

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

February 14, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on February 14, 2011 at 6 p.m. in the City Council Chambers.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEEETING HELD JANUARY 24, 2010.** ACTION TAKEN: Approved.
6. **MAYOR'S APPOINTMENT TO THE HOUSING AND REDEVELOPMENT AUTHORITY.** ACTION TAKEN: Confirmed the appointments of Bob Johnson to his first term to commence immediately and expire October 31, 2014 and Robin Gohman to her first term to commence immediately and expire October 31, 2015.
7. **MAYOR'S APPOINTMENT AND RE-APPOINTMENTS TO THE ST. CLOUD LIBRARY BOARD.** ACTION TAKEN: Confirmed the appointment of Pat Zenner to her first term to commence immediately and expired December 31, 2013; and the reappointments of Kristi Tornquist and Mitchell Gossman to their third terms to commence immediately and expire December 31, 2013.
8. **MAYOR'S APPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Confirmed the appointment of Mike Landy to his first term to

commence immediately and expire April 30, 2013.

9. **A JOINT RESOLUTION OF THE CENTRAL MINNESOTA CITIES OF ST. CLOUD, SARTEL, SAUK RAPIDS, WAITE PARK, ST. JOSEPH, ST. AUGUSTA, AND ROCKVILLE ADVOCATING SUPPORT FOR CERTAIN LEGISLATIVE ISSUES AND PROPOSALS OF COMMON INTEREST OR CONCERN TO THE CENTRAL MINNESOTA REGION.** ACTION TAKEN: Goerger/Masters moved approval. Goerger/Masters moved friendly amendment to include an item “supporting the ban of synthetic marijuana”. Motion carried unanimously. Resolution was adopted and assigned number 2011-2-207.
10. **APPLICATION FOR A TEMPORARY ON-SALE LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY FOR AN EVENT TO BE HELD MARCH 3, 2011, AT THE ATWOOD CENTER BALLROOM.** ACTION TAKEN: Approved.
11. **APPLICATION FOR (A) A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE; AND (B) AN EXEMPTION FROM THE CITY’S NOISE ORDINANCE FOR THE CHURCH OF ST. AUGUSTINE FOR THE 2011 MAYFEST EVENT TO BE HELD MAY 26, 2011, IN THE PARKING LOT AT THE ST. KATHARINE DREXEL SCHOOL, 442 2ND STREET SE.** ACTION TAKEN: Approved subject to conditions as noted from the Police Department.
12. **APPLICATION FOR AN EXEMPTION FROM THE CITY’S NOISE ORDINANCE FOR THE AMERICAN CANCER SOCIETY FOR A 12 HOUR “WALK TO FIND A CURE” EVENT TO BE HELD JUNE 10TH AND 11TH AT APOLLO HIGH SCHOOL.** ACTION TAKEN: Approved subject to conditions as noted by the Police Department.
13. **APPLICATION FROM LIBERTY SAVINGS BANK FOR AN EXEMPTION FROM THE CITY’S NOISE ORDINANCE TO BE USED IN CONJUNCTION WITH THE ANNUAL LIBERTY BLOCK PARTY EVENT SCHEDULED FOR JUNE 24, 2011 AT WHITNEY PARK.** ACTION TAKEN: Approved subject to

conditions as noted by the Police Department.

14. **JOINT USE AGREEMENT BETWEEN ST. CLOUD STATE UNIVERSITY AND THE CITY OF ST. CLOUD – EASTMAN PARK.** ACTION TAKEN: Approved.
15. **EASTMAN REGIONAL PARK (LAKE GEROGE) PARKING AGREEMENT BETWEEN INDEPENDENT SCHOOL DISTRICT 742 AND THE CITY OF ST. CLOUD.** ACTION TAKEN: Approved.
16. **JOINT USE AGREEMENT FOR AQUATIC PROGRAMMING BETWEEN INDEPENDENT SCHOOL DISTRICT 742 AND THE CITY OF ST. CLOUD.** ACTION TAKEN: Approved.
17. **LEASE AGREEMENT FOR A RETAIL AND CONCESSIONS OPERATION – HERITAGE PARK SHELTER.** ACTION TAKEN: Approved. Councilmember Hontos abstained.
18. **RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MN/DNR UNDER THE 2011 FEDERAL RECREATIONAL TRAIL GRANT PROGRAM.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-2-08.
19. **APPROVAL OF QUOTE FOR FLOOR FINISHING AT FIRE STATION #3.** ACTION TAKEN: Approved. Councilmember Gohman abstained.
20. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 25TH AVENUE FROM 2ND STREET SOUTH TO 2ND STREET NORTH IMPROVEMENTS, CONTRACT 2011-06.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-2-09.
21. **RESOLUTION RECEIVING CITY ENGINEER’S REPORT AND SETTING A PUBLIC HEARING FOR FEBRUARY 28, 2011, TO CONSIDER UNIVERSITY DRIVE AND 5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS.**

ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-2-10.

Open Forum:

No one testified.

Public Hearings:

22. **CONSIDERATION OF RESOLUTION ESTABLISHING COMBINED TIME LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG BOTH SIDES OF 13TH AVENUE NORTH BETWEEN 1ST AND 2ND STREET NORTH.**

Steve Foss, City Engineer, gave an overview of the resolution which is to establish “2-Hour Parking 8 a.m. – 5 p.m. except by permit”. Nine of eleven property owners signed the petition. Council President Libert opened the public hearing. The following individuals testified:

Chuck Olmschenk, 129 13th Ave. N.; Mr. Olmschenk prefers that the 2-hour parking stays but is also in support of the permit parking.

Larry Thompson, 118 13th Ave. N.; Mr. Thompson expressed concern with the 2-hour parking. He would like this removed and just have permit parking for those who live there.

Council President Libert closed the public hearing. Goerger/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-2-11.

23. **CONSIDERATION OF RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 1 FOR 2011 PUBLIC IMPROVEMENTS.**

Steve Foss, City Engineer, presented the Assessment Roll 1. City Council President Libert opened the public hearing on **Project 2010-04 – 33rd Avenue North Sidewalk Improvements**. No one testified. City Council President opened the public hearing on **Project 2010-05 – Civic Center Expansion Utility and Roadway Improvements**. No one testified. City Council President opened the public hearing on **Project 2010-07 – 2010 Alley Improvements**. The following individuals testified:

Mark McDonald, 1442 12th Ave. N.; Mr. McDonald questioned the necessity of the alley improvement. He feels that there should be a survey done in the neighborhood to see if people want the alley improvement.

Justin Larson, 8 10th Ave. N.; Mr. Larson doesn't feel that his assessment is a fair one. He doesn't have an outlet to the alley and, therefore, doesn't feel he should have to pay for the improvement. He also mentioned that the majority of the alley users live in the apartment building.

Paul Bogart, 2203 W. St. Germain; Mr. Bogart was present representing his parents. They do not have an outlet to the alley and request a rate change to account for that. They are low income and feel the assessment isn't fair.

Mr. Foss will address the concerns of those listed above. City Council President opened the public hearing on **Project 2010-08 – Fifth Avenue Live 300 West**. No one testified. City Council President opened the public hearing on **Project 2010-09 – East Lake Boulevard Improvements**. No one testified. City Council President opened the public hearing on **Project 2010-12 – 10th Avenue North Area Improvements**. The following individual testified:

Jim Meinz, 1117 17th Ave. N.; Mr. Meinz owns the rental property which are HRA apartments. He thinks there should be a rate change or that it should be accounted for that these are HRA apartments. He is being assessed for the improvement; however, he can only legally raise rent no more than 2%.

City Council President opened the public hearing on **Project 2010-26 – Residential Sidewalk Repair**. No one testified. City Council President opened the public hearing on **Project 2010-50 – Miscellaneous Assessment Agreements**. No one testified. City Council President closed the public hearing on all projects. Masters/Goerger moved approval of the assessment roll. Hontos/Johnson moved to hold over to February 28, 2011 City Council Meeting. Motion carried unanimously. Item was held over with a motion for approval on the floor.

24. **A) RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM LOW DENSITY MIXED RESIDENTIAL TO HIGH**

DENSITY MIXED RESIDENTIAL FOR THE PROPERTIES LOCATED AT 4020 25TH STREET SOUTH AND 2510 41ST AVENUE SOUTH.

B) RESOLUTION AMENDING THE SUN VILLA ESTATES PLANNED UNIT DEVELOPMENT TO CHANGE THE USE OF THE OUTLOT A, SUN VILLA ESTATES AND LOT 1, BLOCK 2, BURNS ESTATES FROM 32 FUTURE SINGLE FAMILY HOMES AND TOWNHOME UNITS TO A 100 UNIT MULTIPLE FAMILY BUILDING.

Matt Glaesman, Community Development Director, gave an overview of the amendments. City Council President Libert opened the public hearing. The following individuals testified:

Joe Torborg, the applicant, gave a brief overview of the project and requested approval.

John Hall, 3110 Alder Lane; Mr. Hall spoke in favor of the project. He noted that Mr. Torborg uses local St. Cloud subcontractors and it will provide jobs.

Chad Numemacher, 2459 41st Ave. N. Mr. Numemacher spoke on behalf of the Boulder Ridge development property owners and noted their opposition to this project. He expressed concern that this project is not in the 2003 Comprehensive Plan, which stated that this type of housing would not be in this location. There are no benefits to the Boulder Ridge residents.

Mike Lehn, 2544 42nd Ave. S.; Mr. Lehn distributed a photo of the area and noted that it is isn't a good fit. He also mentioned that there is property available ½ mile further away from the residents.

Sam Olson, 2403 41st Ave. S.; Mr. Olson expressed three concerns – wetland survey, real estate value, and traffic impact.

Christie Young, 2451 41st Ave. S.; Ms. Young displayed a sketch of the building superimposed into their neighborhood. She feels it is much too large for the area.

Also distributed on the dais were three emails opposing the development and one email in favor. Those opposed were from Tanyele Kajer, John Fuchs, and Katia Cusack. The

email in favor was from Jerry Holstad. City Council President Libert closed the public hearing. Hontos/Goerger moved approval of Item A – **Resolution amending the 2003 Comprehensive Plan Future Land Use Map from Low Density Mixed Residential to High Density Mixed Residential for the properties located at 4020 25th Street South and 2510 41st Avenue South.** Motion carried 5-2; Councilmembers Johnson and Berg voted against. Goerger/Hontos moved approval of Item B – **Resolution amending the Sun Villa Estates Planned Unit Development to change the use of the Outlot A, Sun Villa Estates and Lot 1, Block 2, Burns Estates from 32 future single family homes and townhome units to a 100 unit multiple family building.** Goerger/Hontos moved approval with revised landscaping. Motion carried 5-2; Councilmembers Johnson and Berg voted against.

25. **ORDINANCE REZONING 103 AND 107 DOCTOR’S PARK FROM C1, BUSINESS OFFICE DISTRICT TO C2, NEIGHBORHHOD COMMERCIAL DISTRICT. (LOCATION: 103 & 107 DOCTOR’S PARK)**

Matt Glaesman, Community Development Director, gave an overview and noted that the Planning Commission held a public hearing and recommended denial of the rezoning. Council President Libert opened the public hearing. The following individual testified:

Charlie Ward, 27635 Schulz Rd.; Mr. Ward, the applicant, gave a brief overview and requested approval of the rezoning.

Council President Libert closed the public hearing. Mr. Glaesman noted that the applicant has indicated their willingness to modify the rezoning request from C2 zoning to a PUD. Goerger/Masters moved to refer the item back to the Planning Commission for review as a PUD. Motion carried unanimously.

Old Business:

26. **APPEAL OF THE ZONING BOARD OF APPEALS’ APPROVAL OF THE REQUEST OF DANIEL AND KRISTN HUGHES FOR A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL DOG KENNEL AND TRAINING FACILITY AT 25156 COUNTY ROAD 136.**

Matt Glaesman, Community Development Director, presented the appeal and noted that the Zoning Board of Appeals approved the conditional use permit request on January 18, 2011. After limited discussion Goerger/Johnson moved to confirm the decision of the Zoning Board of Appeals. Motion carried 6-1; Councilmember Berg voted against. Resolution was adopted and assigned number 2011-2-14.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:53 p.m.

City Council President
John Libert

Jennifer Burrows, Recording Council Secretary