

SARTELL CITY COUNCIL MEETING

MINUTES OF JANUARY 22, 2007

2nd MEETING

Pursuant to due call and notice thereof, the 2nd meeting of 2007 was held on January 22, 2007 in the council chambers of the Sartell City Hall. Mayor O’Driscoll called the meeting to order at 7:00 p.m.

COUNCIL PRESENT: Mayor O’Driscoll, Council members: Hennes, Lynch, Peterson, Perske
ABSENT: None
ALSO PRESENT: Mary Degiovanni, Finance Director
Judy Molitor, Administrative Secretary
Brad Borders, Public Works Director
Jim Hughes, Police Chief
Brian Davies, Assistant City Engineer
Anita Rasmussen, Planning & Community Development Director

PLEDGE OF ALLEGIANCE

AGENDA REVIEW AND ADOPTION

A MOTION WAS MADE BY PETERSON AND SECONDED BY PERSKE ADOPTING THE AGENDA AS AMENDED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O’DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

SPECIAL PRESENTATION

Daryl Stevens, Chair of the Apple Duathlon gave a brief explanation of the anticipated events for the 2007 Apple Duathlon race to be held on May 25th and 26th. Male and females will participate from all over the United States. Daryl introduced members of the committee and thanked them as well as the volunteers who help to make this event a success.

John Silar, Chair of the Apple Kid race talked about the kids race and the additional bike prize being offered this year to encourage more participants. Two \$600 value bikes will be given away, one to the top girl and one for the top boy.

Daryl Stevens asked Mayor O’Driscoll to start the race.

APPROVAL OF THE CITY COUNCIL MINUTES

A MOTION WAS MADE BY HENNES AND SECONDED BY LYNCH APPROVING THE CORRECTED MINUTES OF JANUARY 8, 2007 REGULAR MEETING.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O’DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

CONSENT AGENDA

- a. Approval of Public Works Commission notes for January 9, 2007
- b. Appointment of Centennial Celebration Coordinating Committee member Dave Lindbloom as Vice Chair

- ~~e. Approval of cooperative construction agreement with City of St. Cloud for the Pine Cone Road South project~~
- ~~d. Approval of Safe Routes to School 2007 grant application~~
- e. Set special joint meeting of the City Council and Sartell-St. Stephen School Board for 7 p.m. Thursday, March 22, 2007
- ~~f. Approval for budgeted expenditure for painting and floor covering for the East Water Plant of \$17,712~~
- g. Approval for budgeted installation of transducers for East Water Plant of \$8150.
- h. Approval to purchase budgeted pickup truck for the Public Works Department
- i. Resolution approving fund transfers
- j. First reading and setting public hearing for February 12, 2007, on an interim ordinance extending a moratorium on plat approval for certain properties in Section 27, 28, and 33 for the completion of a transportation study and plan development for the subject area
- k. Approval of resolution ordering preparation of a feasibility report on trunk water main from 27th Street North to the Wilds subdivision
- l. Approval of a resolution accepting and approving a petition for annexation from Stuart Swenson for property located at 257 Pine Cone Road South
- m. Approval of budgeted purchase of permitting and point of sale software from Banyon.
- n. Accept Southwest Well Field Exploration Study

**A MOTION WAS MADE BY PETERSON APPROVING CONSENT AGENDA ITEMS A, B, E, AND G TO N. ITEM “C” TO BE DISCUSSED UNDER THE CITY ENGINEER, ITEM “D” UNDER THE CITY PLANNER AND ITEM “F” UNDER THE PUBLIC WORKS DIRECTOR BUSINESS. THE MOTION WAS SECONDED BY PETERSON. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O’DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON
NAY: NONE
MOTION CARRIED**

PUBLIC HEARINGS

a. Rezoning from I-1 Light Industrial to R-1 Single Family

7:20 p.m. Mayor O’Driscoll opened the public hearing and outlined the order of business for the hearing.

Anita Rasmussen presented the request on behalf of the Cash property to rezone from I-1 to R-1. The property is located off Heritage Drive, east of the Meadowlake Development. The property, both parcels A and B are currently zoned I-1.

Initiating the rezoning of this property comes as a result of the homeowner wishing to refinance the existing home. A building permit was wrongfully approved for this property in 1996. The building inspector was under the wrong assumption that the property was already zoned R-1. Under the I-1 zoning ordinance, the construction of a single family home is not allowed. Therefore if something were to happen to the home, the homeowners would not be allowed to rebuild. The land to the north and east consists of vacant industrially zoned property and to the west is single family residences. The request is to rezone parcel “A” only, parcel “B” would stay as I-1.

Staff and the Planning Commission recommend approval of rezoning.

There were no comments from the public, Mayor O’Driscoll closed the hearing at 7:22 p.m..

Resolution adopting findings of fact for approval of the rezoning.

A MOTION WAS MADE BY HENNES AND SECONDED BY LYNCH APPROVING RESOLUTION 17-07 ADOPTING FINDINGS OF FACT SUPPORTING A REQUEST FOR A REZONING OF CERTAIN PROPERTIES FROM I-1 TO R-1 SINGLE FAMILY RESIDENTIAL UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

Ordinance approving the rezoning

A MOTION WAS MADE BY LYNCH AND SECONDED BY PERSKE ADOPTING ORDINANCE 07-01 APPROVING THE REZONING OF CERTAIN PROPERTIES FROM I-1 LIGHT INDUSTRIAL TO R-1 SINGLE FAMILY RESIDENTIAL. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

b. 2007 Capital Improvements project

7:25 p.m. Mayor O'Driscoll called the hearing to order and explained the order in which the hearing would be conducted. The meeting was turned over to the City Engineer.

Assistant City Engineer, Brian Davies presented a power point outlining the project locations for the 2007 Capital Improvements. The proposed projects are part of the five-year reconstruction improvements as identified by the City. Construction will include approximately 10,500 feet of bituminous surfacing, 3,500 square feet of 6-foot concrete sidewalk, 6,600 linear feet of concrete curb and gutter, 1,750 linear feet of sanitary sewer, 1,550 linear feet water main and 5,150 feet of storm sewer. All construction will occur within public right-of-way. Brian reviewed the assessment rates and explained that, because this is a reconstruction project, the homeowners will be assessed 35% of the cost and the City will be paying the balance.

The roadways in these improvement areas are between 20 and 30 years old and have deteriorated to the point of needing repair. An overlay could be applied on some streets, however with a much shorter life expectancy than a new road and, given consideration of the need to excavate some streets with installation of storm sewer upgrades, widen some to city standards and install curb & gutter, a new road is recommended.

A six-foot sidewalk will be constructed on the north side of 4th Street North from Riverside Avenue North to 2nd Avenue North to be consistent with the overall trail and pedestrian walkway system that the City has developed.

The water main will be increased from 6" & 8" to 12" on 1st Avenue North and 4th Street North from Riverside Avenue to 1st Avenue North and on 10th Street North from Riverside Avenue to 1st Avenue North. During the road construction, the sanitary sewer and sanitary services on 4th Street North and 1st Avenue North will also be replaced with PVC pipe due to the cracking in the existing clay pipes.

Sherry with BWK and landscaping architect was on hand to explain the concept of rain gardens and how they are being utilized around the State as an effective stormwater management tool. Pictures were shown of rain gardens around the metro area. Sherry talked about some of the benefits namely: reduce flash flooding, filter surface water, attract birds and butterflies and provide aesthetics in neighborhoods where ponds are not available.

The following comments were heard from the public, although comments do not reflect entire statements made.

Dale Patton, 804 3rd Avenue North, Sartell, asked when the last time the City put seal coat on the streets, he felt it was in 1981. Patton suggested that if the City would take care of the streets, they wouldn't wear out so fast. What is the guarantee the street won't crack again? Brian Davies explained the typical life of a bituminous surface is approximately 20 – 25 years, so we have already exceeded that time. Unfortunately no guarantees can be made on bituminous as far as not cracking, but the City will be more active in crack sealing.

Francis Bastin, 809 3rd Avenue North, Sartell, asked if the rain gardens are on the City right-of-way why doesn't the City maintain them? In the 800 block there is only a couple of cracks in the surface, Bastin feels it is ridiculous to replace the entire street and suggested the city keep the money rather than borrow money for the project. Bastin said the 800 Block of 3rd Avenue will last another 10 years, because it is not a main thoroughfare with only limited traffic. His neighbor has a drainage issue in his yard which should be repaired as part of storm water run off. Brian Davies explained the review by the Public Works Commission and the recommendation to move forward with this project in its entirety rather than fix small sections at a time. The drainage issue that Bastin talked about may be a grading issue on private property, Brian will check. Brian explained that having a rain garden is strictly on a volunteer basis. Bastin asked what happens to the rain garden when property changes ownership? Engineer Davies explained that the City could send out a staff person to explain the rain garden concept if the new property owner is interested in continuing to maintain the garden.

Steve Fabel, 203 9th Street North, Sartell, asked if it is possible to get speed bumps on 2nd Avenue and 9th Street? Chief Hughes said that typically the City will not install speed bumps to control speeding vehicles, however if a license number or usual travel time can be given to the Police Department, then the PD can monitor the road for a specific vehicle.

A resident (per request, name and address is being withheld) said there are four homes that would be affected by the installation of curb and asked how the curb will improve their area? This resident was concerned about being assessed a larger amount because they have a corner lot and will have to pay for the side and front footage of their lot. Engineer Davies, explained that the curb is used as a mechanism to direct storm water and is also a city standard when improvements are made to older developments that don't have curbing. This resident will check with the Engineer's office to verify calculations of assessments.

Dennis Frensko, 203 4th Street North, Sartell, asked how set the City is on having a 6" curb past his property? Since he has 2 lots, he asked the City to consider a ribbon strip rather than a full 6" curb to help reduce costs. At this time Frensko does not have any erosion past his lots and would prefer to have the water come onto his property to help water his yard and trees.

Mayor O'Driscoll said he would caution the installation of a smaller curb section along the Frensko home. Given the run off from the neighboring hill, a smaller than normal curb could cause potential flooding of the Frensko property.

Kevin Rohling, 213 11th Street North, Sartell, asked the following questions: why was the curb added to the plans later and not discussed at the neighborhood meeting; how will they access property during construction; when are assessments due; will this new project help the flooding on Riverside Avenue; if they sign up for a rain garden on their property, what happens if the plants die, who will replace them? Brian explained the shallow excavation needed for this project and that they will work with neighbors to give access to all property owners during construction, as best as possible. It makes economical sense to install curb in the project area now, rather than patching on at a later time.

Finance Director, Mary Degiovanni talked about paying assessments and explained that the assessment amount the property owners were given were estimates only. *After* the assessment roll is adopted by the Council, the property owners have 30 days to pay the assessments either in full or a partial payment. After the 30 day period, whatever part of the assessment has not been paid will be applied to the real estate taxes and will show on the real estate tax form under a separate line item. Any assessment balance can be placed on the real estate taxes for 10 years plus interest. The interest rate will be determined and set at the time the City borrows money for the project.

Judy Diesen, 704 3rd Avenue North, Sartell, asked how long the project will take and how will the mail be delivered during construction? Will the street be reconstructed wider? Brian said the street will stay at the same width, they are proposing only minimal disturbance so residents should be able to access their property and the mail delivery system will be worked through the post office.

Engineer, Davies said it was difficult to put a time frame on the project at this time, however the engineer's office will be sending out newsletters to the affected neighborhoods with updates during construction.

Darryl Cameron 1104 4th Avenue North, Sartell, asked why the city would replace the storm sewer when there is no problem with it? Brian said they are upgrading for capacity.

Mike Jurek, 816 4th Avenue North, Sartell, asked if he could put another curb cut on his property when they are installing the new curb and if they can add the cost to their assessments over 10 years. Jurek wants to have a rain garden and asked how they will be notified if they are allowed a garden? Brian told him to contact BWK with their requests.

Lori Gnahn, 211 10th Street North, Sartell, wants to be on the list for a rain garden also. Her sprinkler system will be in the way for a rain garden and she asked who would be responsible to move it? Brian informed her that moving the sprinkler system is the responsibility of the homeowner.

Daryl Stevens, 109 10th Street North, Sartell, feels that 10th street has a functioning storm sewer, why is the street being re-done, overlay would be fine. Brian explained that an overlay wouldn't work and would be cosmetic, at best. Needs reconstruction.

David Blue, 309 8th Street North, Sartell, felt it is a good project and the idea of replacing the clay pipe with plastic is a good idea also. Mr. Blue did question why the sidewalk on the opposite side of the road?

Alyas Masih, 306 8th Street North, Sartell, said they had a tree removed in their yard and now would like to have a rain garden in the same area, who will remove the stump? Is there additional assessment for a rain garden? Brian said the stump will be removed prior to installing the rain garden, with no assessments for adding a rain garden.

Arlan Willand, 804 2nd Avenue North, Sartell, gave positive feedback about the project and talked about the fact that rain gardens won't work in all areas due to the slope of some yards. Neighbors in his area have taken care of their homes and he feels it is up to the City to keep the roads in good repair.

Jim Dank, 1004 5th Avenue North, Sartell, asked the City Engineer to explain what their assessments will cover. Brian explained the homeowners will be responsible for 35% of the cost of a street either with or without curb, curb & gutter, sanitary and storm sewer services.

Bob Pflapsen, 814 2nd Avenue North, Sartell, lives on a corner and would like to have a rain garden. He asked if water will be shut off during construction time? Pflapsen also asked for an approximate start date of the project and how long it will last. Brian said the water will be undisturbed, approximate start time would be mid June and the project is proposed to take about 3 months.

Bill Rau 409 1st Avenue North, Sartell, asked why the storm sewer needs replacing on 4th Street? Engineer Davies talked about the age and size of the existing pipe and the need to get storm water off the roads.

Wayne Kampsula, 207 10th Street North, Sartell, asked if the city will be uprooting grass in the yards? Brian said the project will be disturbing grass in the City right-of-way only.

Ken Bjork, 104 4th Street North, Sartell, commented that he is not a fan of curb and gutter and agreed with a comment made earlier about having a ribbon of concrete rather than a full 6" curb. Bjork then asked if his property taxes would increase with the addition of this project? Finance Director, Mary Degiovanni explained the difference between the assessment owed and the property value and how these improvements would increase the value of his property.

Darius Thooft, 204 9th Street North, Sartell, asked if their market value will increase with a rain garden? He asked the Engineer for a copy of the notes from prior neighborhood meetings.

Shannon Kuhl, 206 10th Street North, Sartell, talked about a rain garden in her front yard and the difference of grade from their house to the street. Her concern is relative to altering the grade of their yard during the installation of a rain garden to a point where water could come into the home. Engineer Davies explained how the rain garden creates a shallow depression which could also help the water to drain away from the house. Davies answered concerns about how the garbage pick up will work during construction.

Sandra Platz, 325 Riverside Avenue North, Sartell talked about flooding on the corner where she lives and what will be done to control flooding in the future? Engineer Davis said there is presently and undersized catch basin at that corner which is unable to handle additional water and during construction the catch basin will be upgraded.

Dennis Frensko, 203 4th Street North, Sartell, asked how notifications will be given to let people know how long disruption will be? The engineer's office will be sending out newsletters periodically to keep the affected property owners updated on the project.

Brian Nyholm, 901 4th Avenue North, Sartell, said he moved here from northern Minnesota and the roads are a lot worse up north. This seems like more of a cosmetic issue. The cracks in the road do not seem bad to him and pot holes are not an issue. Nyholm does not feel the project is necessary at this time.

Doug Easterland spoke on behalf of Riverside Presbyterian Church. The church would like to have a rain garden on their property, however Easterland asked if they would be allowed one if it took up a parking space? When their site was approved they needed a certain number of parking spaces and questioned if they would be allowed a rain garden? The Engineer's office will check into it.

Mary Dank, 1004 5th Avenue North, Sartell, would like a rain garden. She will contact the Engineer's office to request a garden.

Marie Rudolph, 709 3rd Avenue North, Sartell, also asked to be put on the list for a rain garden.

Dennis Frensko, 203 4th Street North, Sartell, wondered if there is a cap on assessments, because he owns a vacant lot next to his home? Frensko said the project appears to be driven by the need to replace a clay tile line, especially on the upper half of 4th Street.

Francis Bastin, 809 3rd Avenue North, Sartell, said he talked to about 18 people who live on the 800 block and not one person wants the project. Bastin suggested fixing the cracks in the street only.

Mark Hedlund, 304 11th Street North, Sartell, didn't get notice of his assessment amount. Mary Degiovanni will get a copy to him.

9:40 p.m. Mayor O’Driscoll closed the hearing. O’Driscoll addressed a letter from the Minnesota Department of Natural Resources and from Patrick Baran, 301 10th Avenue North, Sartell. Both letters will be attached to the minutes as part of testimony received.

Council member Perske commented, “collectively it makes sense to keep the City in a good state of repair”.

Council member Peterson also echoed the same feelings as Council member Perske and likewise, doesn’t want a quiltwork patch effect, prefers all areas be done at one time.

Council member Lynch said that the public has raised some valid concerns and he can understand that some roads need repairs more than others, however he feels comfortable with the need for this project.

Mayor O’Driscoll spoke in favor of the project, the positive feedback received about installation of rain gardens, the discounted rate of 35% of the cost for the homeowner assessment and the continuation of neighborhood meetings, keeping the affected homeowners updated as the project continues.

Resolution ordering improvement and preparation of plans and specifications

A MOTION WAS MADE BY HENNES AND SECONDED BY PERSKE APPROVING RESOLUTION 18-07 ORDERING IMPROVEMENTS AND DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS, 2007 CAPITAL IMPROVEMENTS.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O’DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

OLD BUSINESS

a. Newport Plat 2 utility and drainage easement vacation request

Planning and Community Development Director, Anita Rasmussen presented the request on behalf of Heritage Homes for the vacation of a portion of a public drainage and utility easement in the very northerly portion of the Newport 2 residential plat.

Heritage Homes is proposing to re-locate the existing storm sewer line which lies within the 20 foot drainage and utility easement located on the northerly property line of lot 1, block 2 of Newport Plat 2. In relocating the sewer line, the developer would be able to create a wider, buildable area for a single-family residential unit.

Because the utility is in place, the developer is required to record a new drainage and utility easement and pay for all costs associated in the relocation of the storm sewer. The easement and the relocation work has occurred. Staff recommended approval.

A MOTION WAS MADE BY PERSKE AND SECONDED BY LYNCH ADOPTING RESOLUTION 19-07 APPROVING THE VACATING OF A DRAINAGE AND UTILITY EASEMENT FOR NEWPORT PLAT 2.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O’DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

b. Recommendation for appointment of Planning Associate

Anita Rasmussen presented her request for the appointment of Therese Haffner as the Planning Associate.

A MOTION WAS MADE BY LYNCH AND SECONDED BY HENNES APPROVING THERESE HAFFNER AS PLANNING ASSOCIATE EFFECTIVE FEBRUARY 1, 2007.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

c. Recommendation for appointment of Fire Marshal/Code Official

Anita Rasmussen presented her recommendation for the appointment of James "Butch" Rieland to the Fire Marshal/Code Official position effective February 7, 2007.

A MOTION WAS MADE BY PERSKE AND SECONDED BY PETERSON APPROVING THE APPOINTMENT OF JAMES "BUTCH" RIELAND AS RECOMMENDED TO THE FIRE MARSHAL/CODE OFFICIAL POSITION.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

DEPARTMENT REPORTS

Police Department

Bi-Monthly Activity Report

Chief Hughes presented his activity report along with a request to purchase two budgeted laptop squad computers.

A MOTION WAS MADE BY PETERSON AND SECONDED BY LYNCH APPROVING THE PURCHASE OF TWO LAPTOP COMPUTERS FOR SQUAD CARS NOT TO EXCEED THE BUDGETED AMOUNT OF \$7,000 FOR BOTH.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

Public Works

Consent Agenda

f. Approval for budgeted expenditure for painting and floor covering for the East Water Plant

Brad requested approval of the low bid from Hinkemeyer Painting, Inc. for painting the walls at the East Water Plant.

A MOTION WAS MADE BY PETERSON AND SECONDED BY PERSKE APPROVING THE PAINTING CONTRACT WITH HINKEMEYER PAINTING NOT TO EXCEED \$9419.00 FOR THE EAST WATER PLANT.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

Brad presented the proposal for floor covering for the East Water Treatment Plant and recommended the Council accept the bid from Multiple Concepts Interiors in the amount of \$8293.00.

A MOTION WAS MADE BY HENNES AND SECONDED BY PETERSON APPROVING THE BID FROM MULTIPLE CONCEPTS INTERIORS FOR FLOORCOVERING FOR THE EAST WATER TREATMENT PLANT NOT TO EXCEED \$8293.00.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

City Engineer

Bi-monthly memorandum

Engineer, Brian Davies presented his memorandum.

Consent Agenda

- c. Approval of cooperative construction agreement with City of St. Cloud for the Pine Cone Road South project

Council member Hennes requested an explanation of the dollar amounts on the agreement with St. Cloud.

A MOTION WAS MADE BY HENNES AND SECONDED BY LYNCH APPROVING THE COOPERATIVE CONSTRUCTION AGREEMENT WITH THE CITY OF ST. CLOUD FOR THE PINE CONE ROAD SOUTH PROJECT.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

Planning & Community Development Director

Consent Agenda

- d. **Approval of Safe Routes to School 2007 grant application**

Anita reviewed her recommendation to apply for a \$175,000 grant for Safe Routes to Schools to be used mainly towards construction of an off-road extension of the existing bike/pedestrian path from 15th Street to 35th Street North. Anita did mention that if the City is not successful in this application, we will reapply in August.

A MOTION WAS MADE BY PERSKE AND SECONDED BY PETERSON APPROVING A GRANT APPLICATION FOR \$175,000 FOR SAFE ROUTES TO SCHOOLS.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

City Administrator

Professional Development

On behalf of the City Administrator, Mary Degiovanni presented the request to approve professional development for city staff.

**A MOTION WAS MADE BY HENNES AND SECONDED BY PETERSON APPROVING THE PROFESSIONAL DEVELOPMENT AS RECOMMENDED.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON
NAY: NONE
MOTION CARRIED**

Legislative Issues for Central MN Cities

Mayor O'Driscoll updated the Council on legislative issues. City Administrator, Patti Gartland had provided potential issues to be included with the 2007 legislative issues for central Minnesota cities. In reviewing the suggestions, Council members expressed their preference to the following issues:

1. Property Tax Relief

(Suggestion) Oppose the use of local property tax rebates which do not provide property tax relief based on financial need:

**A MOTION WAS MADE BY PETERSON AND SECONDED BY HENNES APPROVING THE STATEMENT AS SUGGESTED:
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, HENNES, PERSKE, PETERSON
NAY: LYNCH
MOTION CARRIED**

2. North Star Commuter Rail

(Suggestion) Support extension of commuter rail service northward to St. Cloud/Camp Ripley
Support legislation providing transit officer enforcement authority

**A MOTION WAS MADE BY HENNES AND SECONDED BY PERSKE APPROVING THE STATEMENT AS SUGGESTED:
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: HENNES, PERSKE, PETERSON
NAY: O'DRISCOLL, LYNCH
MOTION CARRIED**

3. PhotoCop Authority

(Suggestion) Provide clarity in the authority for local governments to install camera equipment for the automatic surveillance of intersections and issue citations upon that evidence.

Consensus of the Council was to leave the suggestion as stated.

4. Smoking Ban

(Suggestion) Express preference for state-wide legislation over that of local legislation making all MN bars and restaurants smoke-free

Consensus of the Council was to wait until after a decision is made by the legislature before expressing a recommendation.

5. Growth Management and Land Use Regulation

(Suggestion) Support relaxation of the recently adopted restrictions of Cities' ability to amortize non-conforming uses.

Consensus of the Council was to leave the suggestion as stated.

CITY COUNCIL UPDATE – MISCELLANEOUS BUSINESS

Council member Perske will be out of town and not be attending the next Council meeting (Feb. 12th).

Council member Peterson will be out of town and will not be attending the Government Center meeting on January 29th. Peterson made the following recommendations: Keep purchases locally, if possible and tape the City Council meetings. Peterson would like to know what type of services the City is exchanging with the Bernicks hockey arena.

Mayor O'Driscoll updated the Council on legislative meetings he recently attended.

PAY ALL VOUCHERS

A MOTION WAS MADE BY HENNES AND SECONDED BY PERSKE APPROVING THE PAYMENT OF ALL VOUCHERS.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

ADJOURN

A MOTION WAS MADE BY LYNCH AND SECONDED BY PETERSON TO ADJOURN THE MEETING AT 11:25 P.M.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, HENNES, LYNCH, PERSKE, PETERSON

NAY: NONE

MOTION CARRIED

**Judy Molitor
Administrative Secretary**

MAYOR