

**SARTELL CITY COUNCIL MEETING**

**MINUTES OF SEPT. 11, 2006**

**17TH MEETING**

Pursuant to due call and notice thereof, the 17th meeting of 2006 was held on September 11, 2006 in the council chambers of the Sartell City Hall. Mayor Pogatshnik called the meeting to order at 7:00 p.m.

**COUNCIL PRESENT:** Mayor Pogatshnik Council members: O’Driscoll, Orndorff, Beutel  
**COUNCIL ABSENT:** Council member Perske  
**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

Mayor Pogatshnik asked for a moment of silence to remember those who lost their lives 5 years ago today.

**PLEDGE OF ALLEGIANCE**

**AGENDA REVIEW AND ADOPTION**

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY O’DRISCOLL ADOPTING THE AGENDA AS AMENDED.**

**UPON VOTE TAKEN THE FOLLOWING VOTED:**

**AYE: POGATSHNIK, O’DRISCOLL, ORNDORFF, BEUTEL**

**NAY: NONE**

**MOTION CARRIED**

**CITIZEN COMMENDATION**

Police Chief, Jim Hughes explained his recommendation to award the citizen commendation award to Sandy Wolter. Chief Hughes explained the circumstances on the day when Sandy Wolter, driving down the street, heard someone calling for help and responded to the call. Sandy assisted a resident who had fallen on his front steps and after calling 911, stayed with the resident until help arrived. Sandy went out of her way to help a stranger, and for that reason, Police Chief presented her with the award.

**APPROVAL OF THE CITY COUNCIL MINUTES**

**A MOTION WAS MADE BY O’DRISCOLL AND SECONDED BY ORNDORFF APPROVING THE CITY COUNCIL MINUTES OF THE AUGUST 28 REGULAR MEETING, THE AUGUST 28, 2006, AUGUST 30, 2006 AND SEPTEMBER 5, 2006 SPECIAL MEETING MINUTES.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: POGATSHNIK, O’DRISCOLL, BEUTEL, ORNDORFF**

**NAY: NONE**

**MOTION CARRIED**

**CONSENT AGENDA**

- a. August Building Inspectors Report – Acceptance
- b. August Fire Marshal/Code Official Report – Acceptance
- c. August Finance Directors Report – Acceptance
- d. Approval of resolution approving petitioned annexation of Glen Lauer property
- e. Approval of ESA scientist appointments

- f. Approval of resolution approving proposed 2007 general fund budget and preliminary tax levy collectible in 2007
- g. Approval of resolution setting the truth-in-taxation hearing date for 6 p.m., December 4, 2006 and the continuation hearing for 7 p.m. on December 11, 2006
- h. First reading and setting public hearing for September 25, 2006, on Sewer Use Code amendments
- i. Approval to set a public hearing for November 13, 2006 on the 2007 –2011 Capital Improvement Plan and 2007 Fee Schedule
- j. Approval of low quote for budgeted Police Station emergency generator gas piping
- k. Approval of resolution approving premises permit renewal application for G Allen's Restaurant & Sports Bar/Gymnastics Booster Club of St. Cloud
- l. Acceptance of snowmobile trailer donation from Dave Kuefler for Police Department
- m. Approval of low quote for southwest area well exploration services for test drilling
- n. Approval of resolution ordering improvements and directing preparation of plans and specifications for 320808 River Oaks Lane
- o. Approval of resolution placing ½ percent sales and use tax continuation questions on the 2007 general election ballot.
- p. Resolution Accepting and Approving a Petitioned Annexation Request – Bernard Williams
- q. Preliminary Approval for Block Party in 900 Block of 5<sup>th</sup> Avenue East on Sept. 16<sup>th</sup> from noon-10 p.m. (contingent upon neighbor signatures)

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY BEUTEL APPROVING  
CONSENT AGENDA ITEMS A-Q**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**PUBLIC HEARINGS**

**a. Assessment hearing for 2006 capital improvements – phase 2**

7:12 p.m. Mayor Pogatshnik opened the public hearing and explained how the hearing would be conducted. The meeting was turned over to the City Engineer for presentation.

Assistant City Engineer, Brian Davies highlighted the areas of Sartell involved with the projects in phase 2 and explained the assessment amounts for street improvements with or without curb, storm sewer, sidewalk and curb & gutter improvements. Estimated project cost is \$947,716.54, assessed to property owners \$196,411.79, leaving a total cost to the city of \$751,304.75.

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

Bill Smoley, representing his mother's property at 103 4<sup>th</sup> Avenue North, Sartell, objects to the \$4,128.00 assessment due to the lack of benefit to her property. Smoley understands the fair market assessment if every property owner benefited, however, according to Smoley, his mother had no problems with the street breakup or water ponding on the street ahead of her home. Smoley said he would find it hard to believe the value of his mother's property increased by the amount of the assessment and that even at a \$1500.00 assessment, isn't sure her home value would increase that much. Smoley also stated that he felt the reason for the road repair was for convenience for the church and the sidewalk. At the beginning of the project, photo's were taken of the areas of town in need of repair and there were no photo's of the street ahead his mother's house, Smoley said. The written objection from Bill Smoley and his Mother Ann, was included as part of the record.

After Mr. Smoley's objection to the project for street repairs on 4<sup>th</sup> Avenue North at the May 8, 2006 public hearing, a representative of the Engineer's office took pictures of the street in front of Ann Smoley's

home at 103 4<sup>th</sup> Avenue North. Engineer Brian Davies explained that those pictures were presented to the Public Works Commission and deterioration and the need for street repair was discussed and recommended.

Finance Director, Mary Degiovanni was asked to explain the appeal process, for the benefit of anyone objecting to the assessment, if the Council elected to adopt the assessment roll.

Council member Orndorff, also chairman of the Public Works Commission, stated that this issue did come back to the Commission with pictures. The Public Works Commission determined that the street reconstruction was a needed project due to deteriorating bituminous.

Don Burggraff, 308 High Drive, Sartell, objects to the project because his benefit does not equal the assessment. He does see some benefit, however not \$6,000 worth and stated that he possibly benefited \$4,000 at the maximum. Burggraff reported the he did not get an approach for a driveway.

Council member O’Driscoll asked both Smoley and Burggraff how they arrived at a lower cost for the assessments. Neither resident had an appraisal of the affected property, however felt they didn’t benefit by the assessed amount.

Finance Director, Mary Degiovanni explained the options available to the Council to either table action or adopt the assessment roll and then residents could go through the appeal process if they feel the assessments are too high.

7:37 p.m. Mayor Pogatshnik closed the hearing.

Council member O’Driscoll stated that he is uncomfortable with negotiating prices arbitrarily at this stage of adopting an assessment roll and the precedence it could set for future Capital Improvement projects. O’Driscoll would like more evidence if the assessment amount benefits the property.

**Resolution adopting assessments for 2006 capital improvements – phase 2**

**A MOTION WAS MADE BY O’DRISCOLL TO TABLE ACTION ON ADOPTING THE ASSESSMENT ROLL UNTIL THE SEPTEMBER 25, 2006 CITY COUNCIL MEETING TO ALLOW RESIDENTS TIME TO JUSTIFY THEIR POSITION ON A LOWER ASSESSMENT RATE, EITHER IN WRITING OR IN PERSON. MOTION FAILED FOR LACK OF A SECOND.**

Council member Orndorff shared his thoughts on treating property equally for assessments based on the same square footage of the property, same improvements and the same assessment rate. Orndorff would not favor lowering one assessment based on a verbal or written objection and not lowering all the like properties.

Council member O’Driscoll said he agreed with Orndorff’s comment however felt the process could be treated similar to the Board of Review, whereby the City Assessor could review the property to justify the assessed amount.

**A MOTION WAS MADE BY ORNDORFF APPROVING RESOLUTION 164-06 ADOPTING ASSESSMENT 2006 CAPITAL IMPROVEMENTS PHASE 2 AS PRESENTED. THE MOTION WAS SECNDED BY BEUTEL  
UPON VOTE BEING TAKEN THE FOLLOWING VOTED:  
AYE: POGATSHNIK, ORNDORFF, BEUTEL  
NAY: O’DRISCOLL  
MOTION CARRIED**

**b. Assessment hearing for Riverside Avenue North/15<sup>th</sup> Street North improvements**

8 p.m. Mayor Pogatshnik opened the public hearing to consider improvements for Riverside Avenue North/15<sup>th</sup> Street North and turned the meeting over to the Assistant City Engineer.

Engineer, Brian Davies presented the assessment roll for the project and explained the cost associated with street, lateral sanitary sewer and water main, sanitary, water and storm sewer installation. The estimated project cost is \$1,515,269.90. Because this is a state aid project, participation amount from Stearns County is estimated to be \$271,426.30, estimated proposed assessment proceeds will be \$182,052.18 and the balance of \$1,061,791.43 is the estimated city cost.

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

Martin Neu, 1585 Riverside Avenue North, Sartell, questioned the amount of assessment for sewer when he has already paid a sewer assessment when he hooked up a couple of years ago. It was determined that Neu's sewer assessment has been paid and \$5,076.90 will be removed from his assessment.

8:10 Mayor Pogatshnik closed the hearing.

**A MOTION WAS MADE BY O'DRISCOLL APPROVING RESOLUTION 165-06 ADOPTING THE ASSESSMENT ROLL FOR RIVERSIDE AVENUE NORTH/15<sup>TH</sup> STREET NORTH WITH THE CORRECTION TO THE MARTIN NEU'S ASSESSMENT AS DISCUSSED. THE MOTION WAS SECONDED BY ORNDORFF.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

#### **OLD BUSINESS**

##### **Consultant selection for environmental assessment for east-west collector and 50<sup>th</sup> Avenue corridors**

Anita explained the process to select a firm in assisting the City with transportation planning and the official mapping needs for the east/west collector (Robert's Road) and the 50<sup>th</sup>/4<sup>th</sup> Avenue alignment areas. Anita recommended the City contract with WSB for their services.

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY BEUTEL APPROVING THE SERVICES OF WSB TO CONDUCT AN ENVIRONMENTAL ASSESSMENT STUDY OF 50<sup>TH</sup> AVENUE AND ROBERT'S ROAD.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

#### **NEW BUSINESS**

##### **a. Resolution approving the final plat and development agreement for Madison Crossing III**

Anita presented the request for final plat approval on behalf of Viking Development for Madison Crossing III. The plat is located west of Pine Cone Road and North of County Road 133. The address will be 430 Victory Avenue.

The final plat is consistent with the approved preliminary plat.

The Planning Commission and Staff recommends approving the plat on the following conditions being met:

1. Future site plans within the final plat will need to conform to R-3, B-1 and the Wetland ordinance standards.
2. Pending any comments from Stearns County Engineer/ Public Works

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY BEUTEL ADOPTING RESOLUTION 166-06 APPROVING THE FINAL PLAT AND DEVELOPMENT AGREEMENT FOR MADISON CROSSING PLAT 3.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**b. Site Plan – Prairie Meadow Apartments**

Anita presented the site plan for Prairie Meadow Apartments on behalf of Equity Investments for approval. This site is proposed to have two accesses off Victory Avenue. The site area is approximately 5 acres. The proposed apartment building is for 78 total apartments. Setbacks should follow the typical R-3 Multiple Family Residence standards and meet the minimum setback requirements.

The applicant is providing 39 total trees and 488 shrubs and 208 total parking spaces, all of which meets or exceeds the City's requirements. Berming and vegetation requirements for parking spaces along a roadway have been met.

A lighting plan has been submitted to the City. Six pole lights are proposed within the site. No wall packs are proposed on the building. There are two flood lights proposed for the signage.

One entrance sign is proposed along the westerly boundary on Victory Avenue. Total square footage for the sign is 24 square feet.

The apartment is permitted by the Conditional Use Permit.

The Joint Planning Commission and Staff recommend approval based on the following conditions being met:

1. A Dama Box must be provided along with the keys to provide access to all portions of the building and exterior storage areas including garages. The location will need to be approved by the local Fire Marshal.
2. This building will be considered full NFPA 13 sprinkler system so no access road will be required.
3. Hydrants will be placed along all public streets with a maximum spacing of 500'. On-site hydrants are not shown on plans. Plans showing on-site hydrants, fire suppression and fire detection systems need to be submitted to the State Fire Marshals Office and local Fire Marshal.
4. Fire safety during construction will be governed by Chapter 14 of the MSFC.
5. There are no plantings proposed for the northerly side of the property, which adjoins the residential homes. There should be some re-allocation of coniferous trees to help screen the building from the residential homes.
6. Alternative sign lighting will need to be submitted as flood lights are not allowed per code.
7. A 2 inch copper water service is shown on the utility plan. If a water service line larger than 1 ½ inches is needed, it will be necessary to construct the line with ductile piping.
8. A Land Disturbance Permit application will need to be submitted for approval prior to issuance of a building permit.
9. Park dedication requirements are paid prior to the issuance of a building permit.

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY O'DRISCOLL APPROVING THE SITE PLAN FOR PRAIRIE MEADOW APARTMENTS PROVIDED THE NINE RECOMMENDATIONS BY STAFF AND THE JOINT PLANNING COMMISSION ARE MET. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**c. Site Plan – Sandstone Village townhome**

Planning and Community Development Director, Anita Rasmussen presented the site plan for Sandstone Village for approval for Sandstone Village Townhomes. The proposed townhome "A" will be 27 ft. high and consists of 9 units, Townhome "B" will be 29 ft. high and contain 6 units, Townhome "C" will be 29 ft. high and contain 4 units, Townhome "D" will be 34 ft high and contain 8 units and Townhome "E" will be 27 ft. high and contain a quad home unit.

Each unit is proposed to have 2 trees and 6 bushes with additional landscaping and screening along the south/easterly boundary line.

The townhomes will be constructed of vinyl lap siding, pre-finished metal fascia, trims and soffits. There will also be rock faced block and vinyl shake siding at harbor points. The exterior colors will alternate between green, red, blue and brownstone.

City code requires all driveways, off-street parking areas, maneuvering areas and display areas to be paved with concrete or bituminous and finished concrete curbing. The parking requirements for apartments are 2.5 spaces per unit. Each unit will have a 2-stall garage and driveway, which meets the minimum parking requirements.

The structure lighting will be recessed lights in the soffit of the garage and porch areas. A street lighting plan has been submitted for the roadways.

The townhomes units are permitted by the Conditional Use Permit.

The Joint Planning Commission and Staff recommend that the site plan be approved if the following conditions are met:

1. A land disturbance permit application will need to be submitted for approval prior to issuance of a building permit.
2. The berm on the southeast corner of the site plan will need to have the contours labeled.

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY O'DRISCOLL APPROVING THE PRAIRIE MEADOW APARTMENTS SITE PLAN.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**DEPARTMENT REPORTS**

**Police Department**

**Monthly Activity Report**

Chief Hughes presented his monthly activity report.

**A MOTION WAS MADE BY BEUTEL AND SECONDED BY O'DRISCOLL ACCEPTING THE POLICE DEPARTMENT ACTIVITY REPORT.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**Public Works**

**Monthly Activity Report**

Public Works Director, Brad Borders presented his report.

**A MOTION WAS MADE BY O'DRISCOLL AND SECONDED BY BEUTEL ACCEPTING THE PUBLIC WORKS REPORT.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**City Engineer**

Assistant City Engineer, Brian Davies presented his memorandum and specifically discussed the traffic signal at Pine Cone Road and County Road 120. Brian intends to contact Mitch at the County for a progress report and will e-mail the Council with an update.

**Planning & Community Development Director**

Director, Anita Rasmussen presented her memorandum. A letter from the President of the League of Women Voters regarding supporting a human rights office in St. Cloud was given to all Council members as requested.

**CITY COUNCIL UPDATE – MISCELLANEOUS BUSINESS**

Council member Orndorff asked for an update on Winners. Anita explained some of the issues with Winners and the Health Department and the Fire Inspector. Anita will follow-up.

**PAY ALL VOUCHERS**

**A MOTION WAS MADE BY O'DRISCOLL AND SECONDED BY ORNDORFF APPROVING THE PAYMENT OF ALL VOUCHERS.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**ADJOURN**

**A MOTION WAS MADE BY ORNDORFF AND SECONDED BY O'DRISCOLL TO AJOURN THE MEETING AT 8:50 P. M.**

**UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

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

**NAY: NONE**

**MOTION CARRIED**

**Minutes By:**

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**Judy Molitor**  
**Administrative Secretary**

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**MAYOR**