

## CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

FEBRUARY 28, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on February 28, 2011, at 6 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 City Council members were present: Sonja Berg, Jeff Goerger, Nancy Gohman, George Hontos, Jeff Johnson, John Libert, and Dave Masters.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **SET BOARD OF APPEAL AND EQUALIZATION MEETING DATE AND APPROVE BOARD MEMBER APPOINTMENTS.** ACTION TAKEN: Approved the meeting date of April 7, 2011, at 3:30 p.m. and confirmed the appointments of five Board members: George Hontos, John Libert, Ron Zitzow, Bob Weisbrich, and Bob Faundeen.
6. **APPLICATION FOR A TOBACCO LICENSE FOR ST. CLOUD TOBACCO, INC. DBA ST CLOUD TOBACCO, 3333 WEST DIVISION ST, SUITE 118, (MIDTOWN SQUARE).** ACTION TAKEN: Approved.
7. **SET A PUBLIC HEARING ON THE APPLICATION FOR A SPECIAL EVENT PERMIT TO ALLOW OUTDOOR SALES OF LIQUOR; AND AN APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE GREEN MILL FOR OUTDOOR MUSIC EVENTS TO BE HELD ON JUNE 30, 2011, AND SEPTEMBER 1, 2011, IN THE GREEN MILL PARKING LOT.** ACTION TAKEN: A public hearing was set for March 14, 2011.
8. **PUBLIC INFORMATION REGARDING THIS ITEM IS ON FILE IN THE CITY CLERK'S OFFICE.**
9. **SET A PUBLIC HEARING ON AN ORDINANCE TO AMEND THE HOME RULE CHARTER BY REDUCING THE SIZE OF THE CHARTER COMMISSION FROM 15 TO 9 MEMBERS, AND ELIMINATING OBSOLETE LANGUAGE FROM THE CHARTER.** ACTION TAKEN: A reading and public hearing was set for ~~March 14~~ **March 28**, 2011, to meet the publishing requirements as set forth by Minnesota Statute. (Proposed Ordinance 2011-03)
10. **RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD TO PARTICIPATE IN THE SHERBURNE COUNTY SOIL AND WATER CONSERVATION DISTRICT'S CLEAN WATER FUND COST-SHARE ASSISTANCE PROGRAM FOR THE ST.**

**CLOUD CLEAN WATER RETROFIT PROJECT.** ACTION TAKEN: Resolution was adopted and assigned number 2011-2-15.

**11. JOINT POWERS AGREEMENT BETWEEN THE STATE OF MINNESOTA, MINNESOTA STATE COLLEGES AND UNIVERSITIES, ST. CLOUD STATE UNIVERSITY, AND THE CITY OF ST. CLOUD FOR THE POLICE PISTOL RANGE.** ACTION TAKEN: Approved.

**12. SET A PUBLIC HEARING ON AN ORDINANCE AMENDING SECTION 1040 OF THE ANIMAL CONTROL ORDINANCE TO EXPAND THE ALLOWANCE OF POT BELLIED PIGS.** ACTION TAKEN: A reading and public hearing was set for March 14, 2011. (Proposed Ordinance 2011-04).

**13. WESTWOOD SCHOOL SIDEWALK IMPROVEMENTS, CONTRACT 2010-11, S.P. 162-591-003, S.A.P. 162-020-032: (A) RESOLUTION ACCEPTING LOW BID FOR WESTWOOD SCHOOL SIDEWALK IMPROVEMENTS, CONTRACT 2010-11, S.P. 162-591-003, S.A.P. 162-020-032; AND (B) RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2010-11, S.P. 162-591-003, S.A.P. 162-020-032.** ACTION TAKEN: Councilmember Hontos removed Item 13A. for discussion. Hontos/Goerger moved approval. Hontos asked for clarification regarding costs added to the low bid of \$162,702. City Engineer Steve Foss explained that additional costs include engineering costs and right-of-way purchases that bring the estimated total project cost to \$201,770. The motion unanimously carried. Adopted resolutions assigned numbers 2011-2-16 and 2011-2-17 respectively.

**14. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS – PHASE 2 AND 14<sup>TH</sup> STREET NORTH SANITARY SEWER AND WATER MAIN IMPROVEMENTS, CONTRACT 2011-01.** ACTION TAKEN: Councilmember Hontos removed this item for discussion. Councilmember Goerger noted his abstention. Hontos/Berg moved approval of the revised resolution that was provided to the Council at the meeting that included the 14<sup>th</sup> Street North sanitary sewer and water main improvements to be included in the improvement project. The motion carried by a 6-0 vote with Goerger abstaining. The revised resolution was adopted and assigned number 2011-2-18.

**15. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 41ST AVENUE SOUTH IMPROVEMENTS, CONTRACT 2011-08.** ACTION TAKEN: Councilmember Hontos removed this item for discussion. Hontos/Goerger moved approval of the resolution. Hontos noted that when he voted to approve this project (March 2010), he had asked that the City hire an appraiser to determine a fair market value increase for the properties. City Engineer Steve Foss responded that the appropriate time to address the fair market value increase versus the proposed assessments would be at the assessment hearing (estimated date of assessment hearing –

February 2012). Engineering staff would keep this request on file. The motion unanimously carried. The adopted resolution was assigned number 2011-2-19.

16. **ACCEPTANCE OF LOW QUOTE FROM NORTHWEST ASPHALT MAINTENANCE, INC. FOR CRACK REPAIR AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING STATE FUNDS. ACTION TAKEN:** Approved.

17. **AUTHORIZATION FOR PROFESSIONAL SERVICES CONTRACT WITH CIVIC PLUS FOR WEBSITE DEVELOPMENT. ACTION TAKEN:** Approved.

18. **AUTHORIZATION TO PROCEED WITH CITY HALL RENOVATION AND REPAIR IMPROVEMENTS. ACTION TAKEN:** Councilmember Hontos removed this item for discussion. He encouraged the City to continue to alternate between our local business establishments when hiring firms for City projects. City Administrator spoke briefly to the proposed renovation/improvement plans and the use of the General Fund reserves. Hontos/Masters moved to authorize staff to proceed with final design and bidding of the proposed City Hall improvements. The motion unanimously carried.

OPEN FORUM:  
No one spoke.

PUBLIC HEARINGS:

**19. UNIVERSITY DRIVE AND 5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS - (A) RESOLUTION ORDERING UNIVERSITY DRIVE AND 5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS; AND (B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR UNIVERSITY DRIVE AND 5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS, CONTRACT 2011-07, S.P. 162-101-12.** City Engineer Steve Foss reviewed background information and action leading to the proposed expansion plans for the University Drive Bridge. The improvements include the construction of an intersection at University Drive and 5<sup>th</sup> Avenue South. In June 2009 the City Council held a public hearing and subsequently selected the roundabout as the preferred alternate and ordered the acquisition of necessary right-of-way. He noted that after review of various construction options, it was determined that the roadway would be constructed in stages while maintaining a single lane of traffic in each direction. Council President Libert opened the public hearing. The following individual spoke:

**James A. Willis, 211 29<sup>th</sup> Avenue SE;** expressed his concerns about trucks and semi-trailers being able to successfully maneuver in a roundabout and his concern for pedestrian safety. He cited some public concern by residents in the Monticello area about a roundabout near the Monticello High School. He suggested that constructing a roundabout on the top of a hill was questionable.

There being no one else wishing to speak, the public hearing was closed. City Engineer Foss responded that a multi-lane roundabout is easier for trucks to maneuver around and roundabout aprons are designed to handle larger vehicle traffic. Councilmember Hontos asked about snow removal and the projected maintenance costs. Engineer Foss noted that maintenance costs should be relatively low. Furthermore, roundabouts calm down traffic to 15 mph and that due diligence would be given to the design of the roundabout with regard to the width of the lanes, etc. Councilmember Johnson noted that statistics indicate roundabouts are a safe mode for traffic. Goerger/Masters moved approval of the resolution (Item 19A). The motion carried unanimously by a roll call vote. The adopted resolution was assigned number 2011-2-20. Goerger/Gohman made a motion to approve the second resolution (Item 19B). The motion unanimously carried. The adopted resolution was assigned number 2011-2-21.

OLD BUSINESS:

20. **RESOLUTION AMENDING POLICIES REGARDING THE MAKING OF SPECIAL IMPROVEMENT PROJECTS AND ESTABLISHING POLICIES FOR THE LEVYING OF SPECIAL ASSESSMENTS THEREFORE.** City Engineer Steve Foss explained that the amendment includes a reduction in the rate of assessment for sanitary sewer and water main reconstruction projects for multi-family housing units to make them consistent with what is currently provided to single-family housing. This change would result in an approximate 5% reduction in assessments collected. Also, minor housekeeping changes were made to the policy to reflect clarification of current practice. Berg/Johnson moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2011-2-22.

21. **RESOLUTION ORDERING ASSESSMENT ROLL 1 FOR 2010 IMPROVEMENTS.** (Motion on the floor - Berg/Johnson motion for approval from the February 14, 2011 meeting.) City Engineer Steve Foss stated that no other changes were made to the Assessment Roll with the exception of the multi-family reduction rate amendment as Council approved at this meeting. Hontos/Goerger moved to amend the resolution to include the change as approved in Item 20. The motion unanimously carried. The original motion was approved as amended. The adopted resolution was assigned number 2011-2-23.

ADJOURNMENT:

There being no further business to discuss, the meeting was adjourned at 6:35 p.m.

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City Council President John Libert

Respectfully submitted by  
Sandy Hilsgen, Recording Council Secretary