

March 27, 2006

SARTELL CITY COUNCIL MEETING

MINUTES OF MARCH 27, 2006

6TH MEETING

Pursuant to due call and notice thereof, the 6th meeting of 2006 was held on March 27, 2006 in the council chambers of the Sartell City Hall. Mayor Pogatshnik called the meeting to order at 7 p.m.

COUNCIL PRESENT: Mayor Pogatshnik, Council members: Lewandowski, O’Driscoll, Perske
COUNCIL ABSENT: Council member Orndorff
PRESENT: Patti Gartland, City Administrator
Mary Degiovanni, Finance Director
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 LEWANDOWSKI AND SECONDED BY PERSKE ADOPTING THE AGENDA AS AMENDED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O’DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

SPECIAL PRESENTATION

Mark Sakry, Co-Chair of the Regional Human Rights Task Force briefly explained the need for a local human rights office and explained their goals which create a welcoming climate within our communities to respect all people and avoid discrimination. Sakry believes an effective regional office makes a public policy statement that human rights violations will not be tolerated and offenders will be held accountable.

Ruth Weichman, GRIP organizer, spoke briefly about the issue against age and how some older people are being discriminated against for employment opportunities.

Baba Odukale, Human Rights Director for the City of St. Cloud talked about the need for a local office and to look for ways to resolve issues locally. Because the area has more diversity, there is more need.

Mark Sakry talked about the protected classes and who is covered by Human Rights Legislation along with the law chart showing protected classes and areas of protection. Sakry also extended thanks to the City of Sartell and Anita Rasmussen for support and with hosting their meetings at City Hall.

Mayor Pogatshnik thanked the group for the presentation and all they do.

APPROVAL OF CITY COUNCIL MINUTES

a. March 13, 2006 – Regular Meeting

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A MOTION WAS MADE BY O'DRISCOLL AND SECONDED BY LEWANDOWSKI APPROVING THE MINUTES AS PRESENTED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

CONSENT AGENDA

- a. March 14, 2006, Public Works Commission Notes – Approval
- b. Approval of Request for Proposals to provide assessing services
- c. Schedule special meeting for April 25, 2006, 5:30 p.m. for Area Cities Meeting for Wastewater Treatment Plant Expansion Planning.
- d. Set public hearing for April 10, 2006, for CUP amendment request for Dancing Ponds
- e. Resolution approving the Wetland Conservation Act permit for the Pine Cone Regional Park Trail project.
- f. Appointment of 2006 compost site supervisors
- g. Approval of expenditure for river rock style flower planter for Veterans Park using International Paper grant funds and Beautification Funds
- h. Resolution accepting the feasibility report and ordering the preparation of plans and specifications for Sandstone Village
- i. Resolution accepting the feasibility report and ordering the preparation of plans and specifications for Oak Ridge Commons
- j. Removal of parking restrictions on portions of 2 ½ street, 2nd Street and 3rd Avenues North
- k. Resolution supporting an application to CURA Community Assistantship Program to facilitate internship services for the natural resource inventory being undertaken in the Sartell area
- l. Set public hearing for April 10, 2006, for fee schedule ordinance amendment
- m. Approval of fund transfer effective March 1, 2006
- n. Resolution approving and authorizing execution and delivery of a quit claim deed (related to IP transaction approved 3-13-06)
- o. Resolution approving annexation of certain property within the Dancing Ponds development/Florence Heim property

A MOTION WAS MADE BY PERSKE AND SECONDED BY O'DRISCOLL APPROVING CONSENT AGENDA ITEMS A – O AS AMENDED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

OLD BUSINESS

a. Waterside Way preliminary plat and final plat

Mayor Pogatshnik gave a brief history of this plat and explained that even though this was not a public hearing, he would take comments, if anyone wishes to speak after the presentation by the City Planner, Anita Rasmussen.

Planner, Anita Rasmussen presented the plat on behalf of the applicants, owners, Frank and Mary Jo Eisenschenk and the developer, Wershay Homes. The plat is approximately 2 acres and located just north of Heritage Drive along County Road 1. Access for both lots are proposed to come from County Road 1. The platting would divide a previously platted lot and subdivide the property into one additional lot. The existing structures would be eliminated.

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Required setbacks are 10 feet side yard and 30 feet front and rear yard. Both lots exceed the 9,500 square foot requirement. However, the established development line (front yard) is approximately 100 – 140 feet. The lots are proposing 91 feet of street frontage and 117-128 feet average width. The width at the proposed front setback line is 117 feet. Lots within the adjoining lots, to the north and south contain street frontage of approximately 95 to 105 widths.

A payment in lieu for park land dedication will be collected prior to the recording of the plat in the amount of \$1,005.00. No public streets are proposed. A tree inventory has been completed for the property.

Staff and the Joint Planning Commission recommend approval of the revised preliminary plat for Waterside Way with the following conditions being met:

1. All requests/concerns by the Engineering department are resolved.
2. That the buildings and pavement areas which cross (or encroach) property lines be removed prior to the issuance of a building permit on lots 1 and 2, including the small structure near the river.
3. That the owner and developer obtain the appropriate permits from Stearns County as it relates to access.
4. That the homes would be built back to the established setback line as demonstrated by the adjoining properties.

Developer, David Wershay explained his proposal for the 2 lot split. Wershay is proposing to remove the existing home and out buildings and construct two homes on the property. Wershay said he has met with the neighboring property owners and they are in agreement with his new proposal. Pictures of some of the homes Wershay Builders have constructed in the Sartell area were presented, however at this time it is unknown what style of homes will be built on these lots. Wershay also showed pictures of existing homes along the river which indicates that this two lot split will not alter the character of the neighborhood.

Cory Watson, 700 Riverside Avenue South, Sartell, said he was not in complete agreement with Mr. Wershay as indicated and said the pictures of homes along the river depict homes closer together than in their neighborhood. Watson has the same concern as he had at the past meeting regarding protecting the river, eagle nests and what will happen to the Shay property.

Jan Bettenberg, 634 Riverside Avenue South, Sartell, said his communication with the developer has been great and that he is comfortable with two homes being built on the proposed lot. Also staying in line with the setbacks is something he can live with.

Graldine Beltinck, 708 Riverside Avenue South, Sartell, has same concerns as in the past and would like to maintain the area as a good place to live and raise a family. Footage, spacing of homes and size of the lots is meaningless as far as quality is concerned. Splitting the lot goes against keeping the character of the neighborhood.

Mike Beltinck, 708 Riverside Avenue South, Sartell, talked about the size of the lots in his neighborhood compared to the northerly end on Riverside Avenue as shown on the pictures and the fact that his neighbor bought more property to keep more space between homes. Beltinck said the city should be careful with allowing smaller lots especially with the Shay farm next door.

Mary Jo Eisenschenk, 638 Riverside Avenue South, Sartell, thanked David Wershay and said they picked him because of the quality of work he does and to keep the character of the neighborhood. Eisenschenk said they are not in it to make money and run.

Council member Perske asked if the smaller building near the river would be removed, Wershay said that it would be. Perske asked what style of home would be built and Wershay said that at this time it is unknown, but whatever style/type his client would want, possibly rambler or two-story.

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Council member Lewandowski drove by the area and said that she appreciates the revision from three lots to two lots and feels that it blends better into the neighborhood.

Council member O'Driscoll thanked the developer, Wershay for taking guidance from the City Council and protecting this area of the corridor to our community. O'Driscoll also thanked the neighbors for their input.

Resolution approving the preliminary plat of Waterside Way

A MOTION WAS MADE BY O'DRISCOLL ADOPTING RESOLUTION 59-06 APPROVING THE PRELIMINARY PLAT OF WATERSIDE WAY. THE MOTION WAS SECONDED BY PERSKE.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

Anita presented the final plat of Waterside Way on behalf of the applicant, Frank and Mary Jo Eisenschenk and Developer, Wershay Homes. The final plat is consistent with the preliminary plat which is 2.06 acres located north of heritage Drive along County Road 1.

Staff and the Joint Planning Commission recommend approval of the final plat for Waterside Way with the following conditions being met:

1. All requests/concerns by the Engineering department are resolved.
2. That the buildings and pavement areas which cross (or encroach) property lines be removed prior to the issuance of a building permit on lots 1 and 2, including the small structure near the river.
3. That the owner and developer obtain the appropriate permits from Stearns County as it relates to access.
4. That the homes would be built back to the established setback line as demonstrated by the adjoining properties.

Resolution approving the final plat and development agreement for Waterside Way

A MOTION WAS MADE BY PERSKE ADOPTING RESOLUTION 60-06 APPROVING THE FINAL PLAT AND DEVELOPMENT AGREEMENT OF WATERSIDE WAY. THE MOTION WAS SECONDED BY LEWANDOWSKI.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

b. Resolution Adopting Findings of Fact Relating to the citizen petition for an environmental assessment worksheet

Anita Rasmussen, Planning & Community Development Director explained the citizen's request the City received for the preparation of an Environmental Assessment Worksheet pertaining specifically to the Sartell Partners property located along Highway 15.

Because the property owner has not submitted an application affecting the property, it would appear that the City is unable to act upon the EAW petition at this time. However, the petition remains "active" for one year from the date on which it was filed. Therefore, if and when the property owner submits an application to the City, that application may not proceed until after and EAW or similar review has been completed on the property.

In addition, the City has had preliminary discussions with the property owner regarding possible development scenarios. Because of those discussions, we have indicated that an environmental review in the form of an alternative urban area wide review (AUAR), which is similar in structure to an EAW, but provides for a greater level of environmental analysis will likely be required on the property. The AUAR also allows for the development of a mitigation plan specifying mitigation measures, which would be implemented and imposed upon future development in order to avoid or mitigate potential environmental impacts.

In addition the City has and will continue to work cooperatively with the U.S. Fish and Wildlife Service regarding the federal investigation pertaining to the eagle's nest. They have verbally expressed the opinion that the City's subsequent actions related to the environmental review will not interfere with any ongoing investigations or actions.

A MOTION WAS MADE BY LEWANDOWSKI APPROVING RESOLUTION 61-06 ADOPTING FINDINGS OF FACT RELATING TO THE CITIZEN PETITION FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET. THE MOTION WAS SECONDED BY O'DRISCOLL.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

NEW BUSINESS

a. **Sale of 2006 bonds and debt limit policy discussion**

Finance Director, Mary Degiovanni presented the request for approval of issuance and sale of \$5,120,000 general obligation bonds.

Mark Ruff and Stacie Kvilvang with Ehlers & Associates reviewed the results of the bond sale covering lift station #1, the purchase of a fire truck and the construction of the public works building. Stacie discussed Moody's rating of A2 for the City of Sartell. Mark Ruff highlighted the information included with the Council packet and explained debt level profile and bond rating basics.

A MOTION WAS MADE BY O'DRISCOLL APPROVING RESOLUTION 62-06 PROVIDING FOR THE ISSUANCE AND SALE OF \$5,120,000 GENERAL OBLIGATION BONDS, SERIES 2006A, PLEDGING FOR THE SECURITY THEREOF SPECIAL ASSESSMENTS, NET REVENUES AND LEVYING A TAX FOR THE PAYMENT THEREOF. THE MOTION WAS SECONDED BY LEWANDOWSKI.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

b. **Resolution approving a purchase agreement for proposed property purchase for future public park and open space.**

City Administrator Patti Gartland outlined a parcel of land just under one acre on the Mississippi owned by David Shay which became available for sale during the past week. On behalf of the City, Patti has negotiated a purchase price of \$185,000. If approved by the Council, a closing date of May 1, 2006 has been suggested and a home inspection will need to be completed prior to that date. The location of the property would be ideal for temporary city office space and the future establishment of additional river front public park, open space and historic preservation purposes at such time in the future that the property owner proposes to sell the additional approximate 12 acres of property. Funding source would be 50% from park dedication and 50% from local option sales tax funds. Fence options for the property was discussed.

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Mayor Pogatshnik and Council members complimented Patti on her quick response and diligent work with the property owner to secure this property for the City.

Al Vogt, a resident expressed disappointment with the City purchasing this property because he felt he had a commitment from the property owner on first chance to buy the property when it became available for sale.

**A MOTION WAS MADE BY O'DRISCOLL APPROVING RESOLUTION 63-06 AUTHORIZING THE PURCHASE OF REAL PROPERTY. THE MOTION WAS SECONDED BY PERSKE.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE
NAY: NONE
MOTION CARRIED**

DEPARTMENT REPORTS

Police Department

Monthly Activity Report

Recommendation for Police Officer positions appointment

Chief Jim Hughes presented his two recommendations for police officers. The primary candidate recommended is Rob Lyon and Chief Hughes asked for approval of an employment start day of April 17, provided Lyon satisfactorily completes a physical and psychological exam as well as a drug screening.

Chief Hughes recommended Jill Leuhmann as the secondary candidate and asked that she would receive the same conditional offer as the first, with the addition of the area cities signing the joint powers agreement in relation to the metro area Gang Strike Force Officer that will be coming from the Sartell Police Department. Start date for the Jill would be two weeks after the signing of the joint powers agreement.

**A MOTION WAS MADE BY LEWANDOWSKI APPROVING ROB LYON AS THE PRIMARY AND JILL LEUHMANN AS THE SECONDARY POLICE OFFICERS PROVIDED SATISFACTORY COMPLETION OF PHYSICAL, PSYCHOLOGICAL AND DRUG TESTING EXAMS. THE MOTION WAS SECONDED BY PERSKE.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE
NAY: NONE
MOTION CARRIED**

Chief Hughes updated the Council on the status of the Firefighters assisting in Waite Park in their search for a missing person and in the application of a grant for radios.

Public Works

Public Works Director, Brad Borders updated the Council on the progress of street sweeping and patching as well as the status of construction on the maintenance building.

City Engineer

City Engineer, Mike Nelson presented his memorandum and explained the two claims they are working to resolve from the Avalon Village project.

Planning and Community Development Director

Director, Anita Rasmussen presented her memorandum.

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City Administrator

Professional Development

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

Community sign replacement status report

Rich Feneis has indicated a willingness to attempt to secure advertising contracts that would enable the previously negotiated Community Signs reconstruction and operations agreement to be implemented. Staff is recommending that we support a second attempt at being able to facilitate the reconstruction of the existing community sign structures as previously reviewed and approved. Consensus of the Council approved the recommendation to move forward.

CITY COUNCIL UPDATE

Council member Perske reminded the Council of the early childhood meeting on April 6 at 5:30, pizza and pop will be provided as well as child care.

Mayor Pogatshnik discussed the potential to purchase more land along the river in the future, if it becomes available. Mayor Pogatshnik passed on compliments he received regarding City hall staff at a recent CMBA social hour.

Council member O'Driscoll reported that he has accepted the chair position for the St. Cloud Area Economic Development Partnership.

PAYMENT OF VOUCHERS

**A MOTION WAS MADE BY LEWANDOWSKI AND SECONDED BY PERSKE APPROVING THE PAYMENT OF VOUCHERS.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE
NAY: NONE
MOTION CARRIED**

ADJOURN

**A MOTION WAS MADE BY O'DRISCOLL AND SECONDED BY LEWANDOWSKI TO ADJOURN THE MEETING AT 9:30 P.M.
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: POGATSHNIK, LEWANDOWSKI, O'DRISCOLL, PERSKE
NAY: NONE
MOTION CARRIED**

Minutes By:

**Judy Molitor
Administrative Secretary**

MAYOR

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