

**CITY COUNCIL PROCEEDINGS**

**AGENDA ITEM**

**February 8, 2010**

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on February 8, 2010 at 6 p.m. in the City Council Chambers.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

**Consent Agenda:**

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
  
5. **(A) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF REGULAR CITY COUNCIL MEETING HELD JANUARY 11, 2010**  
**(B) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF REGULAR CITY COUNCIL MEETING HELD JANUARY 25, 2010.**  
ACTION TAKEN: Approved.
  
6. **MAYOR'S APPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD.**  
ACTION TAKEN: Approved the appointment of Donna M. McCray to her first term to commence immediately and expire on April 30, 2012.
  
7. **RESOLUTION ADOPTING THE STIUPLATION BETWEEN THE CITY OF ST. CLOUD AND BOULDER RIDGE GOLF CLUB, INC. REGARDING A VIOLATION OF SECTION 800:50 SUBD. 3 OF THE CODE OF ORDINANCES.**  
ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-2-17.
  
8. **RESOLUTION ADOPTNG THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND MCS FOOD VENTURES, INC. DBA MCRUDY'S PUB,**

**REGARDING A VIOLATION OF SECTION 810:30, SUBD. 3 OF THE CODE OF ORDINANCES.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-2-18.

9. **ACCEPTANCE OF THE “ASSISTANCE TO FIRE FIGHTERS GRANT” IN THE AMOUNT OF \$214,640.** ACTION TAKEN: Hontos/Garven moved approval. Motion carried unanimously.
10. **RESOLUTION IN SUPPORT OF AN APPLICATION REQUESTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR WHITNEY SENIOR CENTER.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-2-19.
11. **RESOLUTION IN SUPPORT OF AN APPLICATION REQUESTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR A REGIONAL HUMAN RIGHTS OFFICE.** ACTION TAKEN: Hontos/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-2-20.
12. **SET MEETING DATE OF APRIL 7, 2010, AT 3:30 P.M. TO CONDUCT THE 2010 CITY BOARD OF APPEAL AND EQUALIZATION AND APPROVE LIST OF BOARD MEMBERS.** ACTION TAKEN: Approved.
13. **RESOLUTION RECEIVING CITY ENGINEER’S REPORT AND SETTING A PUBLIC HEARING FOR FEBRUARY 22, 2010, TO CONSIDER 2010 PETITIONED AND CITY-INITIATED ALLEY BITUMINOUS SURFACING AND RESURFACING IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-2-21.
14. **RESOLUTION ENDORSING ST. CLOUD METROPOLITAN AREA FEDERAL FISCAL YEAR 2011 TRANSPORTATION APPROPRIATIONS PRIORITIES.**

ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-2-22.

15. **RESOLUTION AUTHORIZING APPLICATION AND PRIMARY CONTACT PERSON FOR THE MN/DOT COMMUNITY ROADSIDE LANDSCAPING PARTNERSHIP PROGRAM.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2020-2-23.

**Open Forum:**

No one testified.

**Public Hearings:**

16. **CONSIDERATION OF RESOLUTION ORDERING SPECIAL ASSESMENT ROLL 1 FOR 2009 PUBLIC IMPROVEMENTS.**

Steve Gaetz, Public Services Director, overviewed the improvements and testimony in the following order.

- **44th Avenue North Improvements.** Council President Johnson opened the public hearing. The following individual testified:
  - Stuart Swenson – 1090 2<sup>nd</sup> St. S., Ste. 2A, Sartell. Mr. Swenson is representing Sundance Companies, Inc., who owns a majority of the property being assessed. They are disputing the special benefit that these improvements would bring. They feel they could have serviced their property at a far less cost.
- **8<sup>th</sup> Avenue North Neighborhood Improvements.** Mr. Gaetz noted a letter disputing the assessments from Erik Christopher which was place on the dais. Council President Johnson opened the public hearing. No one testified.
- **2009 Alley Improvements.** There are a number of alley improvements and Council President Johnson opened the public hearing. They are as follows: **Between 36<sup>th</sup> and 37<sup>th</sup> Avenue North from 1<sup>st</sup> to 2<sup>nd</sup> St. North.** Mr. Gaetz noted a letter disputing the charge from a Terrance Pekas. No one testified. **Between 36<sup>th</sup> and 37<sup>th</sup> Avenue North from 1<sup>st</sup> to 3<sup>rd</sup> St. North (T-Alley).** No one testified. **Between 34<sup>th</sup> and 35<sup>th</sup> Avenue North from 2<sup>nd</sup> to 3<sup>rd</sup> St. North.** No one testified. **Between 33<sup>rd</sup> and 34<sup>th</sup>**

**Avenue North from 2<sup>nd</sup> to 3<sup>rd</sup> St. N.** No one testified. **Between 16<sup>th</sup> and 17<sup>th</sup> Avenue North from St. Germain Street to 1<sup>st</sup> St. N. (T-Alley).** Mr. Gaetz noted a letter disputing the charges from a Kaitlyn Palma. No one testified. **Between 18<sup>th</sup> and Osseo Avenue North from 2<sup>nd</sup> to 3<sup>rd</sup> St. North (T-Alley).** No one testified. **Between 17<sup>th</sup> and 18<sup>th</sup> Avenue North from 2<sup>nd</sup> to 3<sup>rd</sup> St. North (Double T).** No one testified. **Between 13<sup>th</sup> and 14<sup>th</sup> Avenue South from 11<sup>th</sup> to 12<sup>th</sup> St. South.** No one testified. **Between 8<sup>th</sup> and 9<sup>th</sup> Avenue SE from 17<sup>th</sup> to 18<sup>th</sup> St. SE.** No one testified. **Between 10<sup>th</sup> and 11<sup>th</sup> Avenue SE from 16<sup>th</sup> to 17<sup>th</sup> St. SE.** No one testified.

- **Downtown Sidewalk Repair.** Council President Johnson opened the public hearing. No one testified.
- **Pine Cone Road Improvements.** Council President Johnson opened the public hearing. No one testified.
- **Remaining Assessments and Miscellaneous Assessments.** Council President Johnson opened the public hearing. No one testified.

The public hearing was left open until the next City Council meeting on February 22, 2010. The Assessment Roll was referred back to the Engineering Department for details and comments.

17. **RESOLUTION AMENDING THE WEST PRAIRIE POINT PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO PERMIT A GREATER VARIETY OF HOME STYLES ALONG NORTHWOOD LANE.**

Matt Glaesman, Community Development Director, gave an overview (PowerPoint presentation) of the amendment and noted that the Planning Commission recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Garven moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-2-24.

18. **PUBLIC HEARING TO CONSIDER SITE SELECTION FOR SKATE PLAZA IMPROVEMENTS – HERITAGE PARK.**

Scott Zlotnik, Park Director, addressed the Council but did not conduct a presentation. That was done at the City Council meeting on January 12, 2010. Council President Johnson opened the public hearing. The following individuals testified:

**Aidan Nyblom**, 631 5<sup>th</sup> Ave. SE; Mr. Nyblom spoke in favor of the site. He is a skateboarder and feels that Heritage Park is a great location. He has traveled all over the United States and know what would make a great sport. He stated that hasn't witnessed any bad behavior or fights among skateboarders.

**Bruce Harper**, 425 Wilson Ave. NE; Mr. Harper is in favor of having a skate park but feels that another site might be a better choice. One such choice could be Clark Field.

**Scott Foster**, Member of the skate park committee. He spoke on behalf of skateboarders that could not be present. He feels that Heritage Pak is the best site. He also suggested reasons that Eastman Park and Wilson Park were not selected.

**Eric Pederson**, 2820 23<sup>rd</sup> Ave. S.; Mr. Pederson read a poem relating to skateboarders.

**Scott Adams**, 333 33<sup>rd</sup> Ave. S.; He is the CEO of Northland Capital and is representing that company. He is in favor of a skate park but is opposed to Heritage Park being the site. His business is the nearest neighbor to the proposed site feels it is not a good location.

**Austin Lee**, 1002 11<sup>th</sup> Ave. N.; Mr. Lee is a member of the Park and Recreation Board. He is in support of the skate park and for Heritage Park as the proposed site.

**Maureen McCarter**, 1931 17<sup>th</sup> St. S.; Ms. Mccarter commented on an email she sent that listed her concerns. She is in support of a skate plaza but emphasizes that the best site should be selected. She noted that some of her questions were not answered such as traffic numbers. She feels that Heritage Park is not the best site primarily because of traffic and safety concerns.

**Dennis Dunphy**, 101 Riverside Dr. SE, Apt. 113; Mr. Dunphy stated that he like Eastman Park/Lake George as the site for the skate plaza, followed by Whitney Park or Wilson Park. He had questions on insurance, upkeep, rules & regulations, etc.

**Jackie Hoeschen**, 400 2<sup>nd</sup> St. SE; Ms. Hoeschen's main concern is

safety. Her son is a skateboarder and she doesn't like the location.

**Kaye Schimmich**, 1109 7<sup>th</sup> Ave. N.; Ms. Schimmich is in support of a skate plaza but has concerns about the Heritage Park site. She questions what the current users of Heritage Park want. Have they been asked? She feels that this use is incompatible with the park. She also has concerns also about safety and traffic.

**Charlotte Kuller**, 15659 Parkwood Circle; Ms. Kuller works at the Stearns History Museum and she spoke against having Heritage Park as a skate park. She is not against a skate plaza but feels there are too many issues that haven't been answered.

**Martin Althaus**, 1108 10<sup>th</sup> Ave. N. Mr. Althaus feels that Heritage Park isn't a good location for a skate park. He has concerns over safety. He also believes Heritage Park should remain a nature park. He thinks that Centennial Park, Wilson Park, or Eastman Parks are good choices.

**Tama Theis**, 7414 245<sup>th</sup> St.; Ms. Theis spoke in favor of a skate plaza and for the proposed site of Heritage Park. She feels that this is the best park for this use. A beautiful park such as this should be utilized by a lot of different groups.

**Pat Morin**, 917 13<sup>th</sup> Ave. SE; Ms. Morin spoke in favor of a skate plaza and for the proposed site of Heritage Park.

**Stephen Golembeck**, 1505 Oak Rd.; Mr. Golembecki spoke in favor of Heritage Park as the site for the proposed skate park.

**Matthew James Doroff**, 1112 3<sup>rd</sup> St. N., Waite Park; Mr. Doroff spoke in favor of the skate park and for the proposed site of Heritage Park. He noted that there are facilities all around and things for kids to do.

**Thomas Anderson**, 123 2<sup>nd</sup> Ave. N., Waite Park; Mr. Anderson spoke in support of the skate plaza and for the proposed site of Heritage Park. He noted that kids have to use common sense and take safety precautions. As for smaller children, they should be supervised.

Council President Johnson closed the public hearing. Masters/Libert moved approval. There was discussion among the City Council. Councilmember Masters serves on the Park and Recreation Board and he noted that the City spent much time looking at many

sites. Councilmember Berg questioned Park Director Scott Zlotnik on how the best site was determined. Mr. Zlotnik displayed a matrix which demonstrated the elimination of parks for various reasons and left the parks that would be the most probable. Motion carried 5-2; Councilmembers Berg and Garven voted against.

**Open Discussion:**

- Councilmember Hontos received a call over the weekend in regard to noise issues from helicopters near the area of Territory Golf Course. Haven Township has been in contact with the National Guard and there has been some discussion on making in changes to the helicopter flight patterns.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 7:57 p.m.

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City Council President

Bob Johnson

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Jennifer Burrows, Recording Council Secretary