

WAITE PARK CITY COUNCIL SPECIAL MEETING**MAY 6, 2019****1. CALL TO ORDER**

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

MEMBERS PRESENT

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

CITY REPRESENTATIVES PRESENT

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

OTHERS PRESENT

Adam Wicklund, Neil Grant, Mark Johnson, Tom Frericks, Tim Kubal, Andrea Danielson, Peter J. Wilson

2. PLEDGE OF ALLEGIANCE**3. OPEN FORUM**

Adam Wicklund, President of the Metro Citizens Police Academy Alumni Association, recognized the Waite Park Police Department for their great outstanding support they give the Citizens Police Academy. They offer a lot of time and officer time and resources to the Citizens Police Academy. A fundraiser was held and the Waite Park Police Department was selected as the recipient of a donation. Mr. Wicklund presented a check in the amount of \$1,000 to the Waite Park Police Department.

Carolyn Foged, 19 11th Ave N, Waite Park, wants to address zoning and buffering between her house and the Ultimate Sports Bar. Ms. Foged stated there is dust all the time near her house and there are people parking right outside her bedroom window. There are also issues of where the Ultimate Sports Bar laid down gravel and she feels it is over their property line. There are signs posted on her fence and there is noise from traffic and people. She has not slept much since the house was torn down from the fire. Planning & Community Development Director Noerenberg stated Staff will be addressing the buffer and paved parking lot with the property owner and he is waiting for proposed plans from the property owner.

Neil Johnson, 11th Avenue North, Waite Park, stated he has property across from Ultimate Sports Bar. He supports his neighbors and feels a buffer needs to be placed on the north side and also part of the east side of the property also.

Tricia Elckinger, 520 12th Avenue North, Waite Park, stated years ago a house was taken down next to her. She agreed on a variance so that Mr. Frericks from Ultimate Sports Bar could put in a parking lot. She feels that she was promised a lot of things that didn't happen. She said a fence was put up, but in the wrong direction. There are also issues with a sound barrier and advertisements being put up. She supports Ms. Foged and wants something done.

Peter Wilson, 1108 Celebration Drive, Sartell, stated he is still waiting on the outcome of the election issue and has not received a final answer yet. He also stated the Open Forum is a meeting place for open discussion. He also stated he is looking into the ethic clauses in some of the individual professional designations and if Staff is in compliance. He reserves and has the right to make a formal complaint. He also feels the failure to look at the 5G issues upfront will dictate problems potentially on the back side.

Gary Morgenroth, 1125 Cherrywood Court, Waite Park stated he has been in communication through email with Staff of Waite Park, Sauk Rapids, Sartell and St. Joseph regarding the 5G issues. He is asking the City to put together a report to the public of the health issues of 5G. He stated he has received emails back that the FCC handles this issue. He then questioned "How many people took the 30 .pieces of silver?"

3. OPEN FORUM (Cont'd.)

Andrea Danielson, 1104 1st Street North, Waite Park, stated she has concerns with the rerouting of Metro Bus routes onto 1st Street North due to the construction in the area, especially with the rates of speeds of the busses on 1st Street North. Mayor Miller stated Staff will give MTC a call with this concern.

4. COUNCIL AGENDA

Motion by Member Schulz, second by Member Theisen, to approve the 5/6/19 Council Agenda as amended.

- 5.J. (Add) Approve Promoting Shane Barclay to a Utility Operator at Grade 6, Step 2
- 5.K. (Add) Approve a donation of \$500 out of the charitable gambling funds to the Relay for Life

The motion carried unanimously.

5. CONSENT AGENDA

Motion by Member Theisen, second by Member Schulz, to approve the following 5/6/19 Consent Agenda items:

- 5.A. Approved 4-1-19 City Council Meeting Minutes
- 5.B. Approved 4-8-19 City Council Special Meeting Minutes
- 5.C. Approved 4-8-19 Board of Appeal and Equalization Minutes
- 5.D. Approved Purchase Dell Laptop Computers
- 5.E. Approved Purchase Axon In-Squad Mobile Cameras
- 5.G. (Pulled for voting purposes – regarding Temp Liquor License and Fee Waiver for Family Fun Fest)
- 5.H. Approved Seasonal Hire Position Appointments
- 5.I. (Pulled for discussion – regarding Resolution for Stearns County Proposed Traffic Signal Improvements)

The motion carried unanimously.

5.G. TEMP LIQUOR LICENSE AND FEE WAIVER FOR FAMILY FUN FEST

Motion by Member Theisen, second by Member Linquist, to approve the Temp Liquor License and Fee Waiver for Family Fun Fest.

Ayes: Mayor Miller, Members Linquist, Schulz, Theisen

Nays: None

Abstained: Member Schmitt

The motion carried.

5.I. RESOLUTION FOR STEARNS COUNTY PROPOSED TRAFFIC SIGNAL IMPROVEMENTS

Stearns County has secured federal funding to install traffic signal confirmation lights on several of the county owned signals to help with red light running enforcement. Stearns County has been working with Chief Bentrud on the signals within Waite Park. There is no cost to the City for this project, but it does require municipal approval for the plans to continue through the federal aid approval process. Attached is the resolution for the City Council to consider. A copy of the plans is available at city hall if you would like to review the plans. Staff recommends approval of this this resolution as presented.

Member Linquist questioned the video system and the amount of time it takes to review the videos. He also had concerns on the grant program. Chief of Police Bentrud clarified that it is not a video system. It is a blue light system. He said a red-light violator can be caught by watching the blue light that is installed at certain intersections go on that is in sync with the red traffic light going on. The intersections where the blue light is proposed to be installed is at an intersection involving a county road and will be visible to officers. Red light violations is a big issue. The grant is for installing the blue lights. Member Linquist then questioned if there has been any research done on the affects of the blue light and Chief of Police Bentrud stated he hasn't seen any research on it yet.

5.I. RESOLUTION FOR STEARNS COUNTY PROPOSED TRAFFIC SIGNAL IMPROVEMENTS

(Cont'd.)

Motion by Member Theisen, second by Member Schmitt, to approve the resolution for Stearns County Proposed Traffic Signal Improvements. The motion carried unanimously. **(RESOLUTION NO. 050619-01)**

6.A. MARTIN MARIETTA – AMEND CUP FOR MINING AND FIVE-YEAR REVIEW

This request has been submitted by Martin Marietta Materials, Inc. as periodic review of their existing Conditional Use Permit for mining operations, as well as to amend the existing Conditional Use Permit to revise the approved mining plan for the Rainbow Quarry (south of Highway 23) to adjust the “footprint” of mining area. The application also makes request to include additional property recently purchased by the applicants within the Conditional Use Permit, as well as to remove and exclude property previously donated to City of Waite Park from the Conditional Use Permit subject area.

The proposed amendments to the Conditional Use Permit would revise the legal description and shift the boundary of the mining footprint of the Rainbow Quarry. The applicants recently acquired the property (approximately 60 acres) to the west/southwest of the quarry and seek its inclusion within the subject area of the Conditional Use Permit. The overall permitted 52.25 acre mined area is not proposed to change (see attached map) but the “footprint” of the mined area would be shifted approximately 200 feet west to make better use of the identified geology of the site. The entirety of the mined area still falls within the established boundaries of both the existing Conditional Use Permit and the previous Environmental Assessment Worksheet (EAW). The acquired property is not proposed for any activity and would not be mined; rather, it would be utilized as buffer/setback area. Any mining of it in the future would have to be reviewed as a separate request with associated public hearing, Planning Commission and City Council review, and would be subject to additional environmental review components. The buildings on the southern end of the property are proposed to remain on the property at this time but will not be utilized for anything. The applicants have noted they have no intent to lease the space although they may be open to the sale of the building(s) themselves, provided that a potential buyer is responsible for relocating them off-site.

City staff has coordinated with the applicants and the request also seeks to remove and exclude the portion of property previously donated to the City of Waite Park and not under construction for the Amphitheater project from legal inclusion within the boundaries of the Conditional Use Permit. While essentially a formality, both City and Martin Marietta staff believe it would be in the best interest of all parties to revise the legal description of the Conditional Use Permit boundaries to exclude the amphitheater project subject area, particularly at this time when it is convenient to do so concurrently with other components of the amendment request and periodic review of the operations.

The proposal was reviewed during a joint work session meeting of the Planning Commission and City Council on April 1st. No concerns were expressed during that meeting.

The request was reviewed by the Planning Commission at their April 9th meeting. No comments from the public were received during the public hearing. The Planning Commission recommended approval of the requests and had no issues with the periodic review.

Staff is supportive of the requests as-outlined above and of the adjustments as proposed on the enclosed map/site plan for Rainbow Quarry. Staff does not believe there will be any negative impact on overall operations due to the nature of the proposed amendments. Should further operations be requested at Rainbow Quarry into the newly-added property, there will be sufficient opportunity for further review and consideration at that time on proposal specifics.

At time of initial approval, a periodic review component was incorporated into the Conditional Use Permit to allow both the City and public to have opportunities to review operations, ensure all terms of the Conditional Use Permit are being adhered to, and if necessary to start processes to change any aspects of operations identified by either the City or by Martin Marietta as an item of concern or that may need to be addressed. Public notices of the review opportunity were provided to all properties within established notification area of the Martin Marietta properties, in accordance with City ordinance and State statute.

Staff has not identified any concerns with the existing operations. The City receives periodic complaint forms from one nearby industrial property after blast events and concerns associated with this property have been previously addressed by City blasting consultant Bill Welbes. Staff has not received complaints in the past four years from the many other property owners in the areas surround Martin Marietta.

6.A. MARTIN MARIETTA – AMEND CUP FOR MINING AND FIVE-YEAR REVIEW

(Cont'd.)

Staff believes that operations are operating as-approved and does not believe there is need for further review or at this time. Staff recommends approval of the Amendments to Conditional Use Permit as below:

1. Updated Rainbow Quarry mining area and site plan are adopted, provided overall mining footprint does not exceed 52.25 acres.
2. Property depicted on submitted site plan for Rainbow Quarry is incorporated into approved Conditional Use Permit subject area but may not be mined unless further review/approval via additional amendment to conditional use permit occurs.
3. Property now owned by City of Waite Park (amphitheater) is removed and excluded from all applicable Conditional Use Permit components. Staff recommends acknowledgement of the five-year periodic review has occurred and that no issues have been identified for further action.

Neil Johnson representing Martin Marietta and Planning and Community Development Director Noerenberg presented the above information. Member Linquist questioned if there was a reclamation plan for the added acreage. Mr. Johnson stated there is a reclamation plan for the mining operation and at this point they simply acquired the property and it is going to remain an undeveloped buffer so there is no need for a reclamation plan for the acquired property unless they decide in the future to mine that property also.

Motion by Member Theisen, second by Member Schulz, to approve the Amendment to the Conditional Use Permit as presented. The motion carried unanimously.

Motion by Member Schulz, second by Member Theisen, to acknowledge periodic five-year review of Conditional Use Permits without issue. The motion carried unanimously.

6.A. GIFTING OF K9 PARKER

With Officer Bigler's resignation effective May 5, 2019 the police department will lose its certified K9 handler. Given our current staff shortages within the police department we do not have the ability to train up a new K9 handler and provide the training time that a K9 team needs. Parker is still an excellent young dog, about 3.5 years old, with all required certifications with several more years of potential service. Parker was purchased with funds donated from the community. The St. Cloud Police Department has a trained handler that needs a new dog due to a retirement of one of their K9's. It is Officer Bigler's recommendation that Parker, as a veteran K9, be assigned to a veteran K9 handler. St. Cloud Police Department has an established K9 program with an experienced K9 handler available. K9 Parker trains regularly with St. Cloud PD K9 so that familiarity exists. The St. Cloud Police Department is willing to take on Parker and make Parker available to us for call-outs if a K9 was needed.

Discussion was held on whether to place Parker with a rookie or veteran handler. It was presented that it would be better to place Parker with a veteran handler as Parker is in his prime time of career right now and if he were placed with a rookie handler there would be a lot more training that would need to be done. Other agencies were asked if they would be interested in taking Parker, but none of them had a handler at the time that could work with him. The City of St. Cloud looks to be the best option to give Parker to and keep him working.

Motion by Member Theisen, second by Member Schulz, to approve selling Parker to the City of St. Cloud for \$1.00. The motion carried unanimously.

7. COUNCIL/MAYOR

7.A. REVIEW AND APPROVE BILLS

Motion by Member Theisen, second by Member Schmitt to approve the 4-12-19 to 4-26-19 bills as presented. The motion carried unanimously.

Mayor Miller stated thank you cards and letters for donations from charitable gambling were received from Wacosa, Terebinth Refuge and St. Cloud Fireworks Fund.

8. ADMINISTRATOR UPDATE

City Administrator Johnson reviewed the following:

- The CBB and City of Waite Park and St. Joseph are working together on a proposal to host the Coalition of Greater Minnesota Cities next summer.
- The Ship Grant for the bike rental program was approved.

CLOSED MEETING

Attorney Hansmeier explained that this portion of the meeting will be closed to conduct an evaluation and job review of City Administrator Shaunna Johnson by the City Council, which will occur in a closed portion of the meeting pursuant to Minnesota Statute 13D.05 subd. 3.


This portion of the meeting will be closed unless the employee, Ms. Johnson requests the meeting be opened. Pursuant to Minnesota Open meeting law if the meeting is conducted as a closed meeting the council will provide a summary of the review of Ms. Johnson at its next regular council meeting.

After closed meeting discussion, the meeting was reopened. A few items were proposed to be amended in the agreement regarding resignation and termination issues.

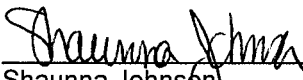
Motion by Member Schmitt, second by Member Theisen, to approve the proposed amendments to the Employment Agreement with Shaunna Johnson. The motion carried unanimously.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:33 p.m.



Richard E. Miller
Mayor



Shaunna Johnson
City Administrator