

**CITY COUNCIL MEETING MINUTES
JUNE 13, 2016**

Pursuant to due call and notice thereof, a regular meeting of the Sartell City Council was held on June 13, 2016 in the Council Chambers of Sartell City Hall. Mayor Sarah Jane Nicoll called the meeting to order at 6 p.m.

COUNCIL PRESENT: Mayor Nicoll, Council Members: Braig-Lindstrom, Hennes, Lynch
COUNCIL ABSENT: Council Member Peterson was absent due to military service
STAFF PRESENT: Mary Degiovanni, City Administrator
Anita Rasmussen, Community Development Director
Judy Molitor, Recording Secretary
John Kothenbeutel, Assistant Public Works Director
Mike Nielson, City Engineer
Jim Hughes, Police Chief

ALSO PRESENT: Murray Mack, Community Center Project Architect
Bob Strack, Community Center Project Construction Manager
Lyle Mathiasen, Community Center Project Operations Consultant

PLEDGE OF ALLEGIANCE

AGENDA REVIEW AND ADOPTION

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING THE JUNE 13, 2016 AGENDA. THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM/ PUBLIC COMMENT

Adam Konczewski, Director of the Apple Duathlon expressed thanks to the City Council and staff for all the support with the Apple. Adam will be stepping down as director and introduced Julia Greenwald as the new director.

Jason Mathiasen, Director of SummerFest gave a brief report on the success of the SummerFest this past weekend, thanked the City Council, staff and especially the sponsors for all their support.

APPROVAL OF CITY COUNCIL MINUTES:

- a. May 23, 2016, Regular Meeting
- b. June 7, 2016 Special Meeting

Council member Braig-Lindstrom requested the minutes be taken as two separate motions.

June 7, 2016 Spécial Meeting

**A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING THE MINUTES OF JUNE 7, 2016.
UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:**

**AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES & LYNCH
NAY: NONE
ABSTAIN: COUNCIL MEMBER BRAIG-LINDSTROM
MOTION CARRIED**

May 23, 2016, Regular Meeting

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING THE MINUTES OF MAY 23, 2016, SUBJECT TO STAFF'S REVIEW OF VIDEO TO MAKE SURE VOTE ON MINUTES IS CORRECT.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

NAY: COUNCIL MEMBER BRAIG-LINDSTROM

MOTION CARRIED

CONSENT AGENDA

- a. Acceptance of Building Permit Activity Report
- b. Acceptance of Inspections Activity Report
- c. Acceptance of Technology Report
- d. Acceptance of Fire Department Report
- e. Approval of voucher payments
- f. Approval of Performance Measures Resolution
- g. Approval of Liquor License – St. Benedict's Senior Community dba Chateau Waters
- h. Approval of Resolution Accepting Donations
- i. Approval of Certificate of Plat Correction
- j. Cancellation of June 27th Council meeting
- k. Calling Public Hearing on Comprehensive Plan
- ~~l. Approval of Val Smith Park court quote~~
- m. Annexation Petition – 11 8th Avenue South
- ~~n. Commission Appointment~~
- o. Appointment of Utilities Employees
- p. Approval of Utilities Equipment Purchase
- q. Interim Ordinance Exception
- r. Annexation Petition – Robert's South

Mayor Nicoll pulled item l, and member Braig Lindstrom pulled item n from the consent agenda for separate discussion.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING CONSENT AGENDA ITEMS A-R WITHOUT ITEMS L AND N.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

NAY: COUNCIL MEMBER BRAIG-LINDSTROM

MOTION CARRIED

I. Approval of Val Smith Park court quote

Mayor Nicoll asked the Engineer to explain the difference of the Engineer's estimate to the actual cost of repairs for Val Smith Park. Mike explained the cost of bituminous overlay and acrylic coloring for the pickle ball courts and basketball court. Options discussed included tabling the issue to re-bid in the fall for better pricing or delaying or eliminating some of the improvements to reduce cost.

Consensus of the Council members was that the complete work should be done as soon as possible in order to have it ready for use this summer based on limited nature of potential savings.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER BRAIG-LINDSTROM APPROVING VAL SMITH PARK COURT LOW QUOTE TO AWARD CONTRACT TO TRI-CITY PAVING. THE MOTION CARRIED UNANIMOUSLY.

n. Commission Appointment

Council member Braig-Lindstrom extended thanks to those residents willing to serve on City commissions and congratulated and welcomed Abby Legatt as the newest member of the Planning Commission.

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

PUBLIC HEARINGS

a. Rezoning and Preliminary Plat – Sandstone Village Plat 2
Final plat (not subject to the Public Hearing)

Anita Rasmussen, Community Development Director, presented the request for rezoning, preliminary plat and final plat approval for Sandstone Village Plat 2, with conditions as specified in the resolution. Anita explained that this property is currently platted for 61 units of multi-family/townhomes and the re-platting would reduce it to 32 single family/patio home development.

Mayor Nicoll opened the public hearing at 6:28 p.m. The following comments were made, although these comments do not reflect entire statements made:

Joe Wilken 1509 20th Avenue South, Sartell, talked about his understandings when he purchased his lot and built his home. He understood the pond in Daybreak to be privately owned from the dues paid with the homeowners association, including the trail around the pond. He suggested the Council wait on making a decision tonight until issues with the homeowners association are resolved.

Mayor Nicoll asked Community Development Director Rasmussen to clarify that tabling this proposal would not stop development – the property is currently approved for multi-family development which could move forward at any time so this rezoning and platting request actually reduces the density that could occur. Rasmussen also explained that the issues with the homeowners associations in this area are civil issues and the City Attorney has indicated that it is not appropriate nor does the City have the authority to intervene.

Al Dehler, 1401 20th Avenue South, Sartell and a resident of the Daybreak development said he was told the pond was for use of residents in Daybreak only and objects to the zoning change until the homeowner association issues are resolved.

Rick Poplinski, developer requesting the rezoning and revised plat, explained it would reduce the density currently allowed. Poplinski talked about the meetings he has attempted to have and his outreach to residents to resolve issues. Poplinski explained that his purchase agreement is contingent on the rezoning and if not approved this development will be a higher density development.

David Malone, 1901 Sandstone Loop #3, Sartell, lives in Sandstone Village and favors the rezoning for a positive aspect to home values. He favors the Council moving forward.

Carol Kunkle, President of Sandstone Association, expressed concern of the shared pond, electric, pump house, and wells with Daybreak residents.

Dorothy Suka, resident, questioned the posted signs indicating private access to the pond and the Daybreak developer's statements to those residents regarding their ownership and rights.

Robin Gotta, 1613 20th Avenue South, Sartell, talked about the purchase of Outlot B for the pond. Daybreak residents agree with new development, but were concerned about the City installing a storm drain into the pond and the discrepancy with the location of the trail. She feels it will only complicate matters if the development moves forward before matters are resolved.

City Engineer Nielson explained how run-off and infiltration from the developments are handled and explained that the stormwater plan for the Sandstone Development was initiated 10 years ago.

Anita Rasmussen, Community Development Director, explained how the trail has been maintained, however after it was found to be incorrectly marked, the City is in the process of transitioning the trail within the City easement.

Sue Wilkin, 1509 20th Avenue South, Sartell and a member of Daybreak Homeowners Association expressed concern of extra traffic, narrow roadway, no shoulder and speeding vehicles on 19th Avenue. She asked what the City's future plans are for improvement upgrades on 19th Avenue. She also pointed out corrections needed to the legal descriptions on the resolutions.

There being no further comments, Mayor Nicoll closed the hearing at 7:12 p.m. Written comments submitted will be included as part of the public record on this public hearing.

Council members thanked the public in attendance for coming to the meeting and explained that the involvement with homeowner association requests exceeds the City's authority, and those matters should be handled by the associations. Council members commented on favoring the single family homes proposed for lower density.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING RESOLUTION 43-2016 ADOPTING FINDINGS OF FACT RELATING TO A REZONING REQUEST FROM R-3 TO R-5 PLANNED UNIT DEVELOPMENT. THE MOTION CARRIED UNANIMOUSLY.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES ADOPTING ORDINANCE 02-2016 APPROVING THE REZONING OF CERTAIN PROPERTIES FROM R-3 MULTI-FAMILY RESIDENTIAL TO R-5 PLANNED UNIT DEVELOPMENT. THE MOTION CARRIED UNANIMOUSLY.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES ADOPTING RESOLUTION 42-2016 APPROVING THE PRELIMINARY PLAT OF SANDSTONE VILLAGE 2 PLAT, WITH CONDITIONS STATED ON THE RESOLUTION. THE MOTION CARRIED UNANIMOUSLY.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH ADOPTING RESOLUTION 44-2016 APPROVING THE FINAL PLAT OF SANDSTONE VILLAGE 2 PLAT. THE MOTION CARRIED UNANIMOUSLY.

b. Vacation – Arbor Trails

Anita Rasmussen, Community Development Director, presented the request for a vacation of drainage and utility easement in the Arbor Trails development. Rasmussen explained the approval of this request will accommodate the combination of two lots and allow for construction of a larger home.

Mayor Nicoll opened the public hearing at 7:25 p.m. The following comments were made, although these comments do not reflect entire statements made:

Sue Wilken, 1509 20th Avenue South questioned a typo on the reference part of the document.

Developer Rick Poplinski explained the reason to combine two lots is to accommodate a larger home being built on the lots.

There being no further comments, Mayor Nicoll closed the hearing at 7:27 pm

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING RESOLUTION 45-2016 VACATING CERTAIN DRAINAGE AND UTILITY EASEMENTS.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

NAY: COUNCIL MEMBER BRAIG-LINDSTROM

MOTION CARRIED

c. Interim Use Permits – Coborn’s

Anita Rasmussen presented the request from Coborn’s for Interim Use Permits for Coborn’s at 707 1st Avenue North and for Coborn’s at 1725 Pinecone Road South for the purposes of having seasonal sales areas in the parking lot.

7:30 Mayor Nicoll opened the public hearing for consideration of interim use permits for both Coborn’s stores. No comments were heard or written testimony received.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING RESOLUTION 46-2016 ADOPTING FINDINGS OF FACT RELATING TO AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVNG A SEASONAL SALES AREA FOR COBORNS 707 1ST AVENUE NORTH.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

**NAY: COUNCIL MEMBER BRAIG-LINDSTROM
MOTION CARRIED**

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING RESOLUTION 47-2016 APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVING A SEASONAL SALES AREA FOR COBORNS 707 1ST AVENUE NORTH.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

**NAY: COUNCIL MEMBER BRAIG-LINDSTROM
MOTION CARRIED**

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES ADOPTING RESOLUTION 48-2016 APPROVING FINDINGS OF FACT RELATING TO AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVING A SEASONAL SALES AREA FOR COBORNS 1725 PINECONE ROAD.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

**NAY: COUNCIL MEMBER BRAIG-LINDSTROM
MOTION CARRIED**

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH ADOPTING RESOLUTION 49-2016 APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVING A SEASONAL SALES AREA FOR COBORNS AT 1725 PINECONE ROAD.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

**NAY: COUNCIL MEMBER BRAIG-LINDSTROM
MOTION CARRIED**

d. Interim Use Permit – Chateau Waters

Anita Rasmussen, Community Development Director, presented the request for an interim use permit for an outdoor patio at Chateau Waters.

Mayor Nicoll opened the public hearing at 7:37 p.m. No testimony was heard or written comments received, the hearing was closed.

Consensus of the Council was to change the resolution to allow the operation of the patio area until 11 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER BRAIG-LINDSTROM ADOPTING RESOLUTION 50-2016 APPROVING THE FINDINGS OF FACT RELATING TO A REQUEST FOR AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVING A SEASONAL OUTDOOR DINING PATIO AT CHATEAU WATERS. THE MOTION CARRIED UNANIMOUSLY.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER BRAIG-LINDSTROM ADOPTING RESOLUTION 51-2016 APPROVING AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVING A SEASONAL OUTDOOR DINING PATIO AT CHATEAU WATERS. THE MOTION CARRIED UNANIMOUSLY.

e. NPDES Permit

Anita Rasmussen, Community Development Director, presented the federally mandated NPDES permit for approval.

Mayor Nicoll opened the public hearing at 7:40 pm. No testimony was heard or written testimony received, the hearing was closed.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING THE NPDES REPORT AS PRESENTED. THE MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

a. Community Center

Murray Mack, Community Center Project Architect presented a video of the Community Center. Bob Strack, Community Center Project Construction Manager presented and explained the bids received for the Community Center project. City Administrator Degiovanni outlined a revision to the recommended Resolution paragraph #8 as recommended by the City Attorney to clarify that the change order approval authorized will not cumulatively exceed the budget and that change orders in excess of the limits set will come to full Council for review.

Mayor and Council members expressed gratitude and appreciation for all the hard work on this project, and especially working to stay within the budget.

Council member Braig-Lindstrom stated that she also appreciates all the hard work and that it looks like a beautiful building, but to represent the people who choose to speak to her, she will be voting against the motion.

RESOLUTION AWARDING BIDS AND AUTHORIZING AGREEMENTS AND EXPENDITURES

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING RESOLUTION 54-2016 AWARDING BIDS AND AUTHORIZING AGREEMENTS AND EXPENDITURES FOR THE COMMUNITY CENTER.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH

NAY: COUNCIL MEMBER BRAIG-LINDSTROM

MOTION CARRIED

RESOLUTION PROVIDING FOR THE SALE OF \$10,000,000 GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2016A

Council member Braig-Lindstrom will be voting against this resolution because the language is too vague.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING RESOLUTION 36-2016 PROVIDING FOR THE SALE OF \$10,000,000 GENERAL OBLIGATION TAX ABATEMENT BONDS SERIES 2016A.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

**AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH
NAY: COUNCIL MEMBER BRAIG-LINDSTROM
MOTION CARRIED**

b. Final Plat – Heritage Place Plat 4

Anita Rasmussen, Community Development Director, presented the final plat of Heritage Place Four with staff recommended conditions.

A MOTION WAS MADE BY COUNCIL MEMBER BRAIG-LINDSTROM AND SECONDED BY MEMBER HENNES ADOPTING RESOLUTION 53-2016 APPROVING THE FINAL PLAT OF HERITAGE PLACE PLAT 4. THE MOTION CARRIED UNANIMOUSLY.

DEPARTMENT REPORTS

a. Police Department

Chief Hughes presented his monthly report.

b. PUBLIC WORKS

John Kothenbeutel presented his monthly report

c. City Engineer

Mike Nielson presented his report and gave an update on the Safe Route to Schools project.

d. Planning & Community Development Director

Anita Rasmussen presented her monthly report.

e. City Administrator

Mary Degiovanni presented her monthly report.

CITY COUNCIL UPDATES & MISCELLANEOUS BUSINESS

Council members gave updates on various meetings and community events.

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES TO ADJOURN THE MEETING AT 8:22 P.M. THE MOTION CARRIED UNANIMOUSLY.

Minutes By:

Judy Molitor, Recording Secretary

Sarah Jane Nicoll, Mayor

Anita Rasmussen

From: Dan Thorsen <dthorsen@hotmail.com>
Sent: Sunday, June 12, 2016 11:15 PM
To: SarahJane Nicoll; Amy Braig-Lindstrom; Steve Hennes; Pat Lynch; David Peterson; Mary Degiovanni; Anita Rasmussen
Cc: Al and Mary Dehler; Bev and Sandy; Brandon Testa; Carol Silvers; Chris Morse; Dustin Lampert; Jay; jeremyg@stearnsbank.com; Jim and Robin; jimandjen@charter.net; jimandsara1912@yahoo.com; Joe and Sue; Kayla and Shawn; Ken and Cindy; kroistad@aol.com; Megan; mhemmesch@csbsju.edu; natebergwall@gmail.com; Rhonda and Lynn; Ryan and Mollie; Sharpes; Wagners; Walter; Zach and Shelby
Subject: SANDSTONE VILLAGE 2 - REZONING AND REVISED PRELIMINARY PLAT

I respectfully request that the contents of this email be made a part of the public record regarding the subject line:

When the development of Arbor Trails began earlier this year, many inquiries were made to the city on behalf of the Daybreak neighborhood with regards to the drainage and utility easements involved in the project. The main concern is/was our precious lake or "drainage pond", if you prefer. We were told in no uncertain terms that the city drainage plan put in place 10 years ago for Sandstone Village would not be modified. We understand that a request to modify the Sandstone Village drainage system will be on the table in front of the city. It would be truly disappointing if that modification was granted unless some extraordinary circumstances are present. If those extraordinary circumstances do exist, we would like it to be a matter of public record as to what they are.

Another concern that the Daybreak neighborhood has is the tremendous increase in traffic on 19th Ave over the past few years. The rate at which this traffic is allowed to legally travel at is also worrisome. It stands to reason with the Arbor Trails development, the proposed patio home project and other developments to the north that this traffic problem is going to extrapolate. Are there any immediate plans to change the speed limit on this thoroughfare or significantly increase its capacity? As all of you are aware, there is very little, if any, shoulder on 19th Ave from the new roundabout south down to County Rd 4. It is a very unforgiving stretch of road if one were to lose concentration for even an instant. The condition, layout and speed limit for this stretch of 19th Ave is outdated and unsafe.

We would appreciate your consideration of these two important issues.

Respectfully,
Dan Thorsen
1413 20th Ave S

Anita Rasmussen

From: Jeremy Goltz <JeremyG@stearnsbank.com>
Sent: Monday, June 13, 2016 2:02 PM
To: SarahJane Nicoll; Amy Braig-Lindstrom; Steve Hennes; Pat Lynch; David Peterson; Mary Degiovanni; Anita Rasmussen
Cc: Joe and Sue
Subject: SANDSTONE VILLAGE 2 - REZONING AND REVISED PRELIMINARY PLAT

I respectfully request that the contents of this email be made a part of the public record regarding the subject line:

I request that the approval to change the zoning to a PUD be tabled until an underlying easement issue can be resolved between the developers, and voted on accordingly amongst the current home owners.

I am requesting this for the following reasons:

1. Daybreak owns the pond and other common areas.
2. Daybreak residents have paid the taxes, improvements, and maintenance cost on the common areas. No other lot owners have contributed anything.
3. Daybreak is concerned that surrounding lot owners will access the common areas and create liability issues for this private body of water.

Thanks,

Jeremy Goltz
1900 Sandstone Ct.

Anita Rasmussen

From: Chris Morse <chrism@westernproducts.com>
Sent: Monday, June 13, 2016 2:41 PM
To: SarahJane Nicoll; Amy Braig-Lindstrom; Steve Hennes; Pat Lynch; David Peterson; Mary Degiovanni; Anita Rasmussen
Cc: Joe and Sue
Subject: SANDSTONE VILLAGE 2 - REZONING AND REVISED PRELIMINARY PLAT

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2. Daybreak residents have paid the taxes, improvements, and maintenance cost on the common areas. No other lot owners have contributed anything.
3. Daybreak is concerned that surrounding lot owners will access the common areas and create liability issues for this private body of water.

Regards,

Christopher & Julie Morse
1400 20th Ave S
Sartell, MN 56377

Chris Morse | Home Improvement Specialist

Western Products, Inc.
3660 32nd St. SE. | St. Cloud, MN 56304
320-492-7555 (cell) | 320-253-1883 (fax)
chrism@westernproducts.com
westernproducts.com | [Connect With Us On Social Media!](#)

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Anita Rasmussen

From: Rhonda Fitzthum <Rhondafitzthum@charter.net>
Sent: Monday, June 13, 2016 5:14 PM
To: SarahJane Nicoll; Amy Braig-Lindstrom; Steve Hennes; Pat Lynch; David Peterson; Mary Degiovanni; Anita Rasmussen
Cc: David Werschay; Robin gotta; Jim and Jen Riedeman; Jeremy Goltz; Ryan Newman; Chris Morse; Nancy Popham; Al & Mary Dehler; Bev Oehrlein & Sandy Denne; Carol Silvers; Dan Thorsen; Dustin & Sarah Lampert; sarah.lampert@hotmail.com; James and Sara Lindeen; Jason & Tiffany Sharpe; Jay Schulzetenberg; Julie Morse; Lynn & Rhonda Fitzthum; coachfitzthum@charter.net; Marc & Katie Oistad; Megan Rose; Michael and Michelle Hemmesch; Nate & Lezlee Bergwall; mollie.huls@gmail.com; Shawn & Kayla Schoenberg; Shawn Schoenberg; Tim & Holly Wagner; Walter Forney; Zachary & Shelby Sorenson; Kenneth Morton
Subject: Sandstone Village 2 Rezoning and Revised Preliminary Plat

We request that this email be part of the Public Record regarding subject line.

When we purchased our home in the Daybreak Addition in February of 2014, we were presented with HOA papers to sign for the Daybreak HOA. We were never made aware of a Sandstone Village Association or Covenants, so this unresolved matter is of great concern to us. Our signature as a Daybreak HOA member came along with the commitment of paying annual dues to maintain common areas and pay for liability insurance on the the pond that is shown as being owned by Daybreak HOA. Our request to you this evening is to veto or at least table this matter until issues can be resolved.

Thank You,
Lynn & Rhonda Fitzthum

Anita Rasmussen

From: zsorenson <zsorenson@yahoo.com>
Sent: Monday, June 13, 2016 5:26 PM
To: Amy Braig-Lindstrom; Anita Rasmussen; Steve Hennes; Pat Lynch; David Peterson; SarahJane Nicoll; Mary Degiovanni
Cc: Al and Mary Dehler; Bev and Sandy; Brandon Testa; Carol Silvers; Chris Morse; Dustin Lampert; Jay; jeremyg@stearnsbank.com; Jim and Robin; jimandjen@charter.net; jimandsara1912@yahoo.com; Joe and Sue; Kayla and Shawn; Ken and Cindy; kroistad@aol.com; Megan; mhemmesch@csbsju.edu; natebergwall@gmail.com; Rhonda and Lynn; Ryan and Mollie; Sharpes; Wagners; Walter; Zach and Shelby; Dan Thorsen; Shelby Sorenson
Subject: SANDSTONE VILLAGE 2 - REZONING AND REVISED PRELIMINARY PLAT

I respectfully request that the contents of this email be made a part of the public record regarding the subject line:

This issue is in front of you this evening for two reasons.

First rezoning the plot of land. I respectfully ask that you table or decline to make a decision on rezoning until issues can be worked out between the current developers of the once master plan Sand Stone Village and the city of Sartell. One example is the city owned and maintained trail that runs around daybreak lake. According to the current survey of land done by the city and your employees this trail has not been maintained in the appropriate areas. Parts of the trail your staff has been maintaining has been on private property. To my understanding the trail on the south side of daybreak lake and the north side of the property being requested to be re-zoned runs directly through a large set of mature pine trees. In addition on the northwest side of daybreak lake some property pins are in the lake. Last on the north side of daybreak lake there is a small pond. According to the survey the cities public trail runs through the pond. As an elected official it makes sense to have issues such as this public trail properly position prior to making any rezoning considerations for any of the three developments, daybreak sandstone village arbor trails.

Second moving or eliminating a drainage or utility easement. I respectfully ask that you table or decline to make a decision on moving or eliminating this drainage or utility easement based on the following reason. A few short months ago your employee Anita sent an email to individuals associated with the daybreak homeowners association when the association brought concerns forward with the drainage from Arbor trails into daybreak lake. Anita put in her public email that drainage easements would not be changed from the 10 year plan. Coming from a city employee assigned to these matters as Anita is, I would assume and hold this would be the rule for all developers/property owners in the city of Sartell. By the council voting to approve the moving or elimination of the drainage or utility easement, this would go directly against what your employee directed the daybreak homeowners association on questioning or moving of easements. I would respectfully ask you table or declined to accept this request as your employee Anita has already laid out the cities view on moving easements in a public email that is available at citizens request as any email sent back and forth between city employees is public data upon request.

Thank you for your consideration in this matter.

Respectfully submitted,

Zach Sorenson

1409 20th Ave S

Sartell

Anita Rasmussen

From: David Werschay <david@werschayhomes.com>
Sent: Monday, June 13, 2016 3:23 PM
To: SarahJane Nicoll; Amy Braig-Lindstrom; Steve Hennes; Pat Lynch; David Peterson; Mary Degiovanni; Anita Rasmussen
Subject: Sandstone Village Rezoning

To: Anita Rasmussen, City of Sartell
From: Daybreak LLC
Subject: Sandstone Village 2 Plat
Date: June 9, 2016

1. Request that the following comments be included in the record of the public hearing on Sandstone Village 2 Plat rezoning, preliminary plat approval, and final plat approval
2. Daybreak LLC is the owner of Outlots A, B, C, D, and E of the original Sandstone Village development. These outlots are the "Master Common Elements" of Sandstone Village. The recorded Master Declaration for Sandstone Village grants "a perpetual, appurtenant easement over and across" the Master Common Elements in favor of unit owners. Unit owners are defined as owners of the originally platted single family detached lots. Access to the Common Master Elements was specifically not granted to other outlots and multi-family lots. The conversion of multi-family lots to single family detached lots, as proposed in Sandstone Village 2, does not carry with it access to Common Master Elements.

Thank you,

David R. Werschay
Werschay Homes, Inc
CEO Werschay Homes, Inc.
28 11th Ave. South Suite 101
St. Cloud, MN 56301
(O)320.230.9909
(F)320.258.3963
(M)320.493.1288
david@werschayhomes.com
www.werschayhomes.com

Anita Rasmussen

From: David Werschay <david@werschayhomes.com>
Sent: Monday, June 13, 2016 5:54 PM
To: David Werschay; SarahJane Nicoll; Amy Braig-Lindstrom; Steve Hennes; Pat Lynch; David Peterson; Mary Degiovanni; Anita Rasmussen
Subject: RE: Sandstone Village Rezoning

I believe that is it also important record shows that Daybreak LLC, is not opposed to the re-zoning form 61 to 32 single family home sites.

David R. Werschay
Werschay Homes, Inc
CEO Werschay Homes, Inc.
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From: David Werschay
Sent: Monday, June 13, 2016 3:19 PM
To: sarahjane.nicoll@sartellmn.com; amy.braiglindstrom@sartellmn.com; steve.hennes@sartellmn.com; pat.lynch@sartellmn.com; david.peterson@sartellmn.com; mary@sartellmn.com; anita@sartellmn.com
Subject: Sandstone Village Rezoning

To: Anita Rasmussen, City of Sartell
From: Daybreak LLC
Subject: Sandstone Village 2 Plat
Date: June 9, 2016

1. Request that the following comments be included in the record of the public hearing on Sandstone Village 2 Plat rezoning, preliminary plat approval, and final plat approval
2. Daybreak LLC is the owner of Outlots A, B, C, D, and E of the original Sandstone Village development. These outlots are the "Master Common Elements" of Sandstone Village. The recorded Master Declaration for Sandstone Village grants "a perpetual, appurtenant easement over and across" the Master Common Elements in favor of unit owners. Unit owners are defined as owners of the originally platted single family detached lots. Access to the Common Master Elements was specifically not granted to other outlots and multi-family lots. The conversion of multi-family lots to single family detached lots, as proposed in Sandstone Village 2, does not carry with it access to Common Master Elements.

Thank you,

David R. Werschay
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