

**MINUTES**  
**ALLEY VACATION BEHIND QUEEN BEE'S PUBLIC HEARING**

**MARCH 14, 2012**

Mayor Jeff Thompson opened the Public Hearing at 7:00 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; Tom Peck, Mark Eckerly, Chuck Buggs, Bob Dickhaus, Stearns County Sherriff's Department; Deacon Jim Schultzenberg, Doris Wendlandt, Tom Wendlandt, Ellarry Prentice, Press; Joe Schmitz, Ruth Heitke, Delane Burr, Bob McDaniel, and Trisha Williams.

This was tabled from previous City Council meetings. An Alley Vacation Petition submitted by Tom & Doris Wendlandt, Queen Bee's Bar & Grill. Resolution 2012-03 Vacating Alley Upon Petition Of A Majority Of Abutting Land Owners was presented. Attorney Spooner has drafted a Combined Access License Agreement and Public Right-Of-Way Easement Agreement which is included for informational purposes only at this time. A survey of the parking lot was reviewed.

Findings include:

1. Moving the power pole at Hwy. 23 and the alley approach; when the City looked at this previously it would have cost \$7,000.00.
2. Verify the alley widths; the alley right of way is 16 feet, it may not appear to be 16 feet because the power poles are in the right of way making it appear narrower.
3. Traffic count; would cost \$700.00.
4. MnDOT and Stearns County will consider moving the alley on Hwy. 23, with the understanding that the entrance be 32' wide and the existing entrance be closed.
5. Whoever owns the access will need to pay for and apply for the permit.
6. County meeting is scheduled for March 27, 2012.
7. The access will have to comply with new ADA requirements.
8. MN Liquor Control Board had determined that the liquor patio must be contiguous to the building.
9. The utilities in the alley are: Windstream telephone and CenterPoint Energy both underground and Xcel Energy above ground.

CenterPoint Energy and Windstream's response to the vacation were presented.

Doris Wendlandt reported that she had petitioned for this vacation back in November of 2011. A public hearing was held and closed. Doris Wendlandt asked why there's continued public input. Windstream and CenterPoint Energy concerns are workable; however, now there have been a number of other factors thrown in and the original request was to vacate 50' of the alley behind Queen Bee's.

It was reported that Spooner has had some communications with representatives from the drug store. The parking lot property has not been closed on yet, but is tentatively set for early April. An agreement is being worked on between the City and the drug store.

It was stated that the County Access Permit must be applied for by the property owner; therefore, the closing will have to happen first. All of this will take some time to accomplish what the Council wants.

It was questioned if all of the stipulations are essential before the alley can be vacated. Spooner said no, but that's what the Council wants.

Financing the project was discussed.

The Public Works Committee recommends approving the draft agreement.

Thompson stated that this Public Hearing is intended to allow for continued public comment. Spooner stated that he understands why a decision isn't being made and it makes sense to continue the public hearing until the Council is prepared to take action. Some were bothered by the process, discussions, but no decision. At some point the Council needs to make a decision. It should be either no, yes, or yes, with stipulations.

The Public Works Committee recommends approving the alley vacation with stipulations.

Bertram reported that Joe Burr could not be in attendance, but wants the entire project completed simultaneously.

It was questioned what the stipulations are. The stipulations are:

1. Garage and house be removed
2. Alley would be vacated exit and entrance
3. Access agreement signed

McDaniel stated that the responsibilities are indirectly being directed to Doris Wendlandt. The rest will happen whether Doris Wendlandt does it or not. It is unfair to expect Doris Wendlandt to do. The responsibility should be weighed more heavily on those who have the authority.

There was some discussion on the construction of the new access, truck traffic and the affect on others by closing the alley without 1, 2, and 3 being done.

**Motion was made by Bertram to close the Public Hearing and end the discussion. Seconded by Soine.**

It was consented to take no further public comment on this item.

There being no further comments or questions the public hearing was closed at 7:28 p.m.