

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

DECEMBER 3, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 3, 2012, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. All Council members were present: Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **RESOLUTION DESIGNATING THE ST. CLOUD TIMES AS THE OFFICIAL NEWSPAPER FOR THE CITY OF ST. CLOUD FOR 2013.** ACTION TAKEN: Resolution adopted and assigned number 2012-12-174.
6. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR ST. CLOUD DOWNTOWN HOTEL, LLC, DBA COURTYARD SUITES BY MARRIOTT, 404 WEST ST GERMAIN. (FORMERLY LE ST. GERMAIN)** ACTION TAKEN: A public hearing was set for December 17, 2012.
7. **JOINT RESOLUTION OF THE CENTRAL MINNESOTA CITIES OF ST. CLOUD, SARTELL, SAUK RAPIDS, WAITE PARK, ST. JOSEPH, AND ST. AUGUSTA ADVOCATING SUPPORT FOR CERTAIN LEGISLATIVE ISSUES AND PROPOSALS OF COMMON INTEREST OR CONCERN.** ACTION TAKEN: Goerger removed this item for discussion. Goerger made a motion, seconded by Berg, to approve the resolution as presented. A copy of the 2013 Coalition of Greater Minnesota Policy Positions: Annexation & Land Use was provided to the Council. Goerger inquired about text within the resolution, specifically Eminent Domain (listed as Item 8) and Land Use Reform & Annexation (listed as Item 9). Following a brief discussion Goerger suggested that Item 9 wasn't very clear, and moved to amend the resolution to eliminate Item 9. – Land Use Reform & Annexation from the resolution. Johnson seconded the motion. The amendment motion then carried by a 4-3 vote with Berg, Hontos, and Masters voting against. The main motion as amended unanimously carried. The adopted resolution was assigned number 2012-12-175.
8. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH DISTRICT 165 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS (AFL-CIO).** ACTION TAKEN: Resolution adopted and assigned number 2012-12-176.
9. **ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE 2007 CODE OF ORDINANCES: SECTION 525, FIRE DEPARTMENT FEES; SECTION 540, MUNICIPAL ATHLETIC COMPLEX FEES; AND SECTION 575, PUBLIC UTILITIES**

DEPARTMENT FEES. ACTION TAKEN: A reading and public hearing was set for December 17, 2012. (Proposed Ordinance 2012-24)

10. **REPLACEMENT OF THE ANIMAL CONTROL VEHICLE – 1997 CHEVY PICKUP TRUCK.** ACTION TAKEN: Approved.

11. **REPLACEMENT OF 1979 CHEVROLET PICK-UP (BRUSH TRUCK) FOR THE ST. CLOUD FIRE DEPARTMENT.** ACTION TAKEN: Approved.

12. **APPROVE FUNDING FOR IMPROVEMENTS TO THE JOINT POLICE/FIRE MOBILE COMMAND VEHICLE.** ACTION TAKEN: Approved.

13. **CONSIDERATION OF 2013 PUBLIC UTILITIES CHEMICAL PROPOSALS.** ACTION TAKEN: Approved.

14. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO CONTRACT WITH THE LAKOTA GROUP FOR CONSULTANT SERVICES ASSOCIATED WITH PLACEMAKING AND CITY BRANDING.** ACTION TAKEN: Hontos pulled this item for separate discussion. Hontos made a motion, seconded by Masters, to approve the contract as presented. Community Director Matt Glaesman defined the terms “place making” and “city branding.” Both terms are methods/approaches to planning, design, and management of public spaces to establish a higher awareness of a city. The motion unanimously carried.

15. **RESOLUTION REQUESTING STEARNS COUNTY TO INITIATE A SPEED ZONE STUDY FOR CSAH 138 (54TH AVENUE NORTH) FROM SOUTH CITY LIMITS TO VETERANS DRIVE AND CR 134 FROM VETERANS DRIVE TO PINE CONE ROAD.** ACTION TAKEN: Resolution adopted and assigned number 2012-12-177.

16. **RESOLUTION AUTHORIZING EXECUTION OF A MASTER PARTNERSHIP AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION.** ACTION TAKEN: Resolution adopted and assigned number 2012-12-178.

17. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ON-AIRPORT RESTAURANT CONCESSION LEASE AGREEMENT WITH JK FLYERS, LLC, FOR LEASING OF CERTAIN PREMISES, FACILITIES AND RIGHTS IN CONNECTION WITH AND AT, THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Resolution adopted and assigned number 2012-12-179.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

18. **GOVERNMENTAL FUNDS BUDGET AND TAX LEVY FOR THE YEAR 2013.**

(A) **MAYOR’S BUDGET MESSAGE.** Mayor Dave Kleis presented a brief overview of the 2013 Governmental Fund Budget. There were no changes to the preliminary budget that he presented to the Council on August 6, 2012. The City Council held a number of budget meetings

in August to review and prepare for adoption of the proposed Governmental Funds budget and tax levy. The mayor displayed and reviewed his own property tax statement on the overhead screen. He also expressed appreciation to all city employees for their efforts and highlighted City Administrator Michael Williams, Finance Director John Norman, Accountant Ruth Wipper, and finance staff for their commendable work on the budget. He also remembered the life of City employee Doris Menke who recently and unexpectedly passed away. Doris served the City as a dedicated support supervisor for the Police Department since 1999.

(B) FINANCE DIRECTOR'S BUDGET REVIEW. Finance Director John Norman gave a brief overview of the proposed budget and offered an opportunity for the public who had questions regarding property valuations to register their name and address with him. The City Assessing staff will contact any property owners who have concerns.

(C) THE TRUTH-IN-TAXATION PUBLIC HEARING. Council President John Libert opened the public hearing. No one spoke. The public hearing was closed.

(D) RESOLUTION ADOPTING THE FINAL TAX LEVY AND BUDGET FOR THE 2013 GOVERNMENTAL FUNDS. It was moved by Berg, seconded by Masters, to approve the resolution as presented. Hontos noted that during the budgeting process he requested a new paid position in the Rental/Building Inspections Department, but would accept administration's alternative that changes in shift loads be made. The mayor confirmed that his goal is to have all rental properties inspected in 2013. He also stated that the HRA staff would inspect all HRA properties. The motion to adopt the resolution unanimously carried. The adopted resolution was assigned number 2012-12-180.

19. **AN ORDINANCE AMENDING SECTION 440: FOOD ESTABLISHMENTS.** Health Director Lisa Schreifels gave a brief overview of the proposed ordinance that updates terminology and provides clarity and additional definitions in the Food Establishment Section 440. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Goerger, seconded by Johnson, to adopt the Ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2541.

20. **(A) RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN TO GUIDE 3125 AND 3143 COUNTY ROAD 74 TO COMMERCIAL LAND USES.** Community Development Director Matt Glaesman explained that this is the first action coming forward with the construction of the new interchange at 33rd Street S. and Trunk Hwy 15. The Planning

Commission recommended approval. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Goerger, seconded by Johnson, to amend the 2003 Comprehensive Plan to allow Commercial land uses in this area. The motion unanimously carried. The adopted resolution was assigned number 2012-12-181.

~~**(B) ORDINANCE REZONING 3125 AND 3143 COUNTY ROAD 74 FROM AG, AGRICULTURAL DISTRICT AND II, LIGHT INDUSTRIAL DISTRICT, TO C5, HIGHWAY COMMERCIAL DISTRICT. (LOCATION: 3125 AND 3143 COUNTY ROAD 74) (REZ-2012-02**~~ (NOTE: Item B. was withdrawn due to the approval of Item A.)

21. **RESOLUTION ORDERING WASHINGTON MEMORIAL DRIVE FROM UNIVERSITY DRIVE TO 11TH STREET SOUTH IMPROVEMENTS.** City Engineer Steve Foss gave a brief overview of the project to reconstruct Washington Memorial Drive from University Drive to 11th Street South in 2013. The city initiated improvements include sanitary sewer, water main, street reconstruction, curb and gutter, storm drain, sidewalk, alley resurfacing, adding a northbound lane, and related intersection/traffic signal modifications. City Council President Libert opened the public hearing. The following individual spoke:

Terri Sheehan, 1040 McKinley Place South, spoke as a representative of her neighborhood. She said their main concern is the installation of sidewalk along with the widening of the street and the boulevard. She suggested that a sidewalk could end up being too close to the homes.

No one else spoke. The public hearing was closed. It was moved by Masters, seconded by Goerger, to approve the resolution as presented. Council discussion ensued with City Engineer Foss addressing the feasibility of all the components to the project. The motion carried by unanimous roll call vote. The adopted resolution was assigned number 2012-12-182.

22. **RESOLUTION ORDERING 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS - PHASE 4.** City Engineer Steve Foss explained that our current Capital Improvement Program includes a neighborhood revitalization project in the 10th Avenue North Phase 4 area for 2013. This project would finish up the remaining neighborhood. He displayed schematics on the overhead screen to depict the whole project area, the proposed remaining sidewalk installation, the plan to retain the trees, and all other improvements. Council President Libert opened the public hearing. The following individuals spoke:

Rosemond Spring, 1004 13th Avenue N. spoke in opposition to the construction of sidewalks in her immediate area. She said the sidewalk would go from “nowhere to

nowhere.” She was concerned about the loss of trees and felt that the mandatory snow removal of a sidewalk would be a hardship for many of her elderly neighbors.

Cheryl Metzger, 1014 13th Avenue N. also spoke in opposition to the construction of sidewalk on 13th Avenue N. from Ninth to 11th Streets. She also suggested that it would be a sidewalk to nowhere. The proposed two-block section of sidewalk would not connect to anything. She felt the sidewalk would not be used and difficult for the neighbors to maintain.

Josephine M. Kollmann, 1008 13th Avenue N. said she agreed with the former speakers and opposed sidewalk in her area.

Jerry Metzger, 1014 13th Avenue N. agreed with his neighbors and spoke in opposition to the proposed sidewalk.

Claude Hall, 927 12th Avenue N. also agreed with the former speakers and spoke in opposition to the proposed sidewalk.

There being no one else wishing to speak, the public hearing was closed. It was moved by Goerger, seconded by Masters, to approve the resolution as presented (which included the removal of 12th Avenue from 12th to 13th Street N.). Council discussion ensued. City Engineer Foss addressed the public concerns about the project design, the proposed sidewalk installation, the concern of increased traffic speed, the proposed bike lanes, and the many other neighborhood concerns. Berg spoke to the importance of sidewalks in neighborhoods. Following discussion, the motion unanimously carried by roll call vote. The adopted resolution was assigned number 2012-12-183.

23. **A. RESOLUTION ORDERING 16TH STREET SOUTH FROM 9TH AVENUE SOUTH TO ROOSEVELT ROAD (CSAH 75) IMPROVEMENTS.**

City Engineer Steve Foss explained that the current Capital Improvement Program (CIP) includes improvements to 16th Street S. from 9th Avenue S. to Roosevelt Road (CSAH 75), including the reconnection of 16th Street S. to Roosevelt Road. This would re-establish 16th Street S. as a collector roadway. The road was closed back in 1974. Council President Libert opened the public hearing. The following individuals spoke:

Kelly Cunningham, 1119 16th Street S. was concerned about the increased traffic flow and traffic speed thru the neighborhood if 16th Street S. is reopened. She felt it would be unsafe for the preschool children who cross the street to get picked up from preschool. She also was concerned about the devaluation of her home should the roadway be reopened.

Elizabeth Rakotz, 1525 10th Avenue S. moved to this area six months ago from the Lake George neighborhood. Suggested that the reopening of the roadway could cause more traffic to cut over from CSAH 75 to the SCSU Hockey arena. She felt it would decrease property values in the neighborhood as traffic increases and the area becomes unsafe for children to bike and play.

Eugene Fischer, 1603 14th Avenue S. stated that he is concerned that with the proposed road improvement plans he won't be able to park his truck (with tailgate open) legally on his own driveway. He opposed the proposal to reconnect the roadway to CSAH 75. He felt the road is currently in good condition.

Tim Hoover, 525 10th Avenue S. spoke in opposition to the proposal. He suggested that this project would destroy the quality of life that the neighborhood and schools have come to enjoy. He suggested the City save its money on this project and put it towards a more needed improvement project.

Richard Christianson, 1418 16th Avenue S. thanked the Council members for their service and asked that they oppose this reconnection to keep the neighborhood safe. He suggested that the improvement plan doesn't make sense and should be reworked.

Adam Klepetar, 1504 16th Street S. works at SCSU and purchased his home/property so that he could raise his children in a nice, quiet neighborhood where kids play in the front yards and traffic isn't a problem. He was also concerned that the reopening of the roadway would devalue his home.

Richard Dillman, 1626 14th Avenue S. stated his opposition to the proposed reopening of the roadway as it would change the nature of his neighborhood. He was concerned about the safety of the children attending the several schools in the area, as well as the safety for area joggers, bikers, and those in wheelchairs. He proposed having a succession of stop signs on every street to slow the traffic down.

Drayton Wipper, 1522 16th Street S. said he was opposed to the reopening of the street and hoped there would be compensation for the neighborhood for the proposed loss of trees.

Douglas Korpi, 1522 12th Avenue S. stated his opposition to the proposed reopening of the roadway.

Jean Turck, 1502 14th Avenue S. stated her opposition with concern for safety for the neighborhood.

Terri Sheehan, 1040 McKinley Place S., spoke to protecting the core neighborhood and asked that 16th Street S. not be reopened as she felt it would become a main route from CSAH 75 to SCSU University. She asked that the family friendly neighborhood be kept intact.

Jeanette Bischoff, 1111 16th Street S. has lived in the neighborhood for sixty years and asked that the roadway be kept closed.

James Turck, 1502 14th Avenue S. said he had worked for the St. Cloud Police Department years ago and remembered when the roadway was open (37 years ago). He suggested that it would certainly be convenient for west side residents to cut thru the neighborhood, but it wouldn't be good for the core neighborhood.

Krista R. Christianson, 1418 16th Street S. felt that reopening 16th Street S. to CSAH 75 would turn the roadway into a speedway as it would become a shortcut for those who don't want to use Clearwater Road. She also felt it would devalue the homes in the neighborhood.

There being no one else wishing to speak, the public hearing was closed. It was moved by Gohman, seconded by Johnson, to approve the resolution as presented. Both Council members Johnson and Masters said they could not support the project. It is an irregular intersection that could possibly be unsafe at Roosevelt Road/CSAH 75 as 16th Street S. doesn't align with Traverse Road. Masters advised that he had received two emails (Russ Riley and Al VanQuekeberg) both stating their opposition to reopening 16th Street S. City Engineer Foss responded briefly to the public concerns, such as the feasibility to provide additional stop signs, to post 25 /or/ 30 mph speed limit signs, to create crosswalks, to not take any trees, to allow adequate driveway space, etc. He stated that this project has been in the CIP for years and would build system continuity and that the project is system driven, not infrastructure driven. The Transportation Infrastructure Advisory Board (TIAB) also supported the proposed reopening of the roadway. Following Council discussion, the motion failed by a vote of 1 – 6 with Berg voting in the affirmative and Goerger, Gohman, Hontos, Johnson, Libert and Masters voting against.

B. RESOLUTION RELATING TO PARKING RESTRICTIONS ON 16TH STREET SOUTH FROM CLEARWATER ROAD TO ROOSEVELT ROAD (CSAH 75). No action taken on this agenda item as Item 23A. Resolution failed.

24. **AGENDA ITEM PUBLIC HEARING POSTPONED TO A FUTURE DATE AT APPLICANT'S REQUEST.** - Appeal of the Zoning Board of Appeals' approval of the request of David Gaida on behalf of JRSR Partnership for variances from Article 8, Section 8.3, Table 8-2 (front yard setback, interior side yard setback, rear yard setback, maximum lot coverage, maximum Floor Area Ratio, and rear yard open space) and variance from Article 16, Section

16.7, C., (off-street parking in a required setback area)of the Land Development Code to allow a lodging house at 520 8th Avenue South. (VAR-2012-14)

OPEN DISCUSSION & ANNOUNCEMENTS:

No announcements.

ADJOURNMENT: There being no further business to discuss, Council President Libert adjourned the meeting at 9:01 p.m.

City Council President John Libert

Respectfully submitted by

Sandy Hilsgen, Recording Council Secretary