

**CITY COUNCIL MEETING MINUTES
MAY 9, 2016**

Pursuant to due call and notice thereof, a regular meeting of the Sartell City Council was held on May 9, 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, Peterson
COUNCIL ABSENT: None
STAFF PRESENT: Mary Degiovanni, City Administrator
Anita Rasmussen, Community Development Director
John Kothenbeutel, Assistant Public Works Director
Mike Nielson, City Engineer
Judy Molitor, Recording Secretary
Jim Hughes, Police Chief

PLEDGE OF ALLEGIANCE

AGENDA REVIEW AND ADOPTION

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

OPEN FORUM/ PUBLIC COMMENT

No public comments were made

APPROVAL OF CITY COUNCIL MINUTES:

- a. April 25, 2016 – Special Meeting
- b. April 25, 2016 – Regular Meeting

A MOTION WAS MADE BY COUNCIL MEMBER PETERSON AND SECONDED BY MEMBER HENNES APPROVING THE MINUTES OF APRIL 25, 2016 SPECIAL MEETING AND THE CORRECTED MINUTES OF THE REGULAR MEETING MINUTES OF APRIL 25, 2016. THE MOTION CARRIED UNANIMOUSLY.

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 Insurance Renewal
- g. Approval of Resolution Accepting Donations
- h. Acceptance of Utilities Department resignation
- ~~i. Acceptance of Commissioner resignation~~
- j. Appointment of Police Officer
- k. Appointment of Maintenance and Utilities Supervisors
- l. Call Public Hearing for NPDES Permit
- m. Appointment of Firefighters

Council member Peterson removed item i for separate discussion.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER HENNES APPROVING CONSENT AGENDA ITEMS A-M, REMOVING ITEM i FOR SEPARATE DISCUSSION. THE MOTION CARRIED UNANIMOUSLY.

Consent agenda item i

Acceptance of Commissioner resignation

Council member Peterson asked staff to invite Glenn Persen to email City Council with anything additional about his resignation and he thanked him for his service on Park Commission and Planning Commission.

A MOTION WAS MADE BY COUNCIL MEMBER PETERSON AND SECONDED BY MEMBER BRAIG-LINDSTROM APPROVING CONSENT AGENDA i. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

a. Interim Ordinance: I-2 Properties

Anita Rasmussen, Community Development Director, presented the recommendation for a moratorium for I-2 properties and reviewed the reasons for the recommendation.

Mayor Nicoll opened the hearing at 6:10 p.m. The following comments were made, although comments do not reflect entire statements made:

Brian McCool, attorney representing AIM Development, explained AIM's request that the City not implement the moratorium, but that AIM would like to be involved on the task force if the moratorium is implemented and requested his letter be a part of the public record.

Patti Gartland, President of Greater St. Cloud Development Corporation, spoke in favor of the moratorium, stating that this is a perfect time to review the ordinance for future marketing of this property as well as other property zoned I-2 within the City of Sartell.

City Attorney Stan Weinberger clarified the reason to put a moratorium in place, and explained that this does not mean the City cannot continue to work with AIM during the process.

Mayor Nicoll closed the hearing at 6:21 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH ADOPTING ORDINANCE 01-16 ESTABLISHING A MORATORIUM ON I-2 ZONED PROPERTIES IN SARTELL. THE MOTION CARRIED UNANIMOUSLY.

b. Interim Use Permit – Walmart

Anita Rasmussen, Community Development Director, presented the request from Walmart for an interim use permit for outdoor seasonal sales for fireworks. Mayor Nicoll opened the public hearing at 6:31 pm; there were no comments from the public and the hearing was closed.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER BRAIG-LINDSTROM ADOPTING RESOLUTION 25-2016 APPROVING THE FINDINGS OF FACT RELATING TO AN INTERIM USE FOR THE PURPOSES OF HAVING A SEASONAL SALES AREA. THE MOTION CARRIED UNANIMOUSLY.

A MOTION WAS MADE BY COUNCIL MEMBER LYNCH AND SECONDED BY MEMBER BRAIG-LINDSTROM ADOPTING RESOLUTION 26-2016 APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT FOR THE PURPOSES OF HAVING A SEASONAL SALES AREA. THE MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

None

NEW BUSINESS

a. Final Plat – Providence of Sartell Second Addition

Anita Rasmussen, Community Development Director, presented the request for final plat approval of Providence of Sartell Second Addition.

Council member Braig-Lindstrom stated she would not be voting in favor because she does not believe the infrastructure on 19th Avenue is sufficient.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING THE FINAL PLAT OF PROVIDENCE OF SARTELL SECOND ADDITION AND THE DEVELOPMENT AGREEMENT.

UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:

AYE: MAYOR NICOLL, COUNCIL MEMBERS: HENNES, LYNCH AND PETERSON

NAY: COUNCIL MEMBER BRAIG-LINDSTROM

MOTION CARRIED

b. Final Plat – Community Center

Anita Rasmussen, Community Development Director, presented the final plat of the Community Center. A brief background of the plat was presented as well as the recommendation from the Planning Commission. Council members made the following comments, although comments do not reflect entire comments made:

Council member Peterson confirmed the improvements will be made at developer's expense as usual with Development Agreements. Peterson prefers the Villcheck property for the community center and thinks a partnership with the School District could be possible at that location and benefit taxpayers.

Council member Lynch stated the City is investing fewer dollars with this location and that City and School had already reviewed co-location and that was not viable, particularly on the Villcheck site.

Mayor Nicoll believes the Villcheck property was not suitable for community center and would have been very expensive for that type of use, but the property is suitable for future recreational field needs which could take significantly less soil corrections than a large building. She also believes the community center location near Lake Francis area has huge potential for outdoor amenities and public use.

A MOTION WAS MADE BY COUNCIL MEMBER HENNES AND SECONDED BY MEMBER LYNCH APPROVING THE FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE COMMUNITY CENTER.

**UPON VOTE BEING TAKEN, THE FOLLOWING VOTED:
AYE: MAYOR NICOLL, COUNCIL MEMBERS HENNES AND LYNCH
NAY: COUNCIL MEMBERS: BRAIG-LINDSTROM AND PETERSON
MOTION CARRIED**

DEPARTMENT REPORTS

POLICE DEPARTMENT - Monthly Report

Chief Hughes presented his report and thanked the Council for approval of the new officer and talked about the upcoming shred day. Council member Peterson asked if monthly reports could include statistics on accidents in roundabouts. Council member Braig-Lindstrom made a motion to have that information included with the police monthly report but withdrew her motion after discussion among Council and Chief that periodic State reporting information would suffice.

PUBLIC WORKS - Monthly Report

Assistant Public Works Director John Kothenbeutel presented his monthly report.

CITY ENGINEER - Monthly Report

Engineer Nielson presented his monthly report

PLANNING & COMMUNITY DEVELOPMENT - Monthly Report

Director Rasmussen presented her monthly report.

CITY ADMINISTRATOR - Monthly Report

Administrator Degiovanni presented her monthly report and asked Council for input on utility franchise fees. Consensus of Council was they would look at options to the current electric franchise fee structure, but they were not interested in adding gas franchise fees.

CITY COUNCIL UPDATES & MISCELLANEOUS BUSINESS

Council members gave updates on various meetings and community events.

CLOSED SESSION

At 7:22 p.m. the City Council went into a closed session to consider terms for potential acquisition of the Sartell-LeSauk Government Center and returned to the Council Chambers at 7:59 p.m. Mayor Nicoll reported that the City Council met in closed session to discuss the acquisition and that no action is being taken by the Council at this time and the terms are still in negotiation.

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER BRAIG-LINDSTROM AND SECONDED BY MEMBER PETERSON TO ADJOURN THE MEETING AT 8:01 P.M. THE MOTION CARRIED UNANIMOUSLY.

Minutes By:

Judy Molitor, Recording Secretary

Sarah Jane Nicoll, Mayor

May 9, 2016

VIA EMAIL

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Community Development Director / Assistant
City Administrator
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Re: Moratorium Ordinance on I-2 Properties

Dear Ms. Degiovanni and Ms. Rasmussen:

As you know, Fredrikson & Byron, P.A. represents AIM Development (USA) LLC ("AIM") in connection with its real estate holdings in the City of Sartell. We recently learned that the City Council will be considering adopting an interim ordinance to prevent development of certain I-2 zoned property in the City, including property owned by AIM (the "Moratorium Ordinance"), at the City Council's meeting on Monday, May 9, 2016. AIM is surprised by this action and we are writing to express AIM's objection to the City's adoption of this Moratorium Ordinance.

As the City is aware, the primary focus of AIM's efforts over the last couple of years has been the completion of the demolition of the former Verso paper mill site. AIM largely finished this demolition late last summer, and now is in the process of completing site clean-up and demobilizing from the site. Although AIM has focused primarily on demolition tasks the last couple of years, AIM has also spent considerable time and money investigating the environmental condition and future development potential of the mill site and surrounding property. This work is ongoing, and with demolition now fundamentally complete, AIM has recently been able to turn more of its attention and resources to evaluating its options with respect to AIM's holdings in Sartell.

We understand that AIM has likely not moved as rapidly with its future planning for the site as the City would have preferred. AIM, which is paying the hefty carrying costs for this property and already has millions invested in such property, also would have preferred to be farther along with the future planning for the property at this point. We do not believe, though, that the City's perception that AIM has been slow to move forward with such planning warrants the City taking the drastic step of adopting the proposed Moratorium Ordinance.

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AIM has always known that the redevelopment of the mill site will necessarily be a collaborative process between AIM (or any other future owner of the property) and the City. AIM is not opposed to participating in such a process, and welcomes the opportunity to have meaningful conversations in that regard. AIM objects, however, to the City's apparent decision to arbitrarily decide that the time is up for AIM, as the property owner with millions of dollars at stake, to determine how it wants to develop the property it owns. The proposed Moratorium Ordinance appears to be an effort to reduce AIM's role in determining the future of the mill site and to have the City Council hand-pick a "task force" that will now dictate to AIM what it will be allowed to do with its property. This simply feels wrong to AIM.

The proposed Moratorium Ordinance includes nearly a page of purported "findings" that allegedly support the adoption of the ordinance. While AIM takes exception with certain of these "findings" and believes that there is room for debate about whether AIM has complied with its obligations under the IUP, we do not believe it would be productive to engage in a debate about these items in this context, as we are struggling to understand how such items are relevant to the conversation about the Moratorium Ordinance. The inclusion of these "findings" appears to be an effort to establish that AIM's conduct has somehow necessitated the adoption of the Moratorium Ordinance. This is simply not true – the need for future planning for the mill site exists regardless of AIM's actions in completing its demolition work at the site. If the City has issues with AIM's compliance with the terms of its IUP, these issues should be addressed separately in the context of the permit and not set forth as a basis for adopting a moratorium. We firmly believe that a cooperative process with AIM relating to the future development of the property, and not the use of the Moratorium Ordinance to effectively dictate plans to AIM, would be a much better way to approach.

If, notwithstanding AIM's objection, the City Council moves forward with adopting the Moratorium Ordinance, it is our understanding that the City Council will be forming a "task force" to study the future development of I-2 zoned properties in the City. As the owner of the largest amount of property that will be subject to the moratorium, AIM should be allowed the opportunity to be a part of any such task force. We understand that City Staff is supportive of AIM being involved with such task force if and when it is assembled. AIM requests that the City include AIM in all discussions going forward relating to the task force and that the City Council allow AIM to have one or more representatives included within such task force.

In summary, AIM is heavily invested in the City of Sartell and we anticipate AIM will be working with the City for years to come. AIM looks forward to a positive and successful partnership in this regard. The Moratorium Ordinance is objectionable to AIM primarily because it perceives this move as a signal by the City that it is not similarly interested in partnering with AIM, and instead it appears the City is seeking to minimize AIM's role in the future planning for its own property. This may not have been the intent, but AIM expects this will certainly be the effect. As such, AIM respectfully requests that the City Council decline to adopt the Moratorium Ordinance at this time. Instead, AIM requests that, before taking this step, the City Council

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provide direction to City Staff to schedule a meeting with AIM in the next 30 days to discuss the current state of the mill site and to develop a timeline and expectations for working together on plans for the future development of AIM's property. We believe that having this meeting would be a more productive way of advancing the dialogue relating to the future development of the property.

Please distribute copies of this letter to the City Council in advance of this evening's meeting. We also request that you include this correspondence in the official record for the City's consideration of the Moratorium Ordinance.

Regards,

A handwritten signature in black ink, appearing to read "Brian S. McCool". The signature is fluid and cursive, with a large initial "B" and "M".

Brian S. McCool

Attorney at Law

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BSM:DJK

cc: AIM Development (USA), LLC

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