

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

FEBRUARY 22, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of St. Cloud, Minnesota, was called to order by City Council President Bob Johnson on February 22, 2010, 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, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of an Open Discussion item requested by Councilmember Berg to promote paperless agendas/packet information.

5. **CONFIRM MAYOR'S APPOINTMENT TO THE HEALTH AND HOUSING & APPEALS COMMITTEE.** ACTION TAKEN: Confirmed the appointment of Nancy Altena to the Health and Housing Appeals Committee for a term to commence immediately and expire August 31, 2012.

6. **APPLICATION FOR TOBACCO, AMUSEMENT AND 3.2 PERCENT MALT LIQUOR LICENSES FOR COBORNS INC., DBA CASH WISE FOODS FOR THE TWO STORES LOCATED AT 250 33RD AVENUE SOUTH AND 1001 4TH STREET SE.** ACTION TAKEN: Approved.

7. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE SCSU SENIOR RUGBY CLUB FOR EVENTS TO BE CONDUCTED AT THE ROX BAR AND TAVERN, 506 WEST ST. GERMAIN.** ACTION TAKEN: Resolution adopted and assigned number 2010-2-25.

8. **AN ORDINANCE AMENDING SECTION 105:06, SECTION 105:39, AND SECTION 145:00 OF THE 2007 CODE OF ORDINANCES ESTABLISHING A DEPARTMENT OF ECONOMIC DEVELOPMENT.** ACTION TAKEN: Set a reading and public hearing for March 8, 2010 (Proposed Ordinance 2010-02).

9. **RENEWAL OF A CONVENTION AND VISITOR'S AGREEMENT WITH THE ST. CLOUD AREA CHAMBER OF COMMERCE.** ACTION TAKEN: Hontos pulled the item for a separate discussion. Hontos/Garven moved approval of the agreement. Councilmember Hontos made a motion to amend paragraph 3, item c, of the agreement (pg. 9-6) as follows: "~~twelve months prior to the opening of the expanded Civic Center~~, **six months after the signing of the agreement by both parties (City of St. Cloud and the Chamber)**, the Chamber shall submit an amended Strategic Work Plan and Marketing plan to the City with emphasis on the introduction and maximum

utilization of the new **and existing** Civic Center.” The motion was seconded by Councilmember Libert. Councilmember Hontos emphasized that existing and new plans should focus on maximum utilization of the Civic Center. Council discussion ensued including favorable comments regarding the overall work provided by the CVB and the Chamber. The amendment motion failed by a vote of 3-4 with Berg, Garven, Johnson and Pederson voting against. Hontos/Libert then moved a second amendment to paragraph 3, item c, of the agreement (page 9-6) to read: “twelve months prior to the opening of the expanded Civic Center, the Chambers shall submit an amended Strategic Work Plan and Marketing Plan to the City with emphasis on the introduction and maximum utilization of the new Civic Center and CVB staff with approval by the Convention and Visitor’s Bureau Advisory Board, **as well as two representatives from the Hospitality Industry, one representing the CVB Board, and one representing the Chamber Board.**” Julie Lunning, Director of the Convention and Visitors Bureau, and Teresa Bohnen, President of the Chamber of Commerce, were in attendance and responded to questions and concerns. The motion to amend (as highlighted in red) carried by a 4-3 vote with Berg, Masters, and Pederson voting against. The original motion as amended carried by unanimous vote.

10. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH LELS LOCAL #281 - POLICE SERGEANTS. ACTION TAKEN: Resolution adopted and assigned number 2010-2-26.

11. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH AFSCME LOCAL #748 - ASSISTANT CITY ATTORNEYS. ACTION TAKEN: Resolution adopted and assigned number 2010-2-27.

12. AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED JOINT POWERS AGREEMENT WITH THE CITY OF SARTELL FOR LEGAL SERVICES IN 2010. ACTION TAKEN: Approved.

13. WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT - BUILDERS RISK INSURANCE. ACTION TAKEN: Approved.

14. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE MERRILL CORPORATION FOR BICYCLE AND PEDESTRIAN TRAIL EASEMENT. ACTION TAKEN: Resolution adopted and assigned number 2010-2-28.

15. APPROVAL OF HERITAGE PARK SKATE PLAZA IMPROVEMENT PROJECT BUDGET AND PROFESSIONAL SERVICES CONTRACT. ACTION TAKEN: Approved.

16. APPROVAL OF HAZARDOUS MATERIALS RESPONSE JOINT POWERS AGREEMENT BETWEEN STEARNS, BENTON, AND SHERBURNE COUNTIES AND THE CITY OF ST. CLOUD. ACTION TAKEN: Approved.

17. ORDINANCE VACATING A 20' WIDE DRAINAGE EASEMENT LOCATED ON LOT 15, BLOCK 1, BUETTNER'S RIDGEWOOD ESTATES 14TH ADDITION.

(LOCATION: 790 RILLA ROAD) (VAC-2010-01). ACTION TAKEN: A reading and public hearing was set for March 8, 2010. (Proposed Ordinance 2010-03).

18. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR MARCH 8, 2010, TO CONSIDER EAST LAKE BOULEVARD IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2010-2-29.

**19. A) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 138 – 25TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS; and
B) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 114 – 25TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS; and
C) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2438 – 1ST STREET SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS.**

ACTION TAKEN: Councilmember Hontos pulled this item for a separate discussion. Council President Johnson questioned the accuracy of the appraisal received on the property located at 2438 1st Street South (Item C). Administration suggested that legal staff re-check the appraisal and provide additional information for review, along with comparables, at the March 8, 2010, meeting. Garven/Libert moved approval of Items (A) & (B) as submitted. The motion carried by a 6-1 vote with Hontos voting against. The two resolutions were adopted and assigned numbers 2010-2-30 and 2010-2-31 respectively.

20. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR MARCH 8, 2010, TO CONSIDER 41ST AVENUE SOUTH ROADWAY AND UTILITY IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2010-2-32.

Open Forum: Maureen McCarter, 1931-17th Street S., questioned the purpose of the public hearing process, noting she hadn't received responses to all her questions asked at the public hearing, yet the selection of the skate park plaza in Heritage Park was finalized. She asked if the project budget included funding for the fence, and reiterated her concerns regarding pedestrian safety issues. She also asked if the blinking pedestrian crossing signal at the site was funded in the budget.

Public Hearings:

21. 2010 PETITIONED AND CITY-INITIATED ALLEY BITUMINOUS SURFACING AND RESURFACING IMPROVEMENTS: Public Services Director/City Engineer Steve Gaetz reviewed the proposed 2010 Alley Improvement Program and displayed a cost analysis sheet (on the overhead) that included assessment rates, external costs, and internal costs. He also reviewed the Assessment Stabilization Program. Council President Johnson opened the

public hearing to **Item A - Petitioned Alleys**, which included the following two alleys: (1) the alley between 5th Avenue SE and the BNSF from 7th Street SE to approximately 145 feet south of 4th Street SE (L-alley); and (2) the alley between 9th and 10th Avenue SE from 12th to 13th Street SE. No one spoke. The public hearing was closed. Berg/Garven moved approval of **RESOLUTION ORDERING 2010 PETITIONED ALLEY BITUMINOUS SURFACING IMPROVEMENTS AND ORDERING WORK DONE BY DAY LABOR.** The motion unanimously carried by a roll call vote of 7-0. The adopted resolution was assigned number 2010-2-33

Council President the opened the public hearing on **Item B – City Initiated Alleys.** The following alleys were discussed: (1) The alley between 17th and 17 ½ Avenue North from 4th to 5th Street North. No one spoke. (2) The alley between 16th and 17th Avenue North from 5th to 5 ½ Street North. No one spoke. (3) The alley between 13th and 14th Avenue North from 3rd to 4th Street North. No one spoke. (4) The alley between 5th and Raymond Avenue N.E. from 4th to 5th Street NE. City Engineer Gaetz noted that a phone call was received from Bonita Lundeen of 424 5th Avenue SE, who expressed opposition to the alley improvement due to the cost. She will be provided with information regarding the Assessment Stabilization Program. (5) The alley between 6th and Raymond Avenue NE from 5th to 6th Street NE. No one spoke. (6) The alley between 31st and 32nd Avenue North from 3rd to 4th Street North. No one spoke. (7) The alley between 10th and 11th Avenue SE from 9th Street SE to BNSF. No one spoke. (8) The alley between Kilian Blvd. and 8th Avenue SE from 18th Street SE to Kilian Blvd. City Engineer Gaetz noted that a phone call was received from Connie VonKorff of 1826 Kilian Blvd., who spoke in favor. Also, the following two residents addressed the Council:

Tina Molacek, 1827 8th Avenue SE, spoke in favor of the improvements, stating that her property takes the brunt of the alley’s spring drainage. Last year’s melting snow drained and flooded her backyard, resulting in water in her basement. The City pumped the alley three times last year. She displayed photos of last year’s standing water in the alley and in her backyard.

City Engineer Steve Gaetz responded that the good news is the alley is included in the improvement project due to the issues mentioned. The installation of a storm drain and catch basin is proposed near her property, which should correct most of the drainage problems associated with this alley.

Jane Przybilla, 1818 Kilian Blvd., said she supported the improvements.

Continuing on with the alleys: (9) The alley between 22nd and 23rd Avenue South from West St. Germain Street to 1st Street South. No one spoke. (10) The alley between 10th and 12th Avenue NE from East St. Germain Street to Division Street East (the only gravel alley remaining in the City east of Hwy 10). The following person spoke:

Joel Torborg, representing the ownership group of Rosewood Terrace Inc. spoke in opposition stating that routine maintenance and grading in the alley has always been sufficient. He was concerned that a paved alley would serve as an invitation for increased speed and traffic through this apartment complex area. He asked for clarification on the rate differential between residential and commercial assessments.

City Engineer Steve Gaetz responded that the Council amended the policy a few years ago, where the City assessed 2/3 of the total cost across the board (single family, multi-family, school, commercial, and industrial). It changed as appraisal evidence supported a benefit only for commercial and multi-family properties; therefore, single-family residential is now assessed at 25% of total cost. Also, since paving an alley does cause traffic to move quickly, he suggested that a 10 MPH sign will be posted at both entrances to the alley.

Masters/Berg moved approval of the **RESOLUTION ORDERING THE 2010 CITY-INITIATED ALLEY BITUMINOUS SURFACING AND RESURFACING IMPROVEMENTS AND ORDERING WORK DONE BY DAY LABOR.** The motion carried by a roll call vote of 6-1 with Hontos voting against. The adopted resolution was assigned number 2010-2-34.

22. **CONTINUATION OF PUBLIC HEARING TO CONSIDER RESOLUTION ORDERING 2009 ASSESSMENT ROLL 1.** Public Services Director/City Engineer Steve Gaetz gave a brief overview of the responses prepared following the February 8 public hearing date. Council President Johnson announced that the public hearing was open. The following individual spoke:

Stuart N. Swenson, President of Sundance III, LLC. spoke in opposition to the proposed assessments for 44th Avenue North, Sundance Commercial District Plat. He had just received a letter of response to his public hearing comments of February 8. In a prepared statement, he read that the total proposed assessments for the three lots owned by Sundance III is set at \$515,500. He asked that the assessment to the three properties be reduced to reflect the actual cost of providing access and service that the 44th Avenue Extension offers to these properties. He estimated that amount to be about \$100,000-150,000.

There being no one else wishing to speak, the public hearing was closed. Berg/Masters moved approval of the **RESOLUTION ADOPTING ASSESSMENT ROLL 1 FOR IMPROVEMENTS CONSTRUCTED DURING 2009.** Public Services Director/City Engineer Gaetz advised the public that the 10-year and 20-year payment plan is available to property owners. Following a brief discussion, the motion unanimously carried. The adopted Resolution was assigned number 2010-2-35.

New Business:

23. **RESOLUTION IN SUPPORT OF THE "VISION FOR THE FUTURE OF THE MISSISSIPPI RIVER."** Community Development Director Matt Glaesman spoke to the Mississippi River Renaissance (MRR)'s 18-month public input/participation process, which has led to the development of a vision for the Mississippi River in Central Minnesota. MRR is seeking support from all jurisdictions involved. Kimberly Thielen Cremers, the Central MN Mississippi River Renaissance Coordinator, was in attendance at the meeting and thanked everyone for their support. Berg/Pederson moved approval of the revised resolution printed in the Council packet. The motion unanimously carried. The adopted Resolution was assigned number 2010-2-36.

Open Discussion & Announcements:

Councilmember Berg suggested that once the Council has received printed information regarding Council agenda items, the information not be re-printed in future Council packets. She suggested that the School Board is attempting to go paperless, and that the City should try to do the same.

Councilmember Masters asked for a response from administration on what the impact would be to the TIF agreement should the recent request for setback variances by Coborn's Inc. (on behalf of Hunstiger's Market Inc.) be granted for the Campus Station site located across the street from the new 5th Avenue Live project.

Adjournment:

There being no further business, the meeting was adjourned by Council President Johnson at 7:38 p.m.

Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen, Recording Council Secretary