

SARTELL CITY COUNCIL MEETING

MINUTES OF OCTOBER 23, 2006

20TH MEETING

Pursuant to due call and notice thereof, the 20th meeting of 2006 was held on October 23, 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 PERSKE ADOPTING THE AGENDA AS PRESENTED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O’DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

PRESENTATION BY EHLERS & ASSOCIATES ON 2006 BOND SALE

Mark Ruff, representing Ehlers & Associates updated the Council on the city’s present financial obligations and reviewed the city’s A2 rating due to the rapidly growing and diversifying economy as well as sound financial operations. Mr. Ruff presented the bid results for the bond sale and requested the Council consider awarding the \$9,495,000 bond bid to PNC Capital Markets, LLC of Philadelphia, Pennsylvania to finance various 2006 street and capital improvement projects.

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY BEUTEL AUTHORIZING THE ISSUANCE AND SALE OF \$9,495,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2006B LEVYING A TAX FOR THE PAYMENT THEREOF AND PLEDGING FOR THE SECURITY THEREOF SPECIAL ASSESSMENTS.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O’DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

APPROVAL OF THE CITY COUNCIL MINUTES

A MOTION WAS MADE BY BEUTEL AND SECONDED BY PERSKE APPROVING THE MINUTES OF THE OCTOBER 9, 2006 REGULAR MEETING.

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 October 10, 2006
- b. Approval of 2007 legal service contract with Flaherty & Hood
- c. Approval of joint powers agreement amendment with St. Cloud for civil legal services beginning 2007
- d. Approval of resolution adopting amended assessment 2006 Capital Improvements Phase 2 for property at 400 Ridge Road
- e. Approval of job description and grade level changes for the Fire Marshal/Code Official position
- f. Approval of resolution to set public hearing for November 13, 2006, on a request to vacate utility and drainage easements in Newport Plat 2
- g. Approval of certificate of correction for Ferche South Pinecone Plat 6
- h. First readings and approval to set public hearings for November 27, 2006, for liquor ordinance amendments and amendments to the fee schedule ordinance pertaining to liquor.
- i. Approval of special meeting for budget workshop for 4:30 p.m. on Monday, November 13, 2006
- j. Approval of resolution accepting and approval annexation petition for 1380 Riverside Avenue North (Linda Spanier property)
- k. Approval of resolution accepting preliminary report and ordering plans and specifications for LiftStation #8 removal

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY PERSKE APPROVING CONSENT AGENDA ITEMS A-K AS PRESENTED.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

PUBLIC HEARINGS

- a. **Silvercrest Senior Campus Conditional Use Permit amendment request**

7:15 p.m. Acting Mayor O'Driscoll opened the public hearing to consider the amendment to the PUD for SilverCrest Properties. O'Driscoll explained the procedures for the hearing.

On behalf of Anderson Development and Silvercrest Properties, LLC, Sartell, Community Development Director, Anita Rasmussen explained the request for a conditional use permit amendment to accommodate for a change in land uses within their approved Planned Unit Development.

Anita presented the following background: On July 23, 2001 the Council approved a CUP/PUD, which called for a mixed senior living campus, which would provide for cooperative, assisted and independent living accommodations for seniors. The overall property size is approximately 19.73 acres. The first phase of the PUD was undertaken with the construction of the Silver Oaks Townhomes located on the easterly side of the property. The central and westerly part of the PUD contained an assisted and independent apartment complex, which received site plan approval, but a building permit was not submitted to the City. This phase was to accommodate for a 240,000 square foot building with 159 units of assisted living units, independent living units and a wellness center.

The portion of PUD which is being amended concerns the westerly 10 acres. The request is to amend the use from higher density residential to medical and professional office use. No commercial or retail uses will be allowed. Requirements shall follow those regulations as guided by the B-3 zoning district which includes building facades, materials and construction type, parking screening accessory buildings as well as lighting, fire code and landscaping issues.

Staff and the Joint Planning Commission recommend approval of the PUD/CUP amendment.

No written statements either in favor or against awarding the Conditional Use Permit were received by staff.

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

Council member Orndorff mentioned his concern of approving this amendment and leaving a "pocket" of residential homes in the middle of a medical office complex.

Council member Perske talked about his concern of keeping the buildings aesthetically pleasing to the surrounding area. Mr. Anderson of Anderson Development stated they plan on presenting architectural sketches for Council's approval at the site plan review time.

Resolution approving findings of fact for approval of a conditional use permit amendment

A MOTION WAS MADE BY BEUTEL AND SECONDED BY PERSKE ADOPTING RESOLUTION 188-06 APPROVING THE FINDINGS OF FACT RELATING TO A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT IN AN R-5 PLANNED UNIT DEVELOPMENT DISTRICT.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

Resolution approving an amendment to the Silvercrest Senior Campus conditional use permit

A MOTION WAS MADE BY ORNDORFF AND SECONDED BY BEUTEL APPROVING RESOLUTION 189-06 ADOPTING CONDITIONAL USE PERMIT ADMENDMENT IN THE SILVERCREST SARTELL CAMPUS REQUIREMENTS WITHIN AN R-5 PLANNED UNIT DEVELOPMENT.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE

NAY: NONE

MOTION CARRIED

OLD BUSINESS

John Shardlow, Vice President for DSU/Bonestroo presented the development scenarios review for the Highway 15 AUAR area. Mr. Shardlow outlined the AUAR process including additional agency and citizen input throughout the process.

AUAR Process Phase I – Define AUAR Scope

- Review scope with Agencies & Citizen Groups
- Receive written scoping comments from DNR and citizens
- Follow-up meeting with Wetland Conservation Act Technical Evaluation Panel

AUAR Process Phase II – Define Development Scenarios

- Prepare Draft Scenarios
- Public Open House
- Joint Planning Commission Meeting – recommendation to City Council
- Presentation to City Council
 - Select AUAR Boundary
 - Select Development Scenarios

- Order the preparation of the AUAR

AUAR Process Phase III – Prepare Draft AUAR

- After the Sartell City Council Orders the AUAR, the team will prepare the Draft AUAR & Mitigation Plan
- Preliminary DAUAR Review

AUAR Process Phase IV – Draft AUAR Public Review

- Joint Planning Commission Review
- City Council Review & authorize distribution for the 30-day Public Comment Period
- 30-day Public Comment Period

AUAR Process Phase V & VI

- After the 30-day comment period, prepare response to comments
- Revise AUAR & Mitigation Plan
- City Council review and authorize distribution for 10-day public review/objection period
- State agencies can file an objection to the final AUAR & Mitigation Plan

Resolution authorizing the AUAR with development scenarios 1a, 1b, and 2

**A MOTION WAS MADE BY ORNDORFF ADOPTING RESOLUTION 190-06 ORDERING AN ALTERNATIVE URBAN AREA WIDE REVIEW OF CERTAIN PROPERTIES WITHIN SECTION 34 AND 35 TOWNSHIP 125 NORTH, RANGE 28, WEST, STEARNS COUNTY, MINNESOTA. THE MOTION WAS SECONDED BY BEUTEL. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
 AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE
 NAY: NONE
 MOTION CARRIED**

Joint resolution with LeSauk Township establishing Responsible Governing Unit (RGU) for an Alternative Urban Area wide Review (AUAR) on certain properties

**A MOTION WAS MADE BY BEUTEL ADOPTING RESOLUTION 191-06 ESTABLISHING THE RESPONSIBLE GOVERNMENTAL UNIT FOR AN ALTERNATIVE URBAN AREA WIDE REVIEW ON CERTAIN PROPERTIES WITHIN SECTION 34 AND SECTION 35. THE MOTION WAS SECONDED BY PERSKE. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
 AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE
 NAY: NONE
 MOTION CARRIED**

Amendment of contract for services for expanded AUAR scope

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY BEUTEL APPROVING A CONTRACT FOR SERVICES FOR THE EXPANDED AUAR SCOPE TO DSU/BONESTROO. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:
 AYE: BEUTEL, O'DRISCOLL, ORNDORFF, PERSKE
 NAY: NONE
 MOTION CARRIED**

Council member Orndorff left the meeting at 8 p.m.

NEW BUSINESS

a. Site plan amendment for Pine Cone Square

Community Development Director, Anita Rasmussen presented the revised site plan on behalf of Ken Olson to construct an office center on the corner of Pine Cone Road and Troop Drive. The site is proposed to have one primary access from Troop Drive.

The site area consists of 5.29 acres with 4 buildings on 2 lots. The buildings are proposed to be 28 feet tall and constructed of colored face block and asphalt shingles. The site plan shows 37 total trees and 157 shrubs. All driveways, off-street parking areas, maneuvering areas and display areas are proposed to be paved with concrete or bituminous and finished concrete curbing. The city ordinance requires 167 parking spaces and the applicant is proposing an additional 243 parking spaces. A cross parking easement agreement will need to be drawn and a copy of the agreement will need to be supplied to the City. The plan proposes three exterior dumpster enclosures with the adjoining property. A lighting plan has been submitted with no wall packs or wall lighting. Eight parking lot lights are proposed. Consideration should be given to the placement of the mechanical equipment. If this equipment is to be located on the ground, landscaping techniques should be utilized to screen the equipment from most views.

The following is recommendations from staff and the Joint Planning Commission:

1. All comments and concerns by the Engineering Department and Fire Department are met.
2. A cross parking easement agreement will need to be drawn and a copy of the agreement will need to be supplied to the City.
3. Revised landscaping plan is submitted for review if necessary.

Council member Beutel talked about the review of this plan at the Joint Planning Commission level stating that he is comfortable with this revised plan.

A MOTION WAS MADE BY PERSKE AND SECONDED BY BEUTEL APPROVING THE SITE PLAN FOR PINE CONE SQUARE AS PRESENTED PROVIDED THE ABOVE LISTED STAFF RECOMMENDATIONS ARE MET.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

DEPARTMENT REPORTS

Police Department

Chief Hughes updated the Council regarding an incident where one of the police officers needed medical attention after an altercation while transporting a criminal.

Chief Hughes talked about the process the department will be using to notify residents of parking regulations starting November 1st. The police will attempt to give warnings, however if it snows a significant amount and vehicles are parked on the streets during the hours of 1 a.m. to 7 a.m., they will be towed to allow the maintenance crew time to clear the streets.

Public Works

Director, Brad Borders reported on the salt/sand which has been received and that the department is ready for inclement weather when it happens.

City Engineer

Assistant City Engineer, Brian Davies discussed on-going projects and expected timeframes for completion for some of the projects. Brian reported that Bauerly's will do repairs on Riverside Avenue tomorrow and the final lift is expected to be installed spring 2007. Brian also reported that the curb from 5th Street to Riverside Avenue is expected to be installed tomorrow.

Council member Beutel called Brian's attention to areas on Riverside Avenue in need of repair.

City Administrator

City Administrator, Patti Gartland reported that there is now an ad running continuously on cable channel 19 with information regarding the ½ cent sales tax issue for Sartell residents. Patti also reminded the Council that the City will be hosting an Open House tomorrow evening regarding the sales tax.

There will be a state candidate forum at Waite Park City Hall on Tuesday, October 24 starting at 3 p.m.

Patti reported on the calls she has received from residents regarding train whistles and requests to have Sartell participate in a study for evaluation of train whistle quiet zones.

Acting Mayor O'Driscoll reported that he also has received some calls regarding train whistles, however the trains are currently sounding their whistles outside the city limits.

Council member Beutel opposes silencing train whistles at any crossing. Taking into account the loud music, head phone sets, and cell phones being used by so many drivers while crossing train tracks, Beutel feels the whistles could save lives and they should stay in existence for safety reasons. Both council member O'Driscoll and Perske agreed.

CITY COUNCIL UPDATE – MISCELLANEOUS BUSINESS

Council member Perske reported that the girls soccer team qualified for State and will be playing on Saturday. Perske ask if a Sartell Fire truck could escort them out of town, suggestion was made to contact the Fire Chief.

Acting Mayor, O'Driscoll reminded Council members of the sales tax open house meeting scheduled for October 24th at 6 p.m. as well the Area Joint Cities meeting on November 14th at 5:30 p.m., both to be held at Sartell City Hall.

Chief Hughes discussed procedures to be taken at Council meetings if a guest would become disorderly, physical and/or threatening during a meeting.

PAY ALL VOUCHERS

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

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

ADJOURN

A MOTION WAS MADE BY BEUTEL TO ADJOURN THE MEETING AT 8:35 P.M.

THE MOTION WAS SECONDED BY PERSKE.

UPON VOTE BEING TAKEN THE FOLLOWING VOTED:

AYE: BEUTEL, O'DRISCOLL, PERSKE

NAY: NONE

MOTION CARRIED

Judy Molitor
Administrative Secretary

MAYOR