

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

September 12, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 12, 2011 at 6 p.m. in the City Council Chambers; and a Moment of Silence for our men and women serving in the Armed Forces.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Goerger, Gohman, Hontos, Johnson, Libert, and Masters. Councilmember Berg was absent.

### Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEEETING HELD AUGUST 8, 2011.** ACTION TAKEN: Approved.
6. **RESOLUTION SETTING DECEMBER 5, 2011, FOR THE PUBLIC HEARING ON THE 2012 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-9-116.
7. **APPLICATION FOR A TOBACCO LICENSE FOR AHMEND S. MOHAMAUD DBA ONE STOP ONLY, 3429 3<sup>RD</sup> STREET NORTH.** ACTION TAKEN: Item was withdrawn by staff.
8. **APPLICATION BY THE DOWNTOWN COUNCIL FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE TO BE USED ON THE SIDEWALK IN FRONT OF THE PARAMOUNT THEATER ON OCTOBER 8, 2011.** ACTION TAKEN: Approved pending receipt of favorable reviews from the Fire and Health Departments.

9. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR SEPTEMBER 26, 2011, TO CONSIDER REPLACEMENT OR REPAIR OF DEFECTIVE SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-9-117.
10. **RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 26, 2011, TO CONSIDER PREFERRED ALIGHMENT FOR THE BEAVER ISLAND TRAIL PHASE #4 IMPROVEMENTS AND ACQUISITION OF ASSOCIATED RIGHT-OF-WAY AND CONSTRUCTION EASEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-9-118.
11. **AN ORDINANCE AMENDING SECTION 440:00 SUBDIVISION 2 (REGULATION OF FOOD AND BEVERAGE ESTABLISHMENTS, CATERING, RETAIL FOOD SERVICE, AND VENDING MACHINES), SECTION 440:10 (SIDEWALK CAFES), SECTION 440:25 (COMPLIANCE PROCEDURES), SECTION 635:50 (USES IN THE CENTRAL BUSINESS DISTRICT), SECTION 800 (3.2 PERCENT MALT LIQUOR), SECTION 810:05, SUBDIVISION 9 (SEASONAL OUTDOOR SALES), SECTION 511 (LIQUOR LICENSING FEES), AND SUBDIVISION 512 (FOOD ESTABLISHMENTS LICENSES AND PERMITS) OF THE 2007 CODE OF ORDINANCES RELATED TO UTILIZATION OF DOWNTOWN SIDEWALKS.** ACTION TAKEN: Reading and public hearing were set for September 26, 2011. Assigned proposed ordinance number 2011-19.
12. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS, ADVERTISEMENT OF BIDS AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT TO COMPLETE THE SAUK RIVER CROSSING SEWER INTERCEPTOR SYSTEM IMPROVEMENT PROJECT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-9-119.

13. **APPROVAL OF ADDENDUM 1 TO THE ARCHITECT/ENGINEERING AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND MEAD & HUNT, INC., FOR PROFESSIONAL AVIATION CONSULTING SERVICES. ACTION TAKEN: Approved.**
14. **AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE A GRANT AGREEMENT FOR FEDERAL FUNDS FOR THE MASTER PLAN UPDATE, PURCHASE OF FRONT END LOADER AND RUNWAY GUARD LIGHTS AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.**
15. **AUTHORIZE THE MAYOR AND CITY CLERK TO PURCHASE A FRONT END LOADER AND RADIO ACCESSORIES FOR THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.**
16. **REQUEST TO SET A PUBLIC HEARING FOR SEPTEMBER 26, 2011, TO APPROVE THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2010 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT. ACTION TAKEN: Public hearing was set for September 26, 2011.**
- 16B. **ADD-ON: RESOLUTION OFFERING MUNICIPAL CONSENT FOR TRUNK HIGHWAY 15 AND CSAH 120 INTERCHANGE LAYOUT. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-9-129.**

**Open Forum:**

No one testified.

**Public Hearings:**

17. **PUBLIC HEARING ON (A) APPLICATION FOR SEASONAL OUTDOOR SALES OF LIQUOR; AND (B) EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN ANNIVERSARY PARTY TO BE HELD ON SEPTEMBER 24, 2011 FROM NOON – 11 P.M. AT BEAUDREAU'S BAR, 414**

**EAST ST. GERMAIN.** Item was withdrawn by applicant.

18. **RESOLUTION CERTIFYING DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2012.** Pat Shea, Public Services Director, gave a brief overview. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Goerger/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-120.
19. **RESOLUTION CERTIFYING DELINQUENT TREE REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2012.** Steve Foss, City Engineer, gave a brief description and noted that there were two outstanding accounts. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Masters/Goerger moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-121.
20. **RESOLUTION CERTIFYING DELINQUENT UTILITY BILLS TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2012.** Gregg Engdahl, City Clerk, presented and overview and noted that of the 1262 accounts listed, 670 were for \$12 Storm/sewer accounts that were billed last year. He also noted that account #74861 on the list has been paid and should be removed. Council President Libert opened the public hearing. The following individuals testified:

**Kenneth Lorentz 1221 S. 16<sup>th</sup> St.** He stated that his water has been shut off for 2 years and he keeps getting charged for his water. He said he called the Attorney General and stated that he was told he shouldn't be getting charged.

**Donaciau Mordinal 921 12<sup>th</sup> Ave. S.** He stated that he is being charged a utility bill of which was processed during a time which he did not own the property.

**Adam Zellmer 406 7<sup>th</sup> Ave. S.** He is a student at SCSU. He noted that he will pay the bill once he gets his financial aid.

**David Kunding 1232 35<sup>th</sup> Ave. N.** Mr. Kunding have a bill for property that his ex-wife is responsible to pay according to the divorce decree.

**Josh Schmidt** 817 16<sup>th</sup> Ave. S. Mr. Schmidt has financial issues at the present time. He can pay it if there is a payment agreement as an option.

Council President Libert closed the public hearing. Those individuals with concerns were advised to speak with Mr. Engdahl. Hontos/Goerger moved approval of all except those whom contested their charges. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-122.

21. **RESOLUTION CERTIFYING DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2012.** Lisa Schreifels, Health Director, presented an updated list of citations. Council President Libert opened the public hearing. The following individual testified:

**Kenneth Lorentz** 1221 S. 16<sup>th</sup> S. Mr. Lorentz stated that there was a fire at his house. He was injured and hasn't been able to do the work. His neighbors have done some of the work. He also noted that he has received many citations. He also has financial issues and does not have any money to pay the fines.

Ms. Schreifels responded to the concern of Mr. Lorentz and noted that the Health Department went above and beyond what they are required in regard to notification. Goerger/Gohman moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-123.

22. **RESOLUTION CERTIFYING THE DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2012.** Lisa Schreifels, Health Director, presented an updated list of delinquent accounts. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Gohman/Johnson moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-124.

23. **RESOLUTION CERTIFYING THE DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2012.** Lisa Schreifels, Health Director, presented an updated list on the delinquent accounts. Council President Libert opened the public hearing. The following individual

testified:

**Scott Skallerud 2021 1<sup>st</sup> St. S.** Mr. Skallerud is speaking on behalf of Thomas Richardson – 314 Wilson Ave. NE. Mr. Richardson received a citation for a nuisance on his garage – which suffered a fire. Mr. Richardson was attempting to save the siding from the garage and stacked it next to his house. He was then informed by the City that they would be hiring a contractor to remove rubbish that he is not attending to. His claim is that the contractor took the siding and other items that have a dollar value of over \$800. He was then billed \$1200 for clean-up. He makes the claim that he already cleaned up the property and has receipts.

Council President Libert closed the public hearing. Mr. Skallerud and Mr. Richardson will be contacted by Administration to resolve the issues. Masters/Goerger moved approval less the Richardson property. Motion carried unanimously. Resolution was adopted and assigned 2011-9-125.

24. **RESOLUTION ESTABLISHING A COMPLETE STREETS POLICY FOR ST. CLOUD, MINNESOTA.** Mayor Kleis presented an overview of the policy and noted that it was reviewed at a City Council Study session. Mayor Kleis expressed his support, along with Administration, for this policy. He also mentioned that this was approved at the Area Planning Organization. Matt Glaesman, Community Development Director, gave a brief presentation on where this initiative began and what has developed and been brought forward to the Council. Council President Libert opened the public hearing. The following individuals testified:

**Tracy Ore 214 3<sup>rd</sup> Ave. S.** Ms. Ore spoke in support of the policy. She expressed her concern that there needs to be education for the public (drivers) on cyclists/walkers.

**William Langen 407 8<sup>th</sup> Ave. S.** Mr. Langen spoke in favor of the policy and made a note about the legal rights of pedestrians. He feels that the citizens of St. Cloud need to change their way of thinking in regard to pedestrians.

**Joan Vincent 1005 Borgert Ave.** Ms. Vincent spoke in support of the policy. General comments.

**Bruce Skalbeck 1916 13<sup>th</sup> St. S.** Mr. Skalbeck spoke in support of the policy. He enjoys riding bike in St. Cloud, particularly on the trails. He also

mentioned that he is a long time supporter of transit.

**Joyce Pohl**            **118 22<sup>nd</sup> Ave. N.** Ms. Pohl spoke in support of the policy. She moved here from Chicago and feels that St. Cloud is currently pedestrian unfriendly.

**Holly Santiago**        **832 15<sup>th</sup> Ave. S.** Ms. Santiago spoke in support of the policy. She feels that this policy is good for bikers and drivers and that the public needs education.

**Ellen Mork**            **1013 Borgert Ave. S.** Ms. Mork spoke on behalf of the League of Women Voters and noted their support of the policy. She feels that the City needs this type of sustainable land use planning.

Dave Smith            909 Celebration Circle, Sartell. Dr. Smith spoke on behalf of CentraCare BLEND and noted their support of this policy. BLEND was established to combat childhood obesity. The organization feels strongly about this policy and its effort to get people active in the community, specifically children.

**Michael Doyle**        **19112 295<sup>th</sup> St., Avon, MN.** Mr. Doyle is a member of the Bicycle Alliance of MN which strongly supports this policy.

**Jim Viarzba**            Chairman of the Bicycle/Pedestrian Advisory Committee to the APO. He spoke in support of the policy.

**Donald Justin**        **805 17<sup>th</sup> Ave. S.** General comments.

**Carolyn Martin**        **1708 Kilian Blvd.** Ms. Martin spoke in support of the policy but asks the City to be contentious of historic neighborhoods.

**Ken Grinzell**            **323 Cooper Ave. N.** Mr. Grimell spoke in support of the policy. He feels that the town is not pedestrian friendly.

**Marge Pryately**        **1016 8<sup>th</sup> St. S.** Ms. Pryately spoke in support of the policy. She currently walks to work and feels that current streets could also be more pedestrian friendly.

**Steve Ludwig**        **720 4<sup>th</sup> Ave. S.** On behalf of SCSU, Mr. Ludwig spoke in support of the policy. He also spoke in support on behalf of himself.

**Nancy Stigaard**        **1633 SE 13<sup>th</sup> Ave.** Ms. Stigaard expressed her concern that current roads should be fixed first. She also mentioned that she doesn't feel that round-a-bouts are good for bikers.

**Wendy Schoen**        **406 Riverside Dr. NE.** Ms. Schoen spoke in support of the

policy. She is a member of the NE Wilson Park Association. They have not taken a position on complete streets; however, many in the neighborhood are concerned about having safe passage ways for bikers and pedestrians.

**Jane DeAustin**      **1124 W. St. Germain.** Ms. DeAustin spoke on behalf of the CMBA. She has a variety of questions in regard to the process, the cost, who is responsible for the cost/maintenance/etc. She questioned how the policy would change the process of developing new neighborhoods and commercial areas. She also questioned the effect on park dedication fees, why the City is acting before MnDOT and the reason for the change in policy.

**Nancy Bellmont**      **2859 Aurora Ct.** Ms. Bellmont spoke in support of the policy. She stated that she doesn't feel safe riding her bike in the City. She usually transports it to outside the City to a trail to ride.

**Pat Morin**      **917 13<sup>th</sup> Ave. SE.** Ms. Morin commented that safety should be of first concern when constructing street systems.

**Ivan Bartha**      **904 Ranae Ln.** Mr. Bartha spoke in support of the policy. He is concerned about his children and future grandchildren and their safety.

**Michelle Musser**      **1040 Cty. Rd. 4.** Ms. Musser spoke on behalf of the APO and their support. If the City adopts a streets policy the City will be more competitive for grants. This is good for a community and for some walking or biking is a necessity.

**Lowell Olson**      **23 Pandolfo Place.** Mr. Olson spoke in support of the proposal.

Council President Libert closed the public hearing. Masters/Hontos moved approval. Councilmember Masters spoke in favor and questioned how this would affect future developments. Matt Glaesman stated that any design and/or plan would need to come before the Council for approval just as is done currently. Councilmember Hontos expressed a number of concerns including, but not limited to, he feels that this is a redundant policy. His reasoning is that he has supported a number of policies in the past that cover the same issues. These include the Sustainability Plan, the Land Development Code, the Mississippi Corridor Plan, and the Comprehensive Plan. He agrees with the sentiment of the speakers, however, he feels that having another document does not ensure safety for biker and pedestrians. Councilmember Goerger's concern is that adopting this policy may have a negative impact on private business by having another



layer of regulation, which in return may cause additional costs for builders and/or developers. Councilmember Gohman stated that she feels all of the items in the policy are currently being done and it is redundant. She is also concerned that there isn't enough information on whether or not there will be additional costs. Councilmember Johnson is in favor of the policy, but has concerns whether it will bring additional costs. Mayor Kleis noted that adopting the policy doesn't commit the City to having additional costs nor does it mandate any costs onto developer/builders. He spoke to the fact that it is a "policy" and projects will still need to come before the City Council. Council President Libert spoke in favor. He also has some concerns but believes that this policy is a complete policy and that it will be positive for the community and will not bring additional costs for private businesses. Motion for approval failed 3-3; Councilmembers Hontos, Gohman, and Goerger voted against.

**New Business:**

- 25A. **RESOLUTION ADOPTING THE PRELIMINARY TAX LEVY AND BUDGET FOR THE 2012 GOVERNMENTAL FUNDS.** Mayor Dave Kleis and John Norman, Finance Director, presented a brief overview of the preliminary tax levy and budget. There will be a public hearing on the tax levy and budget on December 5, 2011. Hontos/Goerger moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-126.
- 25B. **RESOLUTION APPROVING THE SPECIAL TAX LEVY FOR THE ST. CLOUD EDA.** Hontos/Goerger moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-127.
- 25C. **RESOLUTION AUTHORIZING A TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PAYMENT IN 2012.** Gohman/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-9-128.

**Open Discussion:**

- Hontos/Goerger moved reconsideration of the realignment for Beaver Island Trail Phase 3 that was approved at the August 22, 2011 City Council meeting. Motion carried unanimously. This item will be reconsidered at the September 26, 2011 City Council meeting.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 8:41 p.m.

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City Council President

John Libert

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Jennifer Burrows, Recording Council Secretary