

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

OCTOBER 24, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on October 24, 2011, at 6 p.m. in the City Council Chambers.
2. A Moment of Silence was observed for our men and women serving in the Armed Forces.
3. Roll Call. All members were present: Berg, Goerger, Gohman, Hontos, Johnson, Libert and Masters.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MEETING MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 26, 2011.** ACTION TAKEN: Approved.
6. **APPROVAL OF THE 2012 CITY COUNCIL MEETING SCHEDULE.** ACTION TAKEN: Approved.
7. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOTLE MEXICAN GRILL, 211 5TH AVENUE SOUTH.** ACTION TAKEN: A public hearing was set for November 7, 2011.
8. **AN ORDINANCE AMENDING SECTION 700 OF THE 2007 CODE OF ORDINANCES ENTITLED "TRAFFIC AND PARKING REGULATIONS."** ACTION TAKEN: A reading and public hearing for November 7, 2011. (Proposed Ordinance 2011-25)
9. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT TO THE ST. CLOUD SENIOR MENS RUGBY CLUB FOR ACTIVITIES TO BE CONDUCTED AT MCCANN'S FOOD AND BREW, 3320 3RD ST. N.** ACTION TAKEN: Adopted resolution assigned number 2011-10-152.
10. **RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$1,015,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2011A.** ACTION TAKEN: Councilmember Goerger removed the agenda item for discussion. Finance Director John Norman introduced Terry Heaton of Springsted, Inc., who reviewed the results of awarding the General Obligation Equipment Certificates of Indebtedness, Series 2011A, on today's date. She commended St. Cloud for carrying the second highest credit rating (AA+) given by Standard & Poor's. She attributed the high rating to St. Cloud's strong financial management. Seven bids were received representing 22 financial institutions. She provided an award sheet showing the specifics. The bid was awarded to UMB Bank, N.A. Goerger/Masters moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2011-10-153.
11. **RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$1,625,000 GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2011B.** ACTION TAKEN: Councilmember Goerger removed the agenda item for discussion and cited the correct dollar amount of the General Obligation Tax Increment Refunding Bonds, Series 2011B, to be \$1,625,000. Springsted Incorporated representative Terry Heaton announced that these bonds were awarded today's date to low bidder Robert W. Baird & Company, Inc. and Syndicate. She stated that three bids were received representing 17 financial institutions. Following a brief discussion, Goerger/Berg moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2011-10-154.
12. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE FOR AMANDA ROSE CONYERS DBA AS ENER-CHI HEALING & BODYWORKS, 3333 DIVISION ST. W., SUITE 115, ST. CLOUD MN.** ACTION TAKEN: Approved.

13. **ORDINANCE AMENDING ARTICLE 16 - OFF-STREET PARKING AND LOADING TO REDUCE THE OFF-STREET PARKING REQUIREMENT WITHIN THE C4, FRINGE CENTRAL BUSINESS DISTRICT. (LDC-2011-05)** ACTION TAKEN: Set reading and public hearing for November 7, 2011. (Proposed Ordinance 2011-26)

14. **ORDINANCE VACATING SANITARY SEWER EASEMENTS IN THE ST. CLOUD HOSPITAL CAMPUS, ST. CLOUD, STEARNS COUNTY, MINNESOTA.** ACTION TAKEN: A reading and public hearing was set for November 7, 2011. (Proposed Ordinance 2011-27)

15. **RIVER BLUFFS REGIONAL PARK “LEGACY” IMPROVEMENT PROJECT.** ACTION TAKEN: Approved.

16. **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - PROCUREMENT OF THE SEBERGER PARK PLAYGROUND.** ACTION TAKEN: Approved.

17. **RESOLUTION AUTHORIZING THE PUBLIC SERVICES DEPARTMENT TO CONTINUE TO PROVIDE MAINTENANCE SERVICES AT THE NORTHSTAR PARK -N-RIDE LOT.** ACTION TAKEN: The adopted resolution was assigned number 2011-10-155.

18. **RESOLUTION ESTABLISHING FINAL DATE FOR FILING PETITIONS FOR PUBLIC IMPROVEMENTS.** ACTION TAKEN: The adopted resolution was assigned number 2011-10-156.

19. **RESOLUTION REVOKING MUNICIPAL STATE AID STREET.** ACTION TAKEN: the adopted resolution was assigned number 2011-10-157.

20. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE STATE AGREEMENT 99298 BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION, OFFICE OF AERONAUTICS, AND THE ST. CLOUD REGIONAL AIRPORT FOR FINANCIAL ASSISTANCE RELATED TO MAINTENANCE AND OPERATING EXPENSES.** ACTION TAKEN: Adopted resolution assigned number 2011-10-158.

OPEN FORUM:

Dexter Stanton, 1109 32nd Avenue N., requested a parking permit for the Higher Ground Church of God in Christ for an event (10th Annual Pastoral Anniversary) to be held on Thursday, October 27, 2011. The event will include an Open House from 5 p.m. – 7 p.m. offering the public the opportunity to visit the church’s new location at 327 9th Avenue South. Council President Libert suggested Mr. Stanton meet with attending staff member, Public Services Director Pat Shea.

PUBLIC HEARINGS:

21. **RESOLUTION AMENDING THE 5TH AVENUE LIVE PUD GENERAL DEVELOPMENT PLAN TO ALLOW FITNESS CENTER AS A PERMITTED USE OF THE PROPERTY AT 305 5TH AVENUE SOUTH (DPA-2011-03).** Community Development Director Matt Glaesman gave a brief overview of the proposed amendment to the PUD General Development Plan to allow Snap Fitness to open a fitness center on the ground level of the retail space of Coborns Plaza (Fifth Avenue Live). The Planning Commission and city staff support the request as the fitness center is consistent with other allowed uses in the PUD and with the other tenants in the Plaza. The applicant, Brian Schoenborn, 30172 Lilac Road, St. Joseph, addressed the Council on the request. He suggested that not listing “fitness center” in the PUD was simply an oversight. He also confirmed that all retail space units in the Plaza should be filled by the end of the year. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Masters/Gohman moved approval of the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2010-10-159.

22. **RESOLUTION OFFERING MUNICIPAL CONSENT FOR TRUNK HIGHWAY 15**

AND CSAH 120 INTERCHANGE LAYOUT. City Engineer Steve Foss provided a brief overview of the proposed “diverging diamond interchange” and its final layout as prepared by the Minnesota Department of Transportation. He explained that MnDOT and Stearns County are seeking municipal consent for the “Trunk Highway 15 and Stearns County State Aid Highway 120/Stearns County Road 120” interchange to be constructed in 2013. A schematic of the proposed interchange was displayed on the overhead. Council President Libert opened the public hearing. The following people spoke:

Steve Mulawka, 3113 Joyce Street; said he was with the understanding that the SE corner of TH 15 & CSAH 120 was dedicated to the city as a parkland. He questioned how it could become a part of a highway. He felt it should be restored with a berm or a sound barrier of trees. He further commented that the Tilden Woods neighborhood has no sidewalk and the residents feel landlocked in the neighborhood.

Tim Hennen, Hennen’s Furniture, 1995 TH 15; said that Hennen’s Furniture business will be landlocked with the proposed interchange. To access the business, one would have to go towards the hospital and turn at the roundabout to come back to his business. He said that was acceptable. However, when a patron leaves his business they would have to head back towards the hospital and go all the way down to Sam’s Club, go around the roundabout, go thru two sets of lights, just to go back to CSAH 120. He suggested a better idea would be a frontage road or a stoplight at the hospital where patrons could take a left turn onto a frontage road. He spoke with Stearns County about a frontage road. He requested that the City not approve this final layout until experts have more time to study the plan.

Dick Hennen, Hennen’s Furniture, 1995 TH 15; said that access to a business is so important. He relayed a story about his wife not being able to easily access the Pier 1 store and how she shared that information with her friends, who all experienced the same problem. Now the women have stopped shopping at Pier 1. He feared that situation could happen to his business. Hennen’s Furniture built in their location for the reasons of easy access and ample parking for patrons. With the proposed layout, his patrons who wish to go west will have no option to do so. They would have to head east for a half mile, take a roundabout, and then head back west. He, too, asked the Council to delay taking action at this meeting. He suggested that the layout is too complicated and there are other alternatives to be considered.

Henry Jakubowski, 1506 Lucille Lane; said he was confused by the proposed diagram. He bikes to work daily, and currently, it is a nightmare for pedestrians and bikers to cross TH 15. He understood that the new interchange plan includes a ramp and an overpass for pedestrians and bikers to use. He suggested that there has to be better plans for existing and future bike passes.

Pat Morin, 917 13th Avenue SE; offered lighthearted comments hinting that our local body shops will see a lot of business with the new interchange. She suggested that the City use its website to offer an educational game highlighting the new proposed intersection. The game would help drivers understand the interchange concept and how drivers can safely change lanes, etc. She said it would be helpful to have smashups on the computer versus real life.

Phil Boyle, 3069 Joyce Street; said he understood how the businesses were concerned about providing easy access and outlets for their customers; however, he felt the real concern was with the residents in Tilden Woods who will daily encounter the problems of ingress and egress and the impact it will have on their lives.

Allen Bright, 1652 Lucille Lane; said he met with the mayor, Matt Glaesman, Steve Foss, and the council members regarding this project. Residents of Tilden Woods face the CR 120 obstacle course with the roundabouts, which he said are not plowed properly during winter. There is the bifurcation of CR120 where it splits into the road going to Tilden Woods. He said the existing layout was designed improperly, and the roundabout cannot be plowed properly, often leaving only 1½ lanes open to traffic. It has to be heavily salted to melt the snow so drivers can get through to the Tilden area. There is an existing problem on the left turn lane where CR120 approaches TH 15. With the

increased heavy traffic to WalMart, the only way to cross traffic to get to Tilden is when the lights turn red on TH15. With the diamond diversion, he worries that it will remain difficult to cross over. He would have desired access at the first roundabout, but was told that the elevation was incorrect. He also noted that the five-acre parcel that was contiguous to Tilden Woods, called Felicity Park, was taken by the State for part of this road. John Wietzel donated the land to the City with the condition that it would be used for park purposes. If the purpose changed, the land would revert back to him. There were two beneficiaries of that donation- the City and Tilden Woods (for a barrier). Mr. Weitzel bought the land as agriculture, upgraded it to C5, and then donated it to the City. He referenced the neighborhood not wanting a Coborn's convenience store in their area as the business was not willing to pay for an access change. Tilden Woods residents feel there should be some entitlement to them, possibly a berm. He further suggested that Stearns County and Sartell were to provide a park between the stretch of Tilden Woods and CR1, but nothing has been done.

Larry O'Shea, 4203 Otley Road; said he has driven on an interchange in Missouri similar to the proposed interchange presented. He said it is not difficult to use. He didn't think there would be as many accidents as feared and suggested that the project could and should be constructed in one construction season.

Mike Bobick, 3083 Dolores Drive; followed up on Allen Bright's bifurcation comments. He said there's the significant issue of going west on CR120 and the need to take a left turn to get on a frontage road to get to Tilden Woods with two sets of lights being much closer to the left turn where one has to cross the traffic. When one light is red, the other light is green---there is a constant traffic flow that was designed to keep the traffic going east. He asked that MnDOT needs to restudy that situation.

Shirley Emerson, 3293 Dolores Drive; concerned that CR120 would be raised 4-feet and all the traffic noise would adversely affect her addition. She was also concerned that if a berm would be built (as a sound barrier) that it would be constructed aesthetically pleasing.

There being no one else wishing to speak, City Council President Libert closed the public hearing. Council discussion ensued. The Council members agreed that the issues brought forward during the public hearing needed responses before proceeding. Mayor Kleis suggested that this issue be tabled so that the concerns brought forward could be addressed with MnDOT. It was moved by Goerger, seconded by Berg, to table this agenda item to the November 7, 2011 City Council meeting to allow administration time to confer with MnDOT and prepare responses to the noted concerns. The motion unanimously carried.

NEW BUSINESS:

23. **RESOLUTION ESTABLISHING PARKING RESTRICTIONS ALONG THE SOUTH SIDE OF SUNRIDGE DRIVE FROM SOUTHWAY DRIVE WEST TO THE CUL-DE-SAC.** (WITHDRAWN) City Engineer Steve Foss announced that this request was withdrawn by the applicant. No action taken.

24. **RESOLUTION ESTABLISHING PARKING RESTRICTIONS ALONG THE EAST SIDE OF WASHINGTON MEMORIAL DRIVE FROM ST. GERMAIN STREET TO THE ALLEY SOUTH.** City Engineer Steve Foss gave a brief overview of the request to change the parking restriction for the area to "No Parking" restrictions along the east side of Washington Memorial Drive from St. Germain Street to the alley south. Goerger/Johnson moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2011-10-161.

25. **RESOLUTION ESTABLISHING TRAFFIC CONTROLS AT THE INTERSECTIONS OF RAYMOND AVENUE N.E. AND 4TH STREET N.E. AND RAYMOND AVENUE N.E. AND 3RD STREET N.E.** City Engineer Steve Foss gave a brief

overview of the request prompted by the Police Department to install a stop sign at the intersection of Raymond Avenue NE and 4th Street NE. Staff concurs and further recommends a stop sign for westbound 4th Street NE at Raymond Avenue and southbound Raymond Avenue NE at 3rd Street NE. Berg/Masters moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2011-10-162.

OPEN DISCUSSION & ANNOUNCEMENTS:

There being no further business to discuss, City Council President Libert adjourned the meeting at 6:57 p.m.

City Council President John Libert

Respectfully submitted by

Sandy Hilsgen, Recording Council Secretary