

SARTELL CITY COUNCIL MEETING

MINUTES OF NOVEMBER 27, 2006

22nd MEETING

Pursuant to due call and notice thereof, the 22nd meeting of 2006 was held on November 27, 2006 in the council chambers of the Sartell City Hall. Acting Mayor O'Driscoll called the meeting to order at 7:00 p.m.

COUNCIL PRESENT: Council members: Beutel, O'Driscoll, Orndorff, Perske
ABSENT: Mayor Pogatshnik
ALSO PRESENT: Patti Gartland, City Administrator
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 ORNDORFF AND SECONDED BY BEUTEL ADOPTING THE AGENDA AS PRESENTED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: POGATSHNIK, BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

APPROVAL OF THE CITY COUNCIL MINUTES

A MOTION WAS MADE BY BEUTEL AND SECONDED BY ORNDORFF APPROVING THE MINUTES OF NOVEMBER 13 WORKSHOP AND REGULAR MEETING MINUTES AS CORRECTED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

CONSENT AGENDA

- a. Acceptance of Public Works Commission notes for November 14, 2006
- b. Set public hearing for December 11, 2006, for a land use plan amendment for Ferche 600
- c. Set public hearing for December 11, 2006, for easement vacation request for Blackberry Ridge
- d. Approval of contract for Centennial Summer Fest street dance music services
- e. Approval to purchase 2006 budgeted utility truck, box and crane unit
- f. Approval of resolution approving plans and specifications and authorizing bid letting for the Liftstation #8 removal project
- g. Approval of 2007 public improvement assessment rates
- h. Approval of amended Financial Policies and Procedures

A MOTION WAS MADE BY PERSKE APPROVING CONSENT AGENDA ITEMS A – H. THE MOTION WAS SECONDED BY ORNDORFF.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

PUBLIC HEARINGS

a. Ordinance to extend local option sales tax as approved by voters in the 2006 General Election

7:06 p.m. Acting Mayor O'Driscoll opened the public hearing, explained the order of business then turned the meeting over to the City's Finance Director, Mary Degiovanni for her presentation.

Mary presented Ordinance 06-18 to establish the procedures for the collection of the one-half percent sales and use tax authorized by the Minnesota legislature to assist area cities in funding projects for regional significance. Mary highlighted the definitions outlined in the ordinance.

Hearing no comments from the public, Acting Mayor O'Driscoll closed the hearing at 7:10 p.m.. No written testimony had been submitted.

Ordinance adopting a sales and use tax for the City of Sartell

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING ORDINANCE 06-18 ADOPTING A SALES AND USE TAX FOR THE CITY OF SARTELL.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

b. Ordinance amendments regulating liquor and setting fees for liquor licenses

7:12 p.m. Acting Mayor O'Driscoll called the hearing to order and Finance Director, Degiovanni presented the request for a liquor ordinance and related fee schedule amendments. Mary briefly explained the language updates from the LMC model ordinance regarding limiting promotions like "all you can drink", restricting the number of licenses any one person can hold within the City, seasonal outdoor sales, alcohol use in City parks, pro-ration for licenses issued after the start of the license year and the increase in liquor license fees. Mary then explained that the consideration for increased fees for liquor licenses renewals would be effective January 2008, if approved tonight.

There were no comments from the public. O'Driscoll closed the hearing at 7:20 p.m.

Council member Beutel asked Police Chief, Jim Hughes if there has been issues with drinking in City parks? Chief Hughes said there has not been drinking issues, however there has been liquor bottle littering issues at Northside Park.

Council member Perske expressed concern with quarterly prorating licenses issued after the start of the license year. Perske gave scenarios of starting a business near the end of a quarter and, as a new business, having to endure the cost for the liquor license for the entire quarter. Perske suggested changing the pro-ration to monthly instead of quarterly. Perske also questioned the 2am close and asked if the Police Department has had any issues with bars being open until 2 a.m. Chief Hughes said the 2 am bar closing has not been an issue with the Police Department however many bar owners opt not to stay open for the extra hour after considering operating cost for the extra hour.

Mary Degiovanni offered to survey neighboring cities for options of paying quarterly versus monthly prorated liquor licenses fees and report back to the Council at the December 11th meeting.

Council member Beutel said he will be abstaining from voting as his employer is a liquor distributor.

Ordinance regulating the possession, sale and consumption of intoxicating and 3.2 percent malt liquor.

Ordinance amending the City fee schedule

A MOTION WAS MADE BY PERSKE TO ADOPT ORDINANCE 06-19 REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CITY OF SARTELL PROVIDED THE LIQUOR LICENSES CAN BE PRORATED MONTHLY RATHER THAN QUARTERLY AND LIMIT THE NUMBER OF LIQUOR LICENSES TO ONE PER INDIVIDUAL.

THERE BEING NO SECOND TO THE MOTION, PERSKE RESCINDED THE MOTION.

Discussion followed and it was the consensus of the Council to have staff consult with the City Attorney about liquor license fee pro-ration and bring the ordinance back to the December 11, 2006 Council meeting for consideration.

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE MOVING CONSIDERATION OF THE ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR WITHIN THE CITY OF SARTELL AS WELL AS THE ORDINANCE AMENDING THE CITY FEE SCHEDULE TO THE DECEMBER 11, 2006 CITY COUNCIL MEETING.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: O'DRISCOLL, ORNDORFF, PERSKE

ABSTAIN: BEUTEL

NAY: NONE

MOTION CARRIED

NEW BUSINESS

a. **Consideration of liquor license renewal applications**

City Administrator, Patti Gartland presented the 2007 liquor license renewal applications.

Council member Orndorff, due to ownership, said he will be abstaining from voting on the approval for a liquor license for J P Blend, and asked if that license approval could be handled as a separate item.

Chief Hughes said all the liquor license holders have meet the requirements for approval.

Council member Orndorff asked the status of Winners? The owners wife was at the meeting and said they were planning on opening by December 15th. She explained that they initially applied for the liquor license before they bought the building, to be sure they could sell liquor. Since that time they have been busy remodeling along with operating their existing business. She invited the Council to stop in to their establishment and see their progress.

Patti Gartland outlined the necessary inspections which need to be passed , such as building and fire inspections before a certificate of occupancy can be given and the business can be opened.

Council member Orndorff suggested having the inspectors visit Winners prior to the December 11, 2006 Council meeting and report on their progress at the meeting.

**A MOTION WAS MADE BY O'DRISCOLL TO POSTPONE CONSIDERATION OF APPROVING/DENYING THE ON SALE/ON SALE SUNDAY LIQUOR LICENSE FOR WINNERS SPORTS BAR AND GRILL UNTIL THE DECEMBER 11, 2006 CITY COUNCIL MEETING. THE MOTION WAS SECONDED BY PERSKE. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF, PERSKE
ABSTAIN: BEUTEL
NAY: NONE
MOTION CARRIED**

**A MOTION WAS MADE BY PERSKE AND SECONDED BY O'DRISCOLL APPROVING ALL REMAINING LIQUOR LICENSE HOLDERS EXCEPT J P BLEND, INC., dba LIQUID ASSETS. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, ORNDORFF, PERSKE
ABSTAIN: BEUTEL
NAY: NONE
MOTION CARRIED**

**A MOTION WAS MADE BY PERSKE AND SECONDED BY O'DRISCOLL APPROVING THE LIQUOR LICENSE FOR J P BLEND, INC. dba LIQUID ASSETS. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
AYE: O'DRISCOLL, PERSKE
ABSTAIN: BEUTEL, ORNDORFF
NAY: NONE
MOTION CARRIED**

DEPARTMENT REPORTS

a. Police Dept.
Bi-Monthly Memorandum

Chief Hughes presented his memorandum and talked about the progress of the installation of a siren pole for Fox Run

b. Public Works

Director, Brad Borders did not have a memo however did mention that the next Public Works meeting will be held on December 6th.

Council member Perske questioned how long the \$10,782.00 bioxide treatment will last? Brad indicated that we use approximately 60-70 gallons a day, however Brad did clarify that at this time they are monitoring lift station #1 to see how much bioxide is needed and Brad will get back to Perske on a definite amount after the treatment is regulated.

c. City Engineer
Bi-Monthly Memorandum

Engineer, Brian Davies presented his memorandum. The engineer's office will be hosting neighborhood meetings for upcoming capital improvement projects.

As requested by the Council, the Engineer's office presented two mapping options for proposed street lighting with choices of light styles.

Council member Orndorff explained the discussions held at the Public Works Commission regarding the need for a plan for additional street lighting. Orndorff asked the Council for suggestions on lighting routes and choice of lighting style.

The City Engineer presented maps outlining streets for the Council to consider additional lighting. Council members talked about the importance of lighting major gateways and intersections. Consensus of the Council approved option "A" lighting Pine Cone Road from the existing lights north to 12th Street North with the Renaissance style as is presently on Pine Cone Road South.

A MOTION WAS MADE BY BEUTEL AND SECONDED BY O'DRISCOLL APPROVING OPTION "A" EXTENDING LIGHTING ON PINE CONE ROAD FROM THE EXISTING LIGHTS NORTH TO 12TH STREET NORTH WITH THE SAME STYLE OF LIGHTING AS IS PRESENTLY ON PINE CONE ROAD SOUTH.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

d. Planning & Community Development Director

Bi-Monthly Memorandum

Director, Anita Rasmussen presented her memorandum. Anita confirmed interviews for December 5th at 5 p.m. to fill two positions on each of the Joint Planning Commission the Economic Development Commission and the Park Commission. The results and recommendations for appointments to the open positions will be presented to the City Council at the December 11, 2006 for approval.

e. City Administrator

Patti updated the Council on progress of the History Book. Because the book will only be available after Christmas, and some may want to give it as a gift, O'Driscoll suggested giving a certificate in the absence of the book. The certificates could be redeemed at City Hall when the book arrives. Staff will check into a certificate option.

CITY COUNCIL UPDATE – MISCELLANEOUS BUSINESS

Council member Orndorff mentioned that he is having surgery and will not be attending some of the scheduled upcoming meetings until after his recovery.

PAY ALL VOUCHERS

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

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

ADJOURN

**A MOTION WAS MADE BY ORNDORFF TO ADJOURN THE MEETING AT 8:45 P.M.
THE MOTION WAS SECONDED BY PERSKE.**

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

**Judy Molitor
Administrative Secretary**

MAYOR