 3rd Street North and 2nd Avenue Northeast intersection into the Crossroads Mall. Approximately \$1.5 million of the loan will be used for R/W acquisition within the City of Waite Park and the balance will be used for the City's share of construction costs.

BE IT FURTHER RESOLVED that the City of Waite Park estimates that it will require a loan in the maximum principal amount of \$2.1 million dollars, or the actual bid cost of the project for the above stated purposes.

BE IT FURTHER RESOLVED that the City of Waite Park has the legal authority to apply for the loan and the capacity to ensure proper construction and repayment.

The motion was duly seconded by Member Ringsmuth and unanimously approved.

OVERVIEW OF BELTWAY ROAD – Dave Montebello and Jackie Corkle, SRF Engineers, presented an overview of Beltway road options. Dave Montebello cited the selection process, background, alignment evaluation, draft recommendations, and the next steps. The alignment over highway 15 was discussed and Mayor Miller, Councilmembers Schaefer, Ringsmuth, and Haskamp were in favor of the standard diamond as opposed to the folded diamond. The cost for the intersection would be split: ½ County, ¼ St. Cloud, and ¼ Waite Park. No action was taken and the Councilmembers were asked to forward their concerns to Member Haskamp who serves on the committee.

CONTINUED HEARING-BARDSON ADDITION IMPROVEMENT - Mayor Miller announced that a continued public hearing would be held to consider a revised proposal for the Bardson Addition. Terry Wotzka, city engineer, presented a revised report with new costs. (A copy of the report is on file in the office of the Clerk/Treasurer). Concerned residents voiced the following concerns:

- a. Cy Kueffler, representing Thomas Schuller, Section 18, Twp. 124 Range 28, disputed the 275' front footage estimate. Terry Wotzka explained that the odd size lot was figured the same as a cul-de-sac along with the benefit Vs the size of the lot. Tom Schuller then spoke indicating the front footage should be 75'. Terry Wotzka to verify the amounts.
- b. Tim Callan, Callan's Furniture-2316 Division Street, expressed a similar concern in that he and his brother Jim have swapped land. Mr. Callan indicated 140' should be his and 160' should be added to Jim Callan's property.
- c. Walt Yarborough, McKay's Family Dodge-2020 Division Street questioned the need for street replacement. Mayor Miller reminded Mr. Yarborough that the first street replacement was not paid by McKay's.
- d. Delores Kalla, 2503 Frontage Road, questioned why she received three notices and each time the amount increased. Terry Wotzka explained the need for the three notices being due to the change in the plan.
- e. Lonnie and Pattie Johnson, 2301 Frontage Road, questioned why the water/sewer crossover extension could not occur before 24th Avenue. Mr. Johnson indicated he has a new house, septic system and does not want to see Frontage Road opened up to more traffic. Mayor Miller indicated the roadway is not planned to be opened up. Terry Wotzka explained the need to cross at 24th Avenue is due to the granite outcroppings between 15th Avenue and 24th Avenue.

- e. Dan Eller, representing Honer Homes-21 21st Ave N, questioned why they are being assessed for water/sewer hookup when they have a hook up through Anton's Restaurant. Mayor Miller informed Mr. Eller that an assessment agreement was signed at the time when that hook up occurred that Honer would not object to an assessment when water/sewer is extended.
 - f. Roger Bechtold, Overhead Door-2150 Division Street, questioned if it would be feasible to install a lift station in this area? Terry Wotzka explained the cost of the lift station being \$80,000 and not designed for this project.
 - g. John Ludwig, 2415 Frontage Road, questioned how close the estimate is. Terry Wotzka indicated there would be a closer estimate once soil borings are done.
- Motion by Member Haskamp, second by Member Ringsmuth, to close the public hearing at 8:15 p.m.
Motion carried unanimously.

Member Haskamp introduced the following resolution and moved for its adoption:

RESOLUTION NO. 01-10

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a resolution of the City Council adopted the 9th day of January, 2001, fixed a date for a council hearing on the proposed improvement of:

SANITARY SEWER, WATER MAIN, STREET, SEWER & WATER SERVICE IMPROVEMENTS

AREA PROPOSED TO BE ASSESSED: All land lying south of the Sauk River, north of C.S.A.H. 75, west of 20th Avenue up to and including Lot 4, Block 1, Bardson Addition, all land lying adjacent to 2nd Street South west of 24th Avenue South; all land lying adjacent to 24th Avenue South from 2nd Street south C.S.A.H. 75, all land lying southerly and adjacent to C.S.A.H. 75 from 20th Avenue South to 24th Avenue South; all within the City of Waite Park.

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 13th day of February, 2001, at which time all persons desiring to be heard were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WAITE PARK, STEARNS COUNTY, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 13th day of February, 2001.
3. SEH is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax-exempt bond.

The motion for the foregoing resolution was duly seconded by Member Ringsmuth and carried.

ASSESSMENT YEAR 2001 PAYABLE 2002 VALUES –Randy Lahr and Bob Lindval-Stearns County Assessors, were present at the meeting to review a proposed 13% across the board increase in valuations for the city. The sales of property from October 1999 through September 2000 indicated a median ratio of 83.30% whereby the values would have to be raised 13% to 14% in order to meet the State standard of 95% sales ratio. No action was taken, however, Councilmembers were asked to forward all questions to the assessors, as that is their job.

PLANNING COMMISSION RECOMMENDATIONS – A review of the January Planning Commission minutes was held with no action being taken.

IDEAL RADIATOR – Roger Eickhoff, 121 6th Ave S, did not appear to question his bill for storm sewer installation in the amount of \$638.38. No action taken.

GROUNDBREAKING – Terry Wotzka, city engineer, asked that groundbreaking for the Water Treatment Plant be scheduled. It was determined the groundbreaking would be held on Thursday, March 1, 2001 at 4:00 p.m.

FIRE DEPARTMENT REPORT – Fire Chief Gary Curtis reported on the following:

NEW FIRE FIGHTER APPROVED – Gary Curtis reported that Paul Kosloski, 3186 CR 137 has been approved by the fire fighters to serve on the department.

Motion by Member Linquist, second by Member Ringsmuth, to appoint Paul Kosloski to serve on the fire department pending a letter of approval from his employer and an acceptable physical and drug test. Motion carried unanimously.

ST. CLOUD LION'S CLUB DONATION – Gary Curtis reported the St. Cloud Lion's Club donated \$2800.00 for a computer system upgrade.

Motion by Member Linquist, second by Member Ringsmuth to accept the donation. Motion carried unanimously.

POLICE DEPARTMENT REPORT – Police Chief Jim McDermott reported on the following:

CITIZEN ON PATROL – Chief McDermott presented the policy and procedure manual for council review.

SUMMARY REPORT BY MONTH – Chief McDermott presented a new format for reporting offense statistics. A copy is on file in the office of the Clerk/Treasurer.

LETTERS OF APPRECIATION – Three letters of appreciation were presented for review.

ORDINANCE CHANGE – Chief McDermott requested council input on changing the ordinance to limit the time of stay for people living in motels. Attorney Hansmeier to follow up on.

PUBLIC WORKS – Superintendent Bill Schluez reported on the following:

SALT SAND – Bill Schluez reported that Waite Park is experiencing a salt sand shortage just like other cities.

ORDINANCE CHANGES

PARKING ORDINANCE – Mayor Miller questioned if the parking ordinance should be changed to put a 72-hour limit on overnight parking instead of the 7 days limit under the current ordinance provisions. Attorney Hansmeier indicated the Police Department is recommending other changes to the ordinance and provided a draft copy for review.

Motion by Member Ringsmuth, second by Member Haskamp, to postpone changing the parking ordinance until all changes would be published together. Motion carried unanimously.

NOISE ORDINANCE – Attorney Hansmeier presented a copy of the proposed amendments to the noise ordinance citing the changes recommended by the Police Department.

BURNING ORDINANCE – Betty Stueve reported the Planning Commission reviewed the burning ordinance with Fire Chief Gary Curtis and recommended a complete burning ban be enacted. Attorney Hansmeier was instructed to draft such ordinance amendment.

MALT LIQUOR – Attorney Hansmeier presented a draft ordinance for review citing the need to change malt liquor to 3.2 liquor and also changes license eligibility. A review of the changes was held.

Motion by Member Haskamp, second by Member Ringsmuth, to approve the 3.2 Malt Liquor Ordinance as presented. Motion carried unanimously. A complete copy of said ordinance is hereby attached and made part of the minutes.

SALES TAX SURVEY – Discussion returned to the draft sales tax survey. The following changes were made to be submitted back for a final estimate.

Page 2 Question LIVESTC

Change "If respondent does not live within city limits of Waite Park – end interview."

Page 3 Question PAID

First sentence delete the word "airport", Add road, community center & library

Page 3 Question SERV 1

ROAD IMPROVEMENT SUCH AS:

- 1) Re-construct 3rd St N – Crossroads Center West to 9th Ave
- 2) Re-construct 28th Ave S – near Mills Fleet Farm
- 3) Purchase land for future regional road improvements

4) Construct roadway from Cashwise North to Apollo High School (across BN property)

Page 5 Question ACTIVITIES

- 1) Meeting room for rent with kitchen facility
- 2) Gym
- 3) Pool
- 4) Water Slide
- 5) Library
- 6) Hockey Center
- 7) Climbing Wall
- 8) Walkway
- 9) Other

Page 5 Question PRIORITIES

Fourth box down – add Waite Park between expanded _____ library.

SALES TAX RESOLUTION – Mayor Miller asked for council consideration in approving a resolution in support of the St. Cloud sales tax option citing the concerns of the City of Waite Park. This resolution will be forwarded to Representative Jim Knobloch.

Member Linquist introduced the following resolution and moved for its adoption:

RESOLUTION NO. 01-09
RESOLUTION REQUESTING THE MINNESOTA
LEGISLATURE TO APPROVE A SPECIAL LAW
AUTHORIZING A ONE-HALF PERCENT (1/2%) LOCAL OPTION SALES TAX
FOR
REGIONAL PROJECTS SUCH AS: REGIONAL AIRPORT & ROADS,
LIBRARY RENOVATION AND PARK & RECREATION PROJECTS

WHEREAS, The City of Waite Park is seeking authority to (a) create a one-half percent sales and use tax and (b) to issue bonds, for a period not to exceed 10 years and in an amount not to exceed the aggregate cost of \$10,000,000, plus the cost of issuing the bonds, to finance the cost of the approved projects, and;

WHEREAS, The City of Waite Park is gathering public input by doing a community survey and holding informational meetings. Information is disseminated through a citywide newsletter and on the local access channel. Results of the input will give the City Council direction on where feasibility studies should be done, and;

WHEREAS, The City of Waite Park along with the City's of Saint Joseph, St. Augusta, Sartell, and Sauk Rapids support the City of St. Cloud in their request for authorization of the ½ percent sales tax option, and;

WHEREAS, The City of Waite Park will hold a special election to determine if taxpayers will support the sales tax option.

WHEREAS, The projects proposed to be surveyed on are:

- a) Regional Airport – Should the City of Waite Park seek authority to use sales tax revenue and contribute to regional airport improvements.
- b) Regional Road Improvements - Should the City of Waite Park seek authority to use sales tax revenue on regional road improvement projects such as: Re-construct 3rd Street North, re-construct 28th Avenue South, and purchase land for right-of-way on future regional roads?
- c) Library – Should the City of Waite Park seek authority to use sales tax revenue on library improvements?
- d) Parks & Recreation – Should the City of Waite Park seek authority to use sales tax revenue on park and recreation projects?

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WAITE PARK, STEARNS COUNTY, MINNESOTA:

1. That the City of Waite Park fully supports the City of St. Cloud in seeking authority to impose a St. Cloud area sales tax option.
2. That the City of Waite Park will continue in our efforts to obtain the same authority.

The motion for the foregoing resolution was duly seconded by Member Schaefer and carried unanimously.

ADMINISTRATION REPORT – Clerk/Treasurer Rena Weber reported on the following:

LOCAL ACCESS CHANNEL 19 – Rena reported that City Hall is up and running with the channel.

PAYROLL STATUS – Meetings were held with ADP, department heads, and a cost analysis is being done. A report will be forthcoming.

HUMAN RESOURCES COMMITTEE – Clerk/Treasurer Weber indicated the need to draft a handbook for all employees and asked for council participation. Member's Schaefer and Ringsmuth were appointed to the committee.

FACILITY PLANNING COMMITTEE – Clerk/Treasurer Weber indicated that in discussing space needs with department heads it was suggested that long range planning be done and therefore requested a committee be set up to discuss the issues. Member Haskamp was appointed to serve with all department heads, one citizen, and Planning Commission member Betty Stueve.

SUPERINTENDENT OF PUBLIC WORKS JOB DESCRIPTION – Rena reported that Bill Schluenz's job description was mistakenly changed to "Maintenance" Superintendent instead of "Public Works" Superintendent. A revised job description was presented for approval.

Motion by Member Linquist, second by Member Ringsmuth, to approve the revised job description. Motion carried unanimously.

INCREASE IN TAXES DUE TO 3RD ST N IMPROVEMENT – Increases in taxes due to the project would amount to the following based on a 1.5 million dollar loan at 4% interest:

\$100,000 valued residential home	\$200,000 Commercial
\$36.40 per year increase	\$167.32 per year increase

EMERGENCY SERVICES REPORT – Director Dan Raden reported on the following:

EMERGENCY HANDBOOK – Dan presented the handbook for approval. Approval was given. A complete updated copy is on file in the office of the Clerk/Treasurer.

RESCUE SQUAD OFFICERS – Dan reported that Rex Raine has resigned from both the Rescue Squad Chief and Emergency Services Director positions. New officers were elected to the Rescue Squad:

Chief - Brad Thelen
Assistant Chief – Dan Raden
Captain – John Sargent

SANTA PARADE – Dan Raden reported that the Santa Parade event was a success. Dan Raden was thanked for all of the efforts made to make this a success.

OTHER – Bill Schluenz asked for council approval to explore the cost of ornamental lighting along 13th Avenue N (Community Park) side. Approval given.

ADJOURN – Motion by Member Ringsmuth, second by Member Linquist, to adjourn the meeting at 10:12 p.m. Motion carried unanimously.

RICHARD E. MILLER
MAYOR

VERENA M. WEBER-CMC
CLERK/TREASURER

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