

SARTELL CITY COUNCIL MEETING

MINUTES OF JULY 24, 2006

14TH MEETING

Pursuant to due call and notice thereof, the 14th meeting of 2006 was held on July 24, 2006 in the council chambers of the Sartell City Hall. Acting Mayor Tim O'Driscoll called the meeting to order at 7:00 p.m.

COUNCIL PRESENT: Council members: O'Driscoll, Orndorff, Perske
COUNCIL ABSENT: Mayor Pogatshnik
PRESENT: Patti Gartland, City Administrator
Judy Molitor, Administrative Secretary
Brad Borders, Public Works Director
Jim Hughes, Police Chief
Mike Nelson, City Engineer
Anita Rasmussen, Planning & Community Development Director

PLEDGE OF ALLEGIANCE

AGENDA REVIEW AND ADOPTION

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE ADOPTING THE AGENDA AS AMENDED, ADDING A DISCUSSION UNDER THE CITY ADMINISTRATION REGARDING CHARTER T.V.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

SPECIAL PRESENTATION

Sartell Youth Recreation Center annual report on Bernicks Arena operation

Jon Erickson, Manager of Bernicks Arena gave an overview of the programs available at the arena from hockey to figure skating lessons. Jon talked about the number of tournaments hosted which include participants from neighboring states. Statistics regarding use of the arena for open skating and non-hockey skating was presented as well as the craft shows, gun show and a possible future rodeo. Erickson talked about the addition of a press box, locker rooms and shower rooms.

Kevin Januszewski reviewed the income and expense statement from their fiscal year ending June 30, 2006 and gave projected income and expense figures for their 2006/2007 budget.

Council member Orndorff serves on the board for the hockey association and extended thanks to Jon and the staff for keeping the expenses under control and the excellent job of managing/operating the arena.

Acting Mayor, O'Driscoll thanked Council member Orndorff for serving on the board and to the members of the Arena for their reports.

APPROVAL OF THE CITY COUNCIL MINUTES

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING THE CITY COUNCIL MINUTES OF THE JULY 10, 2006 REGULAR MEETING MINUTES.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

CONSENT AGENDA

- a. Approval of Public Works Commission meeting notes of June 27, 2006 and July 11, 2006
- b. Schedule special meeting of the City Council to meet jointly with Joint Planning Commission, Park Commission & Economic Development Commission on Monday, July 31, 2006 at 6 p.m. for SCSU survey results presentation.
- c. Approval of resolution approving agency agreement for 50th Avenue realignment environmental study
- d. Approval of resolution approving agency agreement for Robert's Road/East-West Collector environmental study
- e. Approval of plans & specifications for Sierra Cove public improvements
- f. Approval of plans & specifications for 23rd Street South public improvements

A MOTION WAS MADE BY PERSKE AND SECONDED BY ORNDORFF APPROVING CONSENT AGENDA ITEMS A-F.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

PUBLIC HEARINGS

- a. **Zoning Ordinance amendments to Title 10, Chapter 22 (Environmentally Sensitive Areas natural resource inventory mapping)**

7:29 p.m. Acting Mayor O'Driscoll opened the public hearing, explained the order of business and turned the meeting over to Anita Rasmussen, Planning and Community Development Director for a presentation.

Rasmussen presented a power point presentation including the various components of the ordinance and gave a background leading into the creation of the environmentally sensitive ordinance and the proposed next steps.

The Environmentally sensitive area's (ESA's) ordinance is the product of a 7-month process which included a Council approved and initiated 15-person task force comprised of general, environmental and development interest. The task force met every other month in an effort to review model ordinance, host presentations by developers, scientists and cities with similar ordinances. The City of Sartell was very fortunate to obtain the facilitation and expertise of Jean Coleman with CR Planning through the task force process. Her contribution was made possible through the work of the Mississippi River Renaissance Group, which is funded through the Bush Foundation and various DNR grants.

The ordinance has undergone extensive review by the task force, the City's attorney and various commissions. Staff also hosted an open house on the ordinance to address and obtain comments, questions or concerns regarding the ordinance to the general public. Input from various developers was to ensure that the review timeline would not be lengthened as a result of the ordinance or the concern over compensation for areas designated as areas of most importance.

Initiation of a Natural Resource Inventory (NRI) was completed and the hard data was submitted to the City. The NRI covered the City and the growth areas including LeSauk and Sauk Rapids Townships. The City used the NRI and combined it with the natural features identified within the ordinance and prioritized areas based on quality and other features. That priority map identifies areas as most important, more important and important for the areas of connected systems, species diversity, rivers & streams, forest and woodland, MCBS Species and upland vegetation.

Anita explained that the maps shown are reference only.

Acting Mayor O'Driscoll talked about the City not having jurisdiction outside of the city limits and that land outside the city limits would only be subject to the ESA Ordinance at such time that the land is annexed into the City. For the benefit of the public in attendance, O'Driscoll asked Anita to explain the annexation process.

The following comments were heard, however comments do not reflect entire statements made:

John Uderman, 2611 17th Street North, Sartell, said his farm borders the river/stream coming out of Watab and asked why the land going into Watab would be rated different on the ESA than the land coming out of Watab? Anita will check. Uderman asked how this ESA will affect his property if he wants to sell it and would his "hands be tied" if he wanted to sell his farm? Anita explained how the ESA is verified with an appointed team including a scientist to allow the preservation of parklands and specific natural resource areas.

Council member Perske talked about the advantageous of identifying the specific areas in the ESA and how this could help developers and make land more desirable by protecting sensitive areas.

Mary Traut, 3872 Pine Cone Road, Sartell has interest in two properties including their dairy farm and is concerned of the value of their property declining with all the restrictions being put on the land.

Carol Weiler, 504 Brookwood Lane, Sartell reported that she was an observer at the task force level and is also familiar with the ordinance that has been modeled after St. Cloud. Weiler said that at first the developers in St. Cloud met the ordinance with opposition, however are now using the natural resources to their advantage and selling more clustered homes around preserved areas. According to Weiler this ordinance and preservation of trees, wildlife, etc will make land even more valuable.

Kathleen Louis, 1413 10th Avenue North, Sartell asked Anita to identify specific areas on the map.

Christine Reichl, 1512 Lucille Lane, St. Cloud asked when the renaissance map was initiated? Anita said it was initiated in the summer of 2005.

Mrs. Charles Schloser, 716 Riverside Avenue South, Sartell, asked Anita how the "rare" areas were determined? Anita gave an example of how different species of trees can determine "rare", etc.

Charlotte Stevens is involved with the Area Environmental Council and was also involved with St. Cloud as a non-voting advisory member. When developers look at special features they end up with very good developments to preserve ESA areas. She favors the ordinance and suggested the Council adopt it.

John Uderman, 2611 17th Street North, Sartell, asked if the Council would table the issue tonight.

Steve Dooley, 1945 North Benton Drive, Sauk Rapids asked the following questions:

1. How will owners of property be notified?
2. How will research be done for historic farms/houses?
3. Is Pine Point on the map?
4. At one time there was a rumor that there was Indian burial grounds in Sartell, how would they be identified if they were found?
5. What about areas with hazardous waste? How would they be identified?

Steve Feneis, 615 7th Street North, Sartell, favors the ordinance modeled after St. Cloud, feels we have a better ordinance and more workable with developers. This is another ordinance in line with other ordinances. The success of the ordinance will be based on the field study and scientist and staff involved with implementation. Developers need to be sensitive to EAW's to preserve areas. The ordinance is not anti-development and the City will have tremendous success if it is implemented this way.

Correspondence from Hannah Dunevitz Texler, Regional Plant Ecologist, Minnesota DNR and Jane Bennett, 4146 Pine Point Road, Sartell, is made a part of the record.

8:21 p.m. Acting Mayor O'Driscoll closed the hearing.

Council member Orndorff said that he feels this is a win-win for the developers as well as the community in order to preserve the environmentally sensitive areas.

Council member Perske thanked the task force as well of members of staff, and echoed Council member's Orndorff's comments on preserving ESA's.

Anita Rasmussen suggested the Council table action on adopting the ordinance at the meeting tonight in order to incorporate the Natural Heritage Information Systems Maps (animals & birds) as recommended by the DNR.

Ordinance amending Title 10, Chapter 22 of the Zoning Ordinance (tabled from June 26, 2006 meeting)

Ordinance amending Title 10, Chapter 22 of the Zoning Ordinance – Natural Resource Inventory for environmentally sensitive areas mapping.

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE TO TABLE ACTION ON THE ZONING ORDINANCE AMENDMENTS FOR ENVIRONMENTALLY SENSITIVE AREAS TO INCLUDE ALL MAPS AS RECOMMENDED BY THE DNR UNTIL THE AUGUST 14, 2006 CITY COUNCIL MEETING.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

b. Variance requests for front yard setback for two lots in Blackberry Ridge residential development

8:26 p.m. Acting Mayor O'Driscoll opened the public hearing to consider a variance request for front yard setbacks in Blackberry Ridge. O'Driscoll explained how the hearing would be conducted and asked Anita to explain the project.

Anita Rasmussen presented the request on behalf of Don Fenalson for a 10-foot variance to the 30-foot setback requirement for a single family home. He is requesting this setback variance for two properties within Blackberry Ridge Estates Lot 1 and Lot 16, Block 4. The reasoning behind the variance is to allow the homes to be closer to the street which would allow the structures to be placed further from the wetlands currently located within the properties. The extensive wetlands have proved to be a continuing struggle for the construction of a home on these lots. Staff as well as the developer has exhausted all other possibilities, including a WCA application to mitigate portions of the wetlands, which was not approved.

There has been a new Wetland Restoration Plan approved by the City hydrologist for both properties. Given the proposed location of the home and the considerable lot sizes, there will be limited if any negative effect on the adjacent properties. The lots surrounding have homes set closer to the street due to similar wetland issues. This would ensure that the development would remain consistent regarding placement of homes.

If the variance is granted, lots 1 and 16 would be allowed 20-foot front setbacks. The homes located in between the two lots were allowed a 25 foot front and rear yard setback. The remaining homes (north of the properties) have front yard setbacks of 30 feet.

The Joint Planning Commission and Staff recommend approving the 10-foot setback variances due to the fact that it will conserve wetland and not alter the essential character of the area. The applicant has provided that the property is unique and every other possibility has been exhausted.

The following comments were heard, however comments do not reflect entire statements made:

Aaron Weber, 1621 Blackberry Circle, Sartell said there is a middle section of land that is dirt and he said the request seems to be reversed, suggesting they build their house in the back of the property.

Angie Weber, 1621 Blackberry Circle, Sartell is concerned with the new setbacks and how the area will look with some homes closer to the street than others and how this may affect the view from some homes. Everyone else out in Blackberry built their homes in the back so they can have larger front yards.

8:36 p.m. O'Driscoll closed the hearing.

Resolution approving findings of fact supporting approval of the variance request for Lot 1, Block 4, Blackberry Ridge Estates

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY O'DRISCOLL APPROVING RESOLUTION 136-06 ADOPTING FINDINGS OF FACT RELATING TO A REQUEST FOR A VARIANCE TO THE FRONT YARD SETBACK REQUIREMENTS.
(no vote was taken)**

A MOTION WAS MADE BY O'DRISCOLL AND SECONDED BY ORNDORFF TO RECONSIDER RESOLUTION 136-06.

Council member Perske discussed the possibility of the Council being able to view the site plan before approving the variance.

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY O'DRISCOLL APPROVING RESOLUTION 136-06 ADOPTING FINDINGS OF FACT RELATING TO A REQUEST FOR A VARIANCE TO THE FRONT YARD SETBACK REQUIREMENTS.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF
NAY: PERSKE
MOTION CARRIED**

Resolution approving the variance request for Lot 1, Block 4, Blackberry Ridge Estates

**A MOTION WAS MADE BY ORNDORFF ADOPTING RESOLUTION 137-06 APPROVING THE ISSUANCE OF A VARIANCE AND DECLARING TERMS OF SAME. THE MOTION WAS SECONDED BY O'DRISCOLL.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF, PERSKE
NAY: NONE
MOTION CARRIED**

Resolution approving findings of fact supporting approval of the variance request for Lot 16, Block 4, Blackberry Ridge Estates

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING RESOLUTION 138-06 ADOPTING FINDINGS OF FACT RELATING TO A REQUEST FOR A VARIANCE TO THE FRONT YARD SETBACK REQUIREMENTS.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF, PERSKE
NAY: NONE
MOTION CARRIED**

Resolution approving the variance request for Lot 16, Block 4, Blackberry Ridge Estates

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE ADOPTING RESOLUTION 139-06 APPROVING THE ISSUANCE OF A VARIANCE AND DECLARING TERMS OF SAME.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

OLD BUSINESS

Change orders for Public Works building

City Administrator, Patti Gartland updated the Council on the meeting held to review the proposed change order for the Public Works building which provides for additional compressed air piping. Staff previously approved the pressure type vacuum breaker change order because it fell within the amount authorized for staff to approve. Patti recommended approval of the \$8,157.00 change order. No amendment is needed to the budgeted line item.

A MOTION WAS MADE BY PERSKE AND SECONDED BY ORNDORFF AUTHORIZING APPROVAL OF THE CHANGE ORDER FOR THE PUBLIC WORKS BUILDING IN THE AMOUNT OF \$8,157.00 FOR ADDITIONAL COMPRESSED AIR PIPING.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

NEW BUSINESS

a. Consideration of liquor license reinstatement for Thomas J. LeGassa dba The Bank

City Administrator, Patti Gartland updated the Council on the chain of events leading up to the closure of The Bank on July 14, 2006, after receiving notice of the cancellation of their liquor liability insurance. After conferring with the Police Chief regarding the operational history of the establishment, the City Attorney prepared a resolution to facilitate reinstatement of the liquor licenses that also puts Mr. LeGassa, dba, The Bank, on notice of his obligations to maintain full compliance with State and local laws.

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING RESOLUTION 140-06 REINSTATING THE LIQUOR LICENSES FOR THE BUSINESS KNOWN AS "THE BANK".

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

DEPARTMENT REPORTS

Police Department
Bi-Monthly Memorandum

Chief Hughes presented his memorandum. Acting Mayor, O'Driscoll sent kudos to the Police Department regarding their response and professionalism during a bicycle/vehicle accident on Saturday afternoon.

Benton County Fair contract for services

A MOTION WAS MADE BY PERSKE AND SECONDED BY ORNDORFF APPROVING THE SARTELL POLICE DEPARTMENT LAW ENFORCEMENT SERVICES AGREEMENT.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

Public Works
Monthly Memorandum

Public Works Director, Brad Borders presented his memorandum.

A MOTION WAS MADE BY PERSKE AND SECONDED BY ORNDORFF ACCEPTING THE JUNE MAINTENANCE REPORT.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

City Engineer
Bi-Monthly Memorandum

City Engineer, Mike Nelson presented his memorandum and updated the Council on City projects. A neighborhood meeting regarding the Pine Cone Road North and 15th Street north trail improvements project is scheduled for Thursday, July 27th from 5:30 – 7 p.m. Mike also talked about the progress of the Tiffany Meadows project, assessments for the Ridge Road project and the trail (by City Hall) completion date, possibly the last week of July. Suggestions for maintenance on our existing trails on a 5-year Capital Improvement was also discussed.

Resolution receiving bids and awarding contract for 2006 Capital Improvements Phase I

Mike reviewed the bids received for the Capital Improvements Phase I project.

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING RESOLUTION 141-06 RECEIVING BIDS AND AWARDING CONTRACT ON 2006 CAPITAL IMPROVEMENTS – PHASE I TO THE LOW BIDDER, J R FERCHE, INC FOR \$889,467.20.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

Resolution receiving bids and awarding contract for 2006 Capital Improvements Phase II

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING RESOLUTION 142-06 RECEIVING BIDS AND AWARDING CONTRACT ON 2006 CAPITAL IMPROVEMENTS – PHASE II TO THE LOW BIDDER, J R FERCHE, INC FOR \$748,914.55. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF, PERSKE
NAY: NONE
MOTION CARRIED**

Resolution receiving bids and awarding contract for Heritage Place public improvements

**A MOTION WAS MADE BY PERSKE AND SECONDED BY ORNDORFF ADOPTING RESOLUTION 143-06 RECEIVING BIDS AND AWARDING CONTRACT ON HERITAGE PLACE IMPROVEMENTS, AWARDING THE BID TO THE LOWEST BIDDER, LARSON EXCAVATING CONTRACTORS \$1,968,432.69. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF, PERSKE
NAY: NONE
MOTION CARRIED**

**Planning & Community Development Director
Bi-Monthly Memorandum**

Anita presented her memorandum. O'Driscoll extended special thanks to Anita for her work with the St. Cloud Area Economic Development Partnership.

Anita reported that she will be attending the LeSauk Township meeting with City Attorney, Jan Peterson in an effort to discuss the process of authority regarding the town board and the Joint Planning Commission. Anita also updated the Council on the meeting she attended at the Fish & Wildlife office regarding the Highway 15 project.

City Administrator

Professional Development

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

Interim appointment for Council vacancy

City Administrator, Patti Gartland updated the Council on the reaction she received from the public as a result of advertising for interest to serve on the City Council and to fill the vacancy left by Mary Lewadowski. Robin Froelich and Tom Beutel, both members of the Joint Planning Commission have offered to fill the vacancy on the Council until January 1, 2007.

Gartland continues to recommend the appointment of Tom Buetel given his prior experience on the Hinkley City Council and also his filling the interim vacancy on our City Council in 2002. Gartland also recommended that, if appointed, he continue to serve on the Planning Commission to avoid the creation of an imbalance in city-township representation on the Planning Commission.

A MOTION WAS MADE BY ORNDORFF APPOINTING TOM BEUTEL TO SERVE AS INTERIM MEMBER OF THE CITY COUNCIL, EFFECTIVE AUGUST 31ST TO JANUARY 1, 2007 WHILE HE CONTINUES TO SERVE ON THE JOINT PLANNING COMMISSION. THE MOTION WAS SECONDED BY PERSKE.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

A MOTION WAS MADE BY PERSKE AND SECONDED BY ORNDORFF TO SCHEDULE A SPECIAL CITY COUNCIL MEETING TO DISCUSS SALES TAX ISSUES ON AUGUST 14, 2006 AT 5 P.M.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

Council member Orndorff talked about his experience with Charter and asked if Patti would contact a representative from Charter to attend a Council meeting and discuss service issues.

CITY COUNCIL UPDATE – MISCELLANEOUS BUSINESS

Tom Moore with the St. Cloud Area Economic Development Partnership will be making a special budget presentation at an upcoming City Council meeting.

PAY ALL VOUCHERS

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

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

ADJOURN

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE ADJOURNING THE MEETING AT 10:25 P. M.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

Minutes By:

Judy Molitor
Administrative Secretary

MAYOR

July 24, 2006