

## CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

DECEMBER 19, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 19, 2011, 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.

### SPECIAL RECOGNITION:

4. Mayor Dave Kleis presented the 2011 Reflection of the Year Award to Mark and Cheryl Post and the volunteers at the Pineview BMX Park. Mark and Cheryl Post and family have been actively involved since the park's inception in 1998. They have volunteered and promoted the success of the bicycle motocross park throughout the years.

### CONSENT AGENDA:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Councilmember Hontos asked to reverse the order of public hearing items 23 and 24; approved.
6. **APPROVAL OF THE MEETING MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 21, 2011.** ACTION TAKEN: Approved.
7. **MAYOR'S APPOINTMENT TO THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) BOARD.** ACTION TAKEN: Confirmed the appointment of Karen Ament for a term to commence immediately and expire October 31, 2016.
8. **RESOLUTION DESIGNATING THE ST. CLOUD TIMES AS THE OFFICIAL NEWSPAPER OF THE CITY FOR 2012.** ACTION TAKEN: Resolution adopted and assigned number 2011-12-183.
9. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE DISTRICT 5M8 LION'S CONVENTION TO BE HELD AT THE BEST WESTERN KELLY INN ON FEBRUARY 3 & 4, 2012.** ACTION TAKEN: Approved pending receipt of proof of liquor liability insurance.

**10. RESOLUTION AUTHORIZING AN APPLICATION FOR FUNDING UNDER THE ELECTION ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES (EAID) GRANT.**

ACTION TAKEN: Resolution adopted and assigned number 2011-12-184.

**11. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR CATHEDRAL HIGH SCHOOL TO BE USED IN CONJUNCTION WITH A CATHEDRAL ATHLETIC ASSOCIATION NIGHT OF CASUAL COMEDY EVENT, JANUARY 28, 2012.**

ACTION TAKEN: Approved pending receipt of proof of liquor liability insurance and favorable review from the Police Department.

**12. A. RESOLUTION COMMITTING SPECIFIC REVENUE SOURCES IN SPECIAL REVENUE FUNDS; and**

**B. RESOLUTION PROVIDING AUTHORIZATION FOR TRANSFERRING THE REMAINING BALANCES OF THE FIRE RELIEF SPECIAL REVENUE FUND, THE SCHOOL LIAISON SPECIAL REVENUE FUND, AND THE EMERGENCY SPECIAL REVENUE FUND TO THE GENERAL FUND AS OF DECEMBER 31, 2011; and**

**C. ADOPTION OF REVISED GENERAL FUND BALANCE POLICY.** ACTION TAKEN: Resolutions adopted and assigned numbers 2011-12-185 and 2011-12-186 respectively; and revised policy was adopted as submitted.

**13. (A) REVISED JOB DESCRIPTION FOR THE PUBLIC UTILITIES DEPARTMENT ENVIRONMENTAL COMPLIANCE SPECIALIST.** ACTION TAKEN: Approved as submitted.

**(B) REVISED JOB DESCRIPTION FOR GARDENS ASSISTANT-MAINTENANCE.** ACTION TAKEN: Councilmember Hontos removed this item for discussion. Hontos/Goerger moved approval. Hontos asked whether the Civil Service Board approved the revised job description. Human Resources Director Dede Gaetz responded that the Civil Service Board met and approved the revised job description on Thursday evening, December 15. The motion unanimously carried.

**(C) REVISED JOB DESCRIPTION FOR PLUMBING INSPECTOR.** ACTION TAKEN: Approved as submitted.

**14. MAINTENANCE SUPERVISOR POSITION UPGRADE.** ACTION TAKEN: Approved an upgrade to Grade 19 effective February 10, 2012 for the Maintenance Supervisor position.

**15. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH MACHINISTS, DISTRICT 165, POLICE CIVILIAN SUPERVISORS.** ACTION TAKEN: Resolution adopted and assigned number 2011-12-187.

16. **SETTING A PUBLIC HEARING ON THE ETHICS/CONFLICT OF INTEREST POLICY FOR ELECTED OFFICIALS, BOARDS AND COMMISSIONS.** ACTION TAKEN: A public hearing was set for January 9, 2012.

17. **CHANGE ORDER #9 FOR THE WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT.** ACTION TAKEN: Approved.

18. **RESOLUTION OF SUPPORT FOR A SOURCE WATER PROTECTION PROJECT JOINT POWERS AGREEMENT.** ACTION TAKEN: Resolution adopted and assigned number 2011-12-188.

19. **A. PRELIMINARY AND FINAL PLAT OF FELICITY PARK; and B. ACCEPTANCE OF DONATION OF OUTLOTS A, B, AND C OF FELICITY PARK.** ACTION TAKEN: Both were approved.

20. **AGREEMENT WITH SCHREDER CLEANING SERVICE TO PROVIDE CLEANING SERVICES AT THE GRAND CENTRAL, PARAMOUNT, CENTRE SQUARE, AND RIVER'S EDGE CONVENTION CENTER PARKING FACILITIES AND THE SKYWAY.** ACTION TAKEN Approved.

21. **RESOLUTION REQUESTING STEARNS COUNTY TO INITIATE A SPEED ZONE STUDY FOR CSAH 4 BETWEEN ROLLING RIDGE ROAD AND ANDERSON AVENUE.** ACTION TAKEN: Resolution adopted and assigned number 2011-12-189.

**OPEN FORUM:**

Dr. Malcolm Nazareth, 814 14<sup>th</sup> Street N.; expressed his personal concerns regarding four issues: (1) The City's use of "big banks," similar to U.S. Bank, instead of utilizing smaller financial institutions similar to Credit Unions; (2) looking to improve the cost of living for St. Cloud residents; (3) spoke to the burden of home foreclosures resulting in evictions; and (4) encouraged the use of cable television to allow the less fortunate to be heard.

**PUBLIC HEARINGS:**

22. **ORDINANCE AMENDING SECTION 424:20 OF THE 2007 CODE OF ORDINANCES, ENTITLED "SUSPENSION OR REVOCATION OF LICENSES: CIVIL PENALTY," AND BY ADDING A NEW SECTION 424:25 ENTITLED "PENALTIES FOR VIOLATIONS."** City Attorney Matt Staehling explained that the proposed ordinance will establish an administrative hearing process to review and consider tobacco license/ordinance

violations as well as amend the civil penalty structure to be consistent with state law. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Berg/Gohman moved approval of the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2520.

23. *(Listed as Agenda Item 24 in Council packet)* **ORDINANCE AMENDING SECTION 575 OF THE 2007 CODE OF ORDINANCE INCREASING WATER RATES BY 3%.** Mayor Dave Kleis gave opening remarks regarding the proposed Enterprise Budget. He verified that the only Enterprise Fund rate increase for residents in 2012 would be the 3% water rate adjustment (resulting in an average monthly residential bill increase of 72-cents). The Revenue Adequacy Adjustment Assessment was completed to evaluate the appropriate rate structure required for Water Utility operation, maintenance, and improvement programs. It recommended the 3% increase for Water Utility. Public Services Director Pat Shea provided schematics comparing water rates of our area communities and discussed the vision and the plan for the St. Cloud Water Treatment Facilities. He also provided an update of the Master Plan. Council President Libert opened the public hearing. The following people spoke:

**Malcolm Nazareth, 819 14<sup>th</sup> Street N.;** asked about fluoride in City water and when the water rate increase would go into effect.

**Pat Morin, 917 13<sup>th</sup> Avenue SE;** asked that the City not increase the water rates.

There being no one else wishing to speak, the public hearing was closed. Berg/Masters moved approval of the Ordinance Amending Section 575 to increase Water Rates by 3%. Following general discussion, the motion unanimously carried. The adopted Ordinance was assigned number 2521.

24. *(Listed as Agenda Item 23 in Council packet)* **RESOLUTION ADOPTING 2012 BUDGETS FOR ENTERPRISE FUNDS.** City Administrator Michael Williams gave a brief overview of the proposed 2012 Enterprise Funds budget. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Goerger/Johnson moved approval of the resolution as presented. The adopted resolution was assigned number 2011-12-190.

25. **ORDINANCE CHANGING STREET NAMES AND ADDRESSING WITHIN THE 1000 BLOCK OF COUNTY ROAD 134 AND 900 BLOCK OF CHESTNUT COURT.**

Community Development Director Matt Glaesman gave a brief overview of the ordinance that will change street names and addresses in the West Metro corridor area. He noted that two

options were prepared and reviewed with the affected property owners. The property owners preferred Option #1. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Masters/Goerger moved approval of the Ordinance. The adopted Ordinance was assigned number 2522.

26. **RESOLUTION ORDERING 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS - PHASE 3.**

City Engineer Steve Foss gave an overview of the neighborhood revitalization project for the 10<sup>th</sup> Avenue North Phase 3 area. Engineering staff mailed a survey to the affected 76 property owners. The results were 36% were in support; 21% were in opposition; and 43% did not respond to the survey. Engineer Foss noted there has been considerable concern about the proposed sidewalk on the south side of 10<sup>th</sup> Street N. He also reviewed the proposed assessments and project costs. Council President Libert opened the public hearing. The following people spoke:

**Jim Mondloch, 928 13<sup>th</sup> Avenue N.**, questioned whether the project included improvements for 13<sup>th</sup> Street N. (Engineer Foss responded that originally the scope of the project included 13<sup>th</sup> Street N., but the project has now been scaled back and is limited to only 10<sup>th</sup> and 11<sup>th</sup> Streets N.)

**Jodi Kramer, 1027 11<sup>th</sup> Avenue N.**; spoke in support of the project.

**Harry Burns, 927 10<sup>th</sup> Avenue N.**; spoke in opposition to the whole project at this time. He specifically opposed the proposed sidewalk on the south side of 10<sup>th</sup> Street North. He talked about the existing poor economy and the struggling neighborhood. He agreed that the infrastructure is old, but due to many foreclosures in the neighborhood and the loss of property values, the timing to proceed with the project is not right. He asked the Council to vote the project down.

**Marv Milam, Parish Business Administrator representing Church of St. Paul, 11 25<sup>th</sup> Avenue N.**, spoke in support of the improvement project.

**Erikka Flowers, 915 10<sup>th</sup> Avenue N.**; six-year resident; asked the Council to consider postponing the project for another two years due to the poor economy. She suggested moving forward other improvement projects instead.

**Bob Feigh, 1126 11th Avenue N.**; spoke in support of the project.

**Jeannette Grace, 109 N. 9<sup>th</sup> Street**; asked for additional time for the neighborhood to recover financially before proceeding with the improvement project and proposed assessments.

**Larry Flowers, 915 10<sup>th</sup> Avenue N.;** spoke against the proposed sidewalk on the south side and requested that the Council wait on the total project.

There being no one else wishing to speak, the public hearing was closed. Masters/Gohman moved approval. Council discussion ensued. City Engineer Steve Foss reviewed the payment plan options available to residents. Hontos/Goerger moved to amend the motion to eliminate the proposed sidewalk on 10<sup>th</sup> Street North from 9<sup>th</sup> to 11<sup>th</sup> Avenue North (south side) from the improvement project. The amendment motion carried 7-2 with Berg and Masters voting against. The original motion as amended carried by a roll call vote of 7-1 with Johnson voting against. The revised resolution was assigned number 2011-12-191.

27. **RESOLUTION ORDERING COOPER AVENUE SOUTH FROM CSAH 75 TO TRAVERSE ROAD IMPROVEMENTS.** City Engineer Steve Foss gave opening remarks and clarified that the proposed sidewalk plans for the project had been revised. The plans now consist of 5ft. sidewalk with a 2ft. hard surface boulevard. He also noted that sidewalk slopes and driveways would be planned according to ADA requirements. Engineer Foss responded to Councilmember Hontos' questions regarding the scope of the project and the current condition of the infrastructure in this neighborhood. Foss said that it was the need for roadway improvements, bike lane improvements, and pedestrian safety concerns that were driving this project, not the condition of the infrastructure. Council President Libert opened the public hearing and encouraged speakers to ask questions. He noted that at the conclusion of the public hearing, the Council would table this item. The following people spoke:

**Sarah Tornow, 1519 Cooper Avenue S.;** spoke in opposition to the whole project, specifically to constructing any sidewalk in the Calvary Hill neighborhood. She listed her reasons against the sidewalk.

**Robert Wichman, 1408 Cooper Avenue S.;** felt there is a need for sidewalk on Cooper for the safety of pedestrians, and a definite need for curb and gutter to channel the rain water runoff. However, he didn't feel the whole project needed to be done at this time due to the cost factor.

**Sue Wakefield, 1309 Cooper Avenue S.** provided an 11-page detailed narrative opposing the project to the neighborhood and City Council (said document on file in the Engineering office). She summarized the document and asked that the proposed project be sent back for further review and consideration of the many recommendations from the residents in the neighborhood.

**Kim Love-Hatling, 1516 Cooper Avenue S.,** explained that her residence has a horseshoe driveway with an embankment to the west end of the driveway. She asked about the plan for that embankment. She also asked who absorbs the costs for those residents who qualify for lesser assessments under the Assessment Stabilization program.

**Matthew A. Tornow, 1519 Cooper Avenue S.;** stated his opposition to the project and questioned whether a formal cost benefit analysis had been done; and if so, who did it and where are the results? He noted that his proposed assessments were \$15,000. He asked if an environmental impact study was done, and if so, why the affected residents weren't consulted. He asked if there are alternative methods that would reduce traffic flow and traffic speed. He asked about storm drain plans and the environmental impact of those improvements. He noted that many of the homes in the area are historically significant and what are the plans to work with the Heritage Preservation Commission for protection of these homes.

**Robert Witte, 1665 Cooper Avenue S.,** stated his opposition; he said it would be nice to have sidewalk, but not at the high expense.

**Lucinda Marty, 1405 Cooper Avenue S.,** stated her opposition to the proposed improvements.

**Bill Hatling, 1516 Cooper Avenue S.,** felt strongly that Calvary Hill area is a residential area and it is unfortunate that Cooper has become a commuter route. He asked if there were any plans to divert traffic off of Cooper. He asked if a pedestrian study was done. He commented that if in fact the infrastructure is potentially breaking down under the roadway, plans should be underway to divert trucks off Cooper Avenue. Lastly, he suggested that a stop light be installed at 17<sup>th</sup> Street S. and Cooper Avenue to help control the traffic.

**John Huyler, 1302 Cooper Avenue S.;** is a 30-year resident of the area. He stated his frustration for the change in the area from a quiet neighborhood to a raceway of traffic. He felt the sidewalk should be esthetically pleasing and that curb and gutter alone would take care of the rain water runoff.

**Bob Olson, 1309 Cooper Avenue S.,** offered comments opposing the project. He referred to the residential area as a "jewel of a neighborhood," and suggested that when they opened University Drive to Cooper Avenue, they opened the traffic flood gates. He further suggested that bikers, skaters, and those in wheelchairs will have difficulty with the slopes in the sidewalks even with adhering to ADA requirements.

**Sarah Tornow, 1519 Cooper Avenue S.,** asked whether she'd be liable if someone fell and injured themselves on the sidewalk in front of her house.

**Sue Wakefield, 1309 Cooper Avenue S.**, asked for clarification with regard to the intent of the Council to table this item. She asked what happens to the petition signed by Calvary Hill Homeowners Association members stating their opposition to this project.

**Nona Huyler, 1302 Cooper Avenue S.**; said she is a stay-at-home mom. She counted 482 cars travel on Cooper Avenue during a 30-minute period. She didn't know how widening the road would make the road safer and suggested the speed limit be posted at 25mph on Cooper Avenue. She expressed her disappointment that Cooper Avenue turned from a residential street to an arterial road.

**Matthew A. Tornow, 1519 Cooper Avenue S.**, also asked about the Signed Petition and how it will affect this project. He read aloud from the City's Home Rule Charter, Section 10:20 : "Sec. 10.20 Limitations on Council -*If the proposed improvement is in the nature of streets, alleys, sidewalks, curbs, gutters or other improvements of a public way, the Council may not proceed with such improvement if seventy-five percent or more in number and interest of the affected property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to the said improvement and giving their proper street addresses and description of their property to be affected by the improvement....*" (He was advised that City Attorney Matt Staehling would address this inquiry.)

**Matthew Meyer, 1335 Cooper Avenue S.**, moved into the neighborhood three months ago and asked if the improvement project would increase the value of his property. He noted that he will bike to work in the summer, but didn't feel it was necessary to have bike lanes.

There being no one else wishing to speak, the public hearing was closed. Council discussion ensued. City Engineer Steve Foss explained that the "asterisked/star" properties listed within the Council packet were those properties that were petitioned for improvements when platted per the subdivision agreement. If properties have since sold, it is possible the new owners were not made aware of the improvement project. Councilmember Goerger asked why this project was coming forth now, considering the infrastructure is not faltering. He asked whether the road could be resurfaced now and the utility improvements done at a later date. Engineer Foss explained that funds are available for Minnesota State Aid (MSA) routes now. The city cannot come back later and ask for state aid funding to do the utilities. The project meets automobile, bicycle and pedestrian needs and complies with the Complete Streets Policy. Masters asked about a possible roundabout at the intersection of 17<sup>th</sup> and Cooper. Engineer Foss said that results of an Intersection Control Evaluation (ICE) report would have needed to indicate that a roundabout was warranted. Hontos asked City staff to look at another neighborhood revitalization project

where infrastructure is needed rather than doing a roadway improvement driven project. Goerger suggested the roadway be resurfaced only, noting that 81% of the residents were opposing the proposed project. It was then moved by Councilmember Hontos, seconded by Councilmember Goerger, to postpone the proposed project indefinitely. The motion carried by vote of 7-2 with Berg and Masters voting against.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Mayor Dave Kleis extended an invitation to the public to an open house and ribbon cutting for the St. Cloud River's Edge Convention Center on Thursday, January 5, 2012, at 5 p.m.

Mayor Kleis also announced his next Town Hall meeting at the Paramount Theatre on Wednesday, December 28, at 10 a.m. To commemorate the 90<sup>th</sup> anniversary of the Paramount, the first silent movie that played at the theatre, "Way Down East," will be shown. The event is free and open to the public.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:35 p.m.

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City Council President John Libert

Respectfully submitted by

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Sandy Hilsgen

Recording Council Secretary