

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

August 22, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 22, 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 Councilmembers present: Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **RESOLUTION AUTHORIZING AN APPLICATION FOR A CHARITABLE GAMBLING PREMISES PERMIT FOR THE GRANITE CITY LUMBERJACK'S, INC. FOR ACTIVITIES TO BE CONDUCTED AT BEAUDREAU'S BAR, 414 EAST ST. GERMAIN STREET.** ACTION TAKEN: Resolution adopted and assigned number 2011-8-106.
6. **SET A PUBLIC HEARING DATE ON AN APPLICATION FOR SEASONAL OUTDOOR SALES OF LIQUOR; AND AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN ANNIVERSARY PARTY TO BE HELD ON SEPTEMBER 24TH FROM NOON TO 11:00 PM AT BEAUDREAU'S BAR, 414 EAST ST. GERMAIN.** ACTION TAKEN: A public hearing date was set for September 12, 2011.
7. **AN APPLICATION FOR A BOWLING ALLEY LICENSE AND AN AMUSEMENT DEVICE LICENSE FOR 12X'S INC., DBA SOUTHWAY BOWL, 1222 33RD STREET SOUTH.** ACTION TAKEN: Approved.
8. **A REQUEST FOR APPROVAL OF THE LIBERTY LAGOON HALLOWEEN EVENT SPONSORED BY LIBERTY SAVINGS BANK; AND AN APPLICATION FOR EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE.** ACTION TAKEN: Councilmember Goerger removed the item for separate discussion. Goerger/Masters moved approval of the request. Liberty Savings Bank President Mark P. Bragelman addressed the Council, giving a brief overview about the free- family Liberty Lagoon Halloween event. It will be held on Friday, October 21, 2011, at Lake George from 4:00-9:00 p.m. The motion unanimously carried.
9. **SUSPENDING COMPETITION FOR A CLASSIFIED POSITION (INFORMATION TECHNOLOGY PROGRAMMER).** ACTION TAKEN: Councilmember Masters removed the item for separate discussion. Masters/Berg moved approval of the request to suspend competition for the classified position of Information Technology Programmer. Human Resources Director Dede Gaetz explained that due to recent vacancies in the I.T. department, a recruitment effort was recently completed to fill two vacant "I.T. Technician" positions.

However, the recruitment process yielded only two successful candidates to fill the two vacant technician positions. Now, a third vacancy in the department occurred, opening the position of “IT Programmer.” Fortunately, during the prior recruitment process, a qualified candidate for a position of an I.T. Programmer was found. That individual is available for appointment. City Directors of Finance, Information Technology, and Human Resources all recommended hiring the individual and suspending further competition. The motion unanimously carried.

10A. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 12, 2011, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2011-8-107.

10B. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2011, TO CONSIDER THE CERTIFICATION OF DELINQUENT UTILITY BILLS TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2012. ACTION TAKEN: Resolution adopted and assigned number 2011-8-108.

10C. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2011, TO CONSIDER THE CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION ACTION TAKEN: Resolution adopted and assigned number 2011-8-109.

10D. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2011 TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2011-8-110.

10E. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2011 TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2011-8-111.

10F. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2011 TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2011-8-112.

11. RESOLUTION ACCEPTING BIDS AND AUTHORIZING CIVIC CENTER EXPANSION BID PACKAGE #32C-LANDSCAPING & BID PACKAGE 6B, ALTERNATE #17 BASEBALL HALL OF FAME DISPLAY CABINERY. ACTION TAKEN: Resolution adopted and assigned number 2011-8-113.

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

13. **REQUEST TO REPLACE THE COMPRESSOR IN THE AIR CONDITIONING UNIT IN THE TERMINAL BUILDING AT THE ST. CLOUD REGIONAL AIRPORT.**
ACTION TAKEN: Approved.

14. **SET A PUBLIC HEARING DATE TO CONSIDER A RESOLUTION ESTABLISHING A COMPLETE STREETS POLICY FOR ST. CLOUD, MINNESOTA.**
ACTION TAKEN: A public hearing date was set for September 12, 2011.

14A. (ADD-ON ITEM –LOOSE INSERT INCLUDED IN COUNCIL PACKET) **AN AGREEMENT FOR DISTRIBUTION OF ASSESSMENTS ON MARCO SITE DEVELOPMENT.** ACTION TAKEN: Approved as authorized by Subdivision Agreement (Document #1183338).

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

15. **A TRANSFER OF ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM 12 X'S INC. DBA GRANITE BOWL, 1740 WEST ST. GERMAIN, TO 12 X'S INC. DBA SOUTHWAY BOWL, 1222 33RD STREET SOUTH, ST. CLOUD.** City Clerk Gregg Engdahl explained that the applicant (Jeffery Cypher) is requesting to transfer his current on-sale intoxicating and special Sunday liquor license from the Granite Bowl facility located at 1740 West. St. Germain to the Southway Bowl facility located at 1222 33rd Street S. City Council President opened the public hearing. No one spoke. The public hearing was closed. It was moved by Hontos, seconded by Goerger, to approve the liquor license transfer as requested contingent upon the completion of all permits. The motion unanimously carried.

16. **RESOLUTION APPROVING THE NEW ALIGNMENT FOR THE BEAVER ISLAND TRAIL PHASE #3 IMPROVEMENTS AND AUTHORIZING THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY AND CONSTRUCTION EASEMENTS.** Park & Recreation Director Scott Zlotnik gave an overview of the proposed project and provided schematics of the Beaver Island Trail extension proposal. The project is a continuation of the Beaver Island Trail that parallels the Mississippi River at the St. Cloud Civic Center site. He explained that various alignment alternatives have been studied. With the recent St. Cloud Mississippi River Corridor Plan, a “new” preferred alignment was brought forward that provides for access to the river. To construct the trail, the City needs to acquire right-of-way

and easements across properties that are owned by the Rivers Edge Condominiums and Steven and Leonard Koshiol. City Council President John Libert opened the public hearing. The following individuals spoke:

Bruce Campbell, President of River's Edge Condominium, 230 5th Avenue South, #A-2; Spoke in opposition to the new alignment. The residents at River's Edge Condos had several concerns. He explained that 12 of the condominium units face the Mississippi River. The four owners of the lower units would not want to lose any property nor their serene environment. The residents bought into the condos because of the scenery. He stated that the condo owners are over 65 years old and do not have children or pets. These owners will have concern about the loss of value to their property. He couldn't image a bike path so close to the outdoor patios of the units.

Mike Moran, 230 5th Avenue South; a resident of River's Edge Condominium; spoke in opposition to the proposed alignment. Since he does a lot of walking along 5th Avenue, he suggested beautifying the area that is located between the road and the river, and place picnic tables and benches there. He agreed with the previous speaker that there isn't enough room to create a bike path behind the condo units.

David Laliberte, 1108 Seventh Avenue N. spoke in support of the new preferred alignment. The previous alignment, even with a switchback, provided for a downhill slope that wouldn't be safe for roller bladers and other users. This new alignment for the trail extension follows the process of many public meetings, public input, and survey results---all indicating that the majority of the people desire the extension of the Lake Wobegon Trail to the river; and the extension of Beaver Island Trail north to Hester Park. He also had comments regarding ideas to reduce the costs to the project.

Lowell Olson, 23 Pandolfo Place; spoke favorably of this proposed alignment as it fits with the Urban Mississippi Corridor plan; creates connectivity and sustainability; uses the river as a resource; and completes the concept of the Complete Street policy.

Kimberly Thelen Cremers, 22817 Grovewood Lane, Cold Spring; coordinator of the Stearns County Soil & Water Conservation District's Mississippi River Renaissance Project, noted that she served as an active participant on the Technical Advisory and the Planning Advisory Committees and as well as on the Eco System Protection and Restoration sub-committee, all for the Mississippi River Renaissance Project. She confirmed that public input and participation/meeting process has been great. She enthusiastically spoke about the importance of connecting the public to the river, and requested the Council's support.

Charlotte Stephens, 23 Pandolfo Place; spoke in support of the preferred alignment noting she is an active hiker and biker. She hopes that the adjoining landowners will come to find this trail extension as an amenity.

There being no one else wishing to speak, Council President Libert closed the public hearing. Johnson/Masters moved approval of the Resolution approving the New Alignment for the Beaver Island Trail Phase #3 Improvements and authorizing the acquisition of additional right-of-way and construction easements. Council discussion ensued. Johnson asked about the safety concerns along 5th Avenue and the slope mentioned by Mr. Laliberte. Park Director Zlotnik responded that the slope situation adjacent to Matthew Hall would be resolved if the new alignment was approved. Hontos was concerned about the projected total cost of the project. Park Director Scott Zlotnik talked about construction and design costs and last year estimates on acquisition costs; however, he noted that other possible variables are yet to be determined. Berg asked whether there would be sufficient room at the north corner of the condominium area to build a bike trail, considering setback regulations and future erosion of the river bank. Park Director Zlotnik noted the bike trail would be 10 ft. wide and setback regulations apply only to buildings, not to a bike trail. He confirmed there would be ample room to construct the trail. Zlotnik also stated that the new alignment would be a huge cost savings to the City. Goerger asked about the 3rd Street vacation. Zlotnik responded that he was not aware of any restrictions with the right of way easement. Masters asked about possible fencing to serve as a buffer for the area. Zlotnik responded that the City would coordinate efforts with the condo residents to discuss ideas and provide buffers for esthetics and privacy. Johnson asked what the exact distance would be from the patio to the bike path. Community Development Director Matt Glaesman said that measurements were taken from the narrowest point of the building wall (from the NE corner of the building), and it would be 40 feet. The setback regulation of 75 feet applies from the wall of the building to the river shoreline. Gohman stated that she felt the project costs were too high for such a small distance (1/4-mile trail), and asked if there were any other options considered. Park Director Zlotnik spoke to the four original concepts. Following the discussion, Councilmember Hontos moved to amend the motion to include that the City staff and the River's Edge Condominium Association have dialogue to discuss acceptable and appropriate barriers for the privacy of the condo owners. Councilmember Gohman seconded the motion. The amendment motion unanimously carried. The original motion as amended then unanimously carried. The adopted resolution was assigned number 2011-8-114.

17. **RESOLUTION ORDERING LENZMEIER ADDITION IMPROVEMENTS.** City Engineer Steve Foss provided a map/schematic of the proposed area on the overhead. The initial phase of the proposed development involves the installation of public roadway and utilities to provide service to an 11-acre site located approximately 1,000 ft. west of County Road 75. Three apartment buildings are proposed to be constructed on this parcel. There will be no city cost; the total cost would be assessed to the property owner. He also noted that no sidewalk is proposed at this time; however, shallow swales will be installed. City Council President Libert opened the public hearing. The following individual spoke:

Melanie Berg, 1155 Lime Tree Circle, Plum Creek Addition; asked for details on the plans to ease and control the heavy traffic on the west end of the frontage road/County Road 75 at the Cenex Station. *(City Engineer Steve Foss responded that this area is in the County's current capital improvement program to be widened to a four-lane divided facility with a future traffic signal; and in 2014 another project - 33rd Street S. will be reconstructed.)*

There being no one else wishing to speak, the public hearing was closed. Hontos/Goerger moved approval of the Resolution ordering the Lenzmeier Addition Improvements. City Engineer Foss asked that resolution be revised to include language stating that the improvements are contingent upon recording of the final plat of Lenzmeier Addition within 60 days. Hontos/Goerger accepted this language revision in their motion for approval. The motion unanimously carried by a roll call vote. The revised resolution was assigned number 2011-8-115.

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Kleis and Councilmember Goerger commented on the huge success of the SCSU Move-In weekend that took place on the past weekend (August 20-21).

ADJOURNMENT:

There being no one else wishing to speak, the meeting was adjourned at 7:25 p.m.

City Council President John Libert

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary

