

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

OCTOBER 11, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on Monday, October 11, 2010, at 6 p.m. in the City Council Chambers.
2. (A) A Moment of Silence was observed for our men and women serving in the Armed Forces.
(B) Mayor Dave Kleis administered the Oath of Office to St. Cloud City Attorney Matthew Staehling. Matt has been employed with the City's Legal office since May 1996 and has been serving as the interim City Attorney for the past six months. The Mayor and the Council expressed appreciation to Matt for his exemplary public service.
3. Roll Call: All members present: Berg, Garven, Hontos, Libert, Johnson, Masters, and Pederson.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the addition of two discussion items requested by Councilmember Hontos: (a) local Liquor Licenses; and (b) recent newspaper article/editorial on the U.S. Census and the poverty level.
5. **(A) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 13, 2010; AND (B) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 27, 2010.** ACTION TAKEN: Approved.
6. **MAYOR'S REAPPOINTMENTS TO THE ARTS COMMISSION.** ACTION TAKEN: Confirmed the Mayor's reappointments of: David DeBlieck to his second term to commence immediately and expire on September 30, 2012; and Jeffrey Ringer and Kristian Twombly for their first full terms to commence immediately and expire September 30, 2013.
7. **MAYOR'S REAPPOINTMENT TO THE CIVIL SERVICE BOARD.** ACTION TAKEN: Confirmed the Mayor's reappointment of Jean Madsen for a second term to commence immediately and expire June 30, 2013.
8. **MAYOR'S APPOINTMENTS AND RE-APPOINTMENTS TO THE PARK AND RECREATION BOARD.** ACTION TAKEN: Confirmed Mayor's appointments of Buddy King for a term to commence immediately and expire June 30, 2011 and Jamie Henkemeyer for a term to commence immediately and expire June 30, 2013; and the reappointments of Troy Fritz and Jennifer Lucken to second terms to commence immediately and expire June 30, 2013.

9. **MAYOR'S APPOINTMENT TO THE WHITNEY SENIOR CENTER ADVISORY BOARD.** ACTION TAKEN: Confirmed Mayor's Appointment of Susan Smith to a first term to commence immediately and expire on March 31, 2013.

10. **SET A SPECIAL COUNCIL MEETING FOR TUESDAY, NOVEMBER 9, 2010, AT NOON IN THE FIRST FLOOR CONFERENCE ROOM AT CITY HALL FOR THE PURPOSE OF CANVASSING THE RESULTS OF THE NOVEMBER 2, 2010 GENERAL ELECTION.** ACTION TAKEN: Approved.

11. **CHANGE ORDER #2 FOR THE WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT.** ACTION TAKEN: Approved.

12. **RESOLUTION APPROVING ORDERLY ANNEXATION AGREEMENT BETWEEN HAVEN TOWNSHIP, SHERBURNE COUNTY, AND THE CITY OF ST. CLOUD.** ACTION TAKEN: Resolution adopted and assigned number 2010-10-191.

13. **RESOLUTION ACCEPTING LOW BID FOR VETERANS GOLF COURSE IMPROVEMENTS, CONTRACT 2010-28.** ACTION TAKEN: Resolution adopted and assigned number 2010-10-192.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

14. **APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SUPER BUFFET REST, INC. DBA SUPER BUFFET, 1020 4TH STREET SE.** City Clerk Gregg Engdahl gave a brief overview of the application. All departments have reviewed the application and recommended approval. City Council President Bob Johnson opened the public hearing. No one spoke. The public hearing was closed. Berg/Garven moved approval of granting the On-Sale 3.2 percent malt liquor license for Super Buffet located at 1020 4th Street SE. The motion unanimously carried.

15. **RESOLUTION ESTABLISHING COMBINED TIME LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG BOTH SIDES OF 8TH AVENUE NORTH FROM 15TH STREET NORTH TO APPROXIMATELY 600 FEET NORTH OF 15TH STREET NORTH.** City Attorney Steve Foss explained that a petition was received and signed by 11 out of the 13 affected property owners requesting the establishment of “2-HOUR PARKING 8 A.M. – 5 P.M. EXCEPT BY PERMIT” parking restrictions along both sides of 8th Avenue North from 15th Street North to approximately

600 feet north of 15th Street North. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Masters/Libert moved approval of the request to establish time limit parking and resident parking by permit zone in the area requested. The motion unanimously carried. The adopted resolution was assigned number 2010-10-193.

16. AN ORDINANCE AMENDING ARTICLE 8 – RESIDENTIAL DISTRICTS, 8.2 – PERMITTED AND CONDITIONAL USES, TABLE 8-1: RESIDENTIAL DISTRICTS PERMITTED AND CONDITIONAL USES; ARTICLE 9 – COMMERCIAL DISTRICTS, 9.2 – PERMITTED AND CONDITIONAL USES, TABLE 9-1: COMMERCIAL DISTRICTS PERMITTED AND CONDITIONAL USES; ARTICLE 10 – INDUSTRIAL DISTRICTS, 10.2 – PERMITTED AND CONDITIONAL USES, TABLE 10-1: INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES; ARTICLE 14 – USE STANDARDS, 14.3 – USE STANDARDS, U. – SERVICE STATION; ARTICLE 15 – ON-SITE DEVELOPMENT STANDARDS, 15.6 PERMITTED OBSTRUCTIONS, TABLE 15-4: PERMITTED OBSTRUCTIONS; ARTICLE 16 – OFF-STREET PARKING AND LOADING, 16.7 – LOCATION OF OFF-STREET PARKING SPACES, E.; ARTICLE 16 – OFF-STREET PARKING AND LOADING, 16.8 – DESIGN STANDARDS, D. LANDSCAPING AND SCREENING; ARTICLE 16 – OFF-STREET PARKING AND LOADING, 16.13 – REQUIRED OFF-STREET PARKING SPACES – TABLE 16-3 REQUIRED OFF-STREET PARKING; ARTICLE 17 – LANDSCAPING, SCREENING, AND BUFFERING; ARTICLE 21 – DEFINITIONS, 21.4 USE DEFINITIONS, PRINT SHOP AND PUBLISHING; ARTICLE 21 – DEFINITIONS, 21.5 GENERAL TERMS DEFINITIONS, FLOOR AREA RATIO – FIGURE; IN THE ST. CLOUD LAND DEVELOPMENT CODE.

Community Development Director Matt Glaesman introduced the proposed ordinance. Council President Johnson opened the public hearing. No one spoke. Council member Hontos noted that he had concerns regarding the proposed ordinance and moved to table the issue and continue the public hearing to a future meeting. The motion was seconded by Libert. Hontos felt that more dialogue and clarification was needed, specifically to address ARTICLE 17-LANDSCAPING, SCREENING of the proposed ordinance. He asked to

have discussion at an upcoming Study Session. Mayor Kleis confirmed that the issue would be placed on the October 18, 2010, Study Session agenda. The public hearing will then be continued at a subsequent City Council meeting. The motion to table and continue the public hearing to a future meeting carried unanimously.

17. **(A) ORDINANCE VACATING THE 5' WIDE DRAINAGE AND UTILITY EASEMENT ALONG THE INTERIOR SIDE YARDS OF THE FOLLOWING PROPERTIES: LOTS 1-6, BLOCK 8; LOTS 1 & 2, 4 & 5, 7 & 8, AND 10-13, BLOCK 9; LOTS 2 & 3, 6 & 7, 9-13, 16-20, AND 22-27, BLOCK 10; AND LOTS 1-4, BLOCK 11 OF WEST PRAIRIE POINT. (LOCATION: 6738-7118 NORTHWOOD LANE AND 6814-7014 22ND STREET NORTH) (VAC-2010-04)**

Community Development Director Matt Glaesman gave a brief overview and noted that the Planning Commission recommended approval of the proposed vacation, as well as the related revision to the West Prairie Point preliminary plat and new final plat. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Libert/Garven moved approval of the ordinance as presented. The motion carried and the adopted ordinance was assigned number 2478.

B. PRELIMINARY AND FINAL PLAT OF WEST PRAIRIE POINT PLAT TWO.

Garven/Libert moved approval of the preliminary and final plat of the West Prairie Point Plat Two. The motion unanimously carried.

C. SUBDIVISION AGREEMENT FOR WEST PRAIRIE POINT PLAT TWO.

Berg/Masters moved approval of the Subdivision Agreement as submitted. The motion unanimously carried.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos announced as "INFORMATION ONLY" that he attended a recent meeting held by City Attorney Matt Staehling regarding local liquor establishments offering drink specials and disregarding the Hospitality Association's Resolution of Best Practices. He noted that the Hospitality Association will meet on October 19, 2010. He suggested that the Association's reaction to the alleged violations would be of interest. Councilmember Pederson was not aware of the City meeting or the alleged violations. He cautioned his colleagues to refrain from citing any alleged violating businesses at a public forum. No action taken.

Councilmember Hontos mentioned that the St. Cloud Times Editorial Board recently did an article on the census releasing news that 32 percent of St. Cloud families were living in poverty in 2009. He suggested that future dialogue needs to occur on job creation and other initiatives that would reverse the trends of low household incomes and poverty in our community. Community Development Director Matt Glaesman will report back to the Council at a future meeting.

ADJOURNMENT.

There being for further business to discuss, Council President Johnson adjourned the meeting at 6:39 p.m.

City Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary