

February 9, 2015

CITY COUNCIL MEETING
MINUTES OF FEBRUARY 9, 2015

Pursuant to due call and notice thereof, a regular meeting of the Sartell City Council was held on February 9, 2015 in the Council Chambers of Sartell City Hall. Mayor Nicoll called the meeting to order at 7:00 p.m.

COUNCIL PRESENT: Mayor Nicoll, Council members: Braig-Lindstrom, Hennes, Lynch and Peterson
ABSENT: None
ALSO PRESENT: Mary Degiovanni, City Administrator
Anita Rasmussen, Community Development Director
Jim Hughes, Police Chief
Brad Borders, Public Works Director
Mike Nielson, Engineer
Judy Molitor, Recording Secretary

PLEDGE OF ALLEGIANCE

AGENDA REVIEW AND ADOPTION

A MOTION WAS MADE BY COUNCIL MEMBER BRAIG LINDSTROM AND SECONDED BY MEMBER LYNCH APPROVING THE AGENDA AS PRESENTED. THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM/PUBLIC COMMENT

Mayor Nicoll explained the protocol for the Open Forum and explained that no Council action will be taken.

Erica Frey, 651 Brianna Drive, introduced herself as the newest member of Sartell Senior Connection and said she believes they need a permanent space and that the community center should be on every City Council agenda until it becomes reality.

Bill Morgan, 834 Village Avenue, retired SCSU professor, asked the Council to consider a senior center with history room set aside to display artifacts from Sartell.

Bill Smoley, 9 Oak Hill Court, has lived in Sartell over 60 years and thanked the Council for their consideration of a needed community center. He also talked about the memories of all the events which took place in the past community center with hopes this new center could host many more events.

APPROVAL OF CITY COUNCIL MINUTES

- a. January 26, 2015 – Regular Meeting

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY BRAIG LINDSTROM APPROVING THE MINUTES AS PRESENTED. THE MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

- a. January Building Permit Activity Report – Acceptance

February 9, 2015

- b. January Inspections Activity Report – Acceptance
- c. January Technology Report – Acceptance
- d. Approval of voucher payments
- e. Approval of budgeted Fire equipment expenditures
- f. Approval of budgeted Public Works equipment expenditures
- g. Approval of Resolution Accepting Donations
- h. Approval of Fund Transfer

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING CONSENT AGENDA ITEMS A-H. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

a. Conditional Use Permit – 5 Riverside Avenue South

Community Development Director Rasmussen presented the request from Fouquette Auto, Inc., 5 Riverside Avenue, to utilize a portion of their property as a used car dealership. Rasmussen reviewed the eight conditions for approval suggested by staff and the Planning Commission.

Mayor Nicoll opened the public hearing at 7:15 p.m. No comments were heard or written comments received, the hearing was closed.

A MOTION WAS MADE BY BRAIG LINDSTROM APPROVING RESOLUTION 11-2015 ADOPTING FINDINGS OF FACT RELATING TO A REQUEST FOR A CONDITIONAL USE PERMIT FOR THE PURPOSE OF HAVING A VEHICLE SALES DEALERSHIP. THE MOTION WAS SECONDED BY MEMBER PETERSON. THE MOTION CARRIED UNANIMOUSLY.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING RESOLUTION 12-2015 , ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE PURPOSE OF HAVING A VEHICLE SALES DEALERSHIP, PROVIDED THE REQUIREMENTS OF THE FINDINGS OF FACT ARE MET. THE MOTION CARRIED UNANIMOUSLY.

b. Ordinance Amending Tobacco Use Code

Chief Hughes presented the draft ordinance amending the Tobacco use code and highlighted the suggested language changes as well as changes by State statute. His request is that the Council hear the public but take no action tonight.

Mayor Nicoll opened the public hearing at 7:30. The following comments were made although comments do not reflect entire statement made:

Brian Laudenbach, owner of Super America on Pinecone and 2nd Street, as well as the station at Twin Rivers Ct., asked the Council not to adopt this ordinance. He believes these changes will severely impact store sales and hurt their business. He suggested the retail industry meet with the Police Chief to work through the changes for the ordinance.

Deb Iten, 814 9th Street South, St. Cloud, has smoked for years and with the help of e-cigarettes is now smoke free for four years. If the City ordinance bans the sampling process, this could discourage people from trying e-cigarettes. Common goal is to get people off cigarettes and the vapor e-cigarettes is the safest and best alternative.

February 9, 2015

Nathan Tykwinski, 1455 East Hwy 23, St. Cloud, representing Coborn's, expressed concern about prohibiting the sale of \$2 "loosies", which are a huge part of their sales. He also believes this ordinance change will severely impact retailers in Sartell and offered to work with Chief Hughes to help adopt new terminology for the ordinance.

Dawn Moen, 1306 10th Avenue North, Sartell, believes this ordinance is a step in the right direction to help prevent the use of tobacco for youth, since the flavored e-cigarettes target young people. She suggested the Council support this ordinance and strengthen the language further.

Mark Fritz, 202 Waite Avenue South, St. Cloud, owner of The E-Cig Emporium talked about the retailers where e-cigarettes are sold and their competitive market. He agrees with the need to regulate tobacco sales, but the e-cigarettes help move people away from the traditional cigarettes and help them quit smoking. He suggested the City get more information before adopting this ordinance.

Bennie McWilliams, 129 16th Street Court, Sauk Rapids, manager of the E-Cigarette Lounge in Waite Park, talked about most of their clients being senior citizens who want to quit smoking regular cigarettes and the vapor e-cigarette is the alternative for them. He gave a brief summary of how sales work in their business and believes there should be more education on e-cigarettes with zero nicotine.

Nathan Lahr, 1012 4th Avenue North, Sauk Rapids, spoke about the E-Cig Emporium and believes that no one has a problem there with the e-cigarette vapors. E-Cig Emporium cards youth to be sure they are in compliance. Not allowing sampling would limit the sales and hurt their business. This is an alternative to nicotine cigarettes and has helped him quit smoking.

Danessa Sandmann, formerly of 674 Brianna Drive, Sartell, representing CentraCare's "Crave the Change" program, supports the ordinance as suggested and particularly with regard to sampling restrictions. All tobacco retailers should be held to the same compliance standards regarding health and cleanliness, especially since some e-cigarette tips can be re-used in the sampling process. Also, compliance to prevent these products from getting into the hands of youth is necessary.

Alicia Bawman, 1406 6th Avenue North, St. Cloud, representing CentraCare, talked about health issues and supports the Ordinance. She stated that the sampling provisions will not impact any current business in Sartell. Samples of e-cigarettes and novel cigars which appeal to youth particularly with the flavors available were shown to the Council. The e-cigarette harmful vapors are not regulated by the FDA, therefore regulating the sales and child proof packages are necessary for public health and safety. She suggested to work together for safety of youth.

Cap O'Rourke, 5816 10th Avenue South, Minneapolis, representing IVRM (Independent Vapor Retailers of Minnesota), talked about the current "sampling" language in the ordinance and urged the Council not to pass the ordinance since the wording in the ordinance could hinder future vapor businesses from locating in Sartell. He talked about the cost of some of the e-cigarette products as well as health studies that have proven e-cigarettes help people quit smoking. He agrees that we need to prevent e-cigarettes and like products from getting into the hands of our youth.

February 9, 2015

Dr. Schmitz from CentraCare talked about his job in counseling people who are trying to quit smoking. He stated that evidence is limited as to e-cigarettes helping to reduce tobacco use and he believes the best practice is to limit the e-cigarettes just like any other tobacco product.

Tom Murray, Brainerd, MN said he used e-cigarettes to quit smoking, and would support that sampling e-cigarettes be allowed. He stated that the vapors from e-cigarettes are not harmful and are the same as the fog used at concerts or like events.

Brian Beck, 927 SE 12th Street, Brainerd, has managed a shop selling e-cigarettes and suggested more research be done by the City since there are two sides to every argument. Ingredients found in some food products are more harmful than in e-cigarettes. Flavorings appeal to young as well as old and they are not targeting the young users.

Bill Burnett, 3600 West St. Germain Street, St. Cloud, not opposed to e-cigarette shops. He smoked for 20+ years, and went to an e-cigarette shop to help him quit. He believes the flavoring helps people quit smoking, however believes it is a good thing to regulate and keep away from children.

No more comments were heard and Mayor Nicoll closed the hearing at 8:23 pm. Mayor Nicoll thanked the members of the public who came to voice their concerns and reviewed the suggested changes to the ordinance:

- Sale of “loosies” \$2 minimum
- Smoke shop signage
- Sampling in a shop
- Setting standards on tips for e-cigarettes
- 2,000 foot limit of sales to nearest retailer.

Council members echoed consensus of the Mayor’s summary of the issues and agreed we should be less restrictive on those issues and referred the issue back to Chief Hughes and the City Attorney for further review and recommendation.

c. Ordinance Amending Fee Schedule

City Administrator Degiovanni presented and explained the changes requested to the fee schedule regarding rink rentals. Mayor Nicoll opened the public hearing at 8:36 pm, no comments or written documents were received and the hearing was closed.

A MOTION WAS MADE BY COUNCIL MEMBER PETERSON AND SECONDED BY MEMBER HENNES APPROVING ORDINANCE 15-01, AMENDING THE FEE SCHEDULE. THE MOTION CARRIED UNANIMOUSLY.

d. Ordinance Adopting Sales and Use Tax

City Administrator Degiovanni presented the ordinance adopting Sales and Use Tax. Degiovanni explained that the ordinance is almost identical to what was adopted after the 2006 sales tax vote, but it provides for the extension of sales tax approved from the November 2014 election.

Mayor Nicoll opened the public hearing at 8:38 pm, no comments or written documents were received and the hearing was closed.

February 9, 2015

A MOTION WAS MADE BY COUNCIL MEMBER BRAIG LINDSTROM AND SECONDED BY MEMBER HENNES APPROVING ORDINANCE AND SUMMARY ORDINANCE 15-02 ADOPTING SALES AND USE TAX. THE MOTION CARRIED UNANIMOUSLY.

DEPARTMENT REPORTS

a. Police Department

Chief Hughes presented his monthly report and added congratulations to Officers Lyon and Lundquist for their successful completion of D.A.R.E. classes.

b. Fire Department

The Fire Department monthly report was included in the packet.

c. Public Works

Director Borders presented his monthly report.

d. City Engineer

Engineer Nielson presented his monthly report and updated the Council on the State Aid allocation for 2015.

e. Planning & Community Development Director

Director Rasmussen presented her monthly report.

f. City Administrator

Administrator Degiovanni presented her monthly report.

CITY COUNCIL UPDATE – MISCELLANEOUS BUSINESS

Council members gave updates on various meetings and community events.

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH TO ADJOURN THE MEETING AT 8:50 P.M. THE MOTION CARRIED UNANIMOUSLY.

Minutes By

Judy Molitor
Recording Secretary

Sarah Jane Nicoll
Mayor