

MINUTES ALLEY VACATION PUBLIC HEARING

JANUARY 11, 2012

Mayor Jeff Thompson opened the public hearing at 6:30 p.m. Council members present were Jeff Bertram, Jean Soine, Dennis Zimmerman, and Gene Beavers. Others present were Renee Eckerly, City Administrator; Ron Mergen, Public Works Director; Jennifer Welling, Administrative Assistant; Stephanie Hormann, Cable Coordinator; Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, City Attorney; Kent Kortlever, Chief of Police; Mike Jacobson, Press; Bill Ludwig, Liquor Store Manager; Joel Burr, Delane Burr, Greg Friederichs, Doris Wendlandt, Tom Wendlandt, Bob McDaniel, Dick Johnson, Sheri Wegner, and Tim Wegner.

The Alley Vacation Petition submitted by Tom & Doris Wendlandt, Queen Bee's Bar & Grill was presented. A proposed design of the area was reviewed. They wish to vacate 50 feet of the alley directly behind their business. Resolution 2012-03 Vacating Alley Upon Petition Of A Majority Of Abutting Land Owners was presented. The Planning Commission has reviewed this and no recommendation was made. The Commission tabled it for 60 days so that a traffic count could be obtained, alley widths could be determined, and possible relocation of a pole could be considered. The Public Works Committee discussed this, but no recommendation was made. The Public Safety Committee has reviewed this and recommends the Public Works Department conduct a traffic count on the alley. The City did receive an email from Sean Fogarty, on behalf of Cal and Terri Sixta, opposing the alley vacation.

Doris Wendlandt presented the following:

- Timing is everything
- Not creating a negative impact
- Wishes to close 50' of the alley directly behind her business
- Will remove the house and garage on the property directly behind their business; which they now own
- Fence the entire area for an outdoor patio to host events including flea markets, broom ball, and volleyball
- This would promote the entire downtown
- Would like to work together to accomplish this
- Would like to have patio completed by April
- Appreciate the consideration and vote to vacate the alley to promote the downtown business district

Bob McDaniel distributed a proposed layout of ingress and egress off of Hwy. 23 and expressed his support of the development and alley vacation. He suggested not delaying the project.

Joel Burr stated that he owned the three lots behind Queen Bee's. He also has a business downtown and wants home values to increase. He would prefer that the alley not be vacated until access onto Hwy. 23 can be opened up behind Jimmy's Pizza. There is no way out during Town & Country Days. He would also like to see Doris

Wendlandt do well; however, there are some safety concerns. The alley exit onto James Street is supposed to be 16' and it's not; this forces other traffic issues.

The Hwy. 23 turn back was mentioned and McDaniel questioned when the turn back would happen. Eckerly stated in November of 2012.

Sheri Wegner expressed that she is also a business owner downtown and is concerned with the Hwy. 23 bypass. There needs to be support of all downtown businesses and seriously consider the effects. Holding off on this vacation is not fair; however, she appreciated Mr. Burr's concerns. The project will not happen overnight and can't begin until the vacation is complete.

Greg Friederichs stated that he owns the vacant lot between the Insurance Agency and Steve Whitcomb's building. He is in favor of pro business and applauds Doris Wendlandt's efforts. He admitted that he did not think of access during Town & Country Days and the possible impact. He further stated that he may want to build on his property in the future and is concerned with the impact of this alley vacation and the limited access. He would hate to see the project wait, but can't shut the alley without complete plans.

Dick Johnson, the owner of Vern Johnson Motors stated that it is a local decision to open the alley behind Jimmy's Pizza and that this is not the only location with streets and no access. The alley was closed for exiting purposes due to safety. The City can decide to remove that restriction as they put the restriction on.

Thompson stated that any new alley ingress or egress cannot be opened without MnDOT approval.

Johnson further expressed his support of the project; we have to be pro business or we won't have any businesses. The removal of the house and garage would also be huge improvement and the removal should be a stipulation of the vacation. The Council set precedence by closing a portion of Augusta Ave. for AMPI; give the deal to the big business and not the little business is not fair.

Thompson replied that the City does not have a crystal ball and when the bypass is complete the "no exit" onto Hwy. 23 could be lifted due to the decrease in traffic.

Soine expressed that the Council closed the exit, so the Council can remove the no exit. The Council would not have to wait for the turn back.

There was some discussion on McDaniel's plan, the City purchasing the lot from Mr. Burr, and a possible land swap with the Drug Store owners.

Mr. Burr further expressed his concerns with the utilities going through the alley.

Eckerly stated that the patio would have to be attached to the building to serve alcohol outside. Doris Wendlandt stated that the fence would be attached and that would accomplish that requirement.

Spooner interjected he didn't know the rules, but the rule will have to be clarified or it could affect the Liquor License. Eckerly will check with alcohol enforcement for a determination.

Spooner addressed that the City will retain easements through the alley for utilities and there is a risk if they are built over.

It was stated that Public Safety suggested conducting a traffic count. The Planning Commission suggested a traffic count as well as verify the alley widths, and determine if the utility poles could be moved. The Public Works Commission recommends denying the vacation. The traffic count would cost at minimum \$500.00, the platted widths of the alleys are 16' and the poles are within the alley right of ways. The poles were asked to be moved a number of years ago and the cost then was estimated at \$7,000.00.

Grant possibilities were mentioned.

Concerns with parking for business within the block were expressed.

It was suggested to move the alley further south on Augusta behind Queen Bee's then the City would not have to wait for State or County approval.

Doris Wendlandt requested that this be included on an EDAP agenda and have EDAP purchase the parking lot and it be designated as a public parking lot. Then the business owners wouldn't have employees park on street. The parking is worse now since a portion of Augusta Ave. has been closed.

It was questioned why the Public Works Committee didn't approve the vacation. It was replied due to safety.

Sheri Wegner acknowledged that this is a big decision with a lot of implications, but reminded the Council to not get caught up in the red tape. She asked the Council to be efficient in their decision making.

It was suggested to contact the County and State immediately on moving the alley access.

McDaniel stated take step one; steps two & three may not happen, but that is no reason to postpone step one.

There being no further comments the Public Hearing was closed at 7:12 p.m.