

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

March 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 March 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 FEBRUARY 14, 2011.** ACTION TAKEN: Approved.
6. **A) MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Approved the appointment of Ronald Zenzen for a term to commence immediately and expire April 30, 2012.
B) MAYOR'S APPOINTMENT TO THE CIVIL SERVICE BOARD. ACTION TAKEN: Approved the appointment of Lynn Williams for a term to commence immediately and expire June 30, 2013.
7. **MAYOR'S APPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Confirmed the appointment of Debra Backus to a term to commence May 1, 2011 and expire April 30, 2014.
8. **ITEM WITHDRAWN.**

9. **APPLICATION FOR AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR JT ESTABLISHMENTS, LLP DBA DIVISION LIQUOR & WINE, 2301 DIVISION STREET, SUITE 400.** ACTION TAKEN: Public hearing set for March 28, 2011.
10. **RESOLUTION AUTHORIZING AN OFF-SITE CHARITABLE GAMBLING PERMIT FOR THE ST. CLOUD ALL CITY MARCHING BAND FOR EVENTS TO BE CONDUCTD APRIL 14-17, 2011 AT THE ST. CLOUD CIVIC CENTER.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-3-24.
11. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE ALZHEIMERS ASSOCIATION, MN-ND CHAPTER, WESTERN REGION FOR A FUNDRAISING WALK TO BE HELD AT LAKE GEORGE ON SATURDAY, SEPTEMBER 24 FROM 9 A.M. TO NOON.** ACTION TAKEN: Approved.
12. **SET PUBLIC HEARING TO AMEND ORDINANCE SECTION 145 ENTITLED, "UNCLASSIFIED SERVICE, CERTAIN DESIGNATIONS".** ACTION TAKEN: Reading and public hearing set for March 28, 2011. Assigned proposed ordinance number 2011-05.
13. **UPDATED FIRE DEPARTMENT JOB DESCRIPTIONS.** ACTION TAKEN: Approved.
14. **EMPLOYEMENT GUIDE REVISIONS: UNIFROAM ALLOWANCE.** ACTION TAKEN: Approved.
15. **ACCEPTING LOW GID FROM ROSENBAUER AMERICA FOR THE PURCHAE OF A REPLAEMENT APPARATUS.** ACTION TAKEN: Approved.
16. **REVISED PARK MAINTENANCE SUPERVISOR JOB DESCRIPTION.** ACTION TAKEN: Approved.

17. **RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MN/DNR UNDER THE 2011 LEGACY REGIONAL TRAIL GRANT PROGRAM.** ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-3-25.
18. **RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MN/DNR UNDER THE 2011 LOCAL TRAIL GRANT PROGRAM.** ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-3-26.
19. **RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MN/DNR UNDER THE 2011 STATEWIDE REGIONAL TRAIL GRANT PROGRAM.** ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-3-27.
20. **APPROVAL OF PURCHASING A USED VEHICLE FOR THE POLICE DEPARTMENT.** ACTION TAKEN: Approved.
21. **AN ORDINANCE AMENDING SECTION 555 – MISCELLANEOUS LICENSES AND PERMIT CHARGES TO SIMPLIFY DOG LICENSE LATE FEES.** ACTION TAKEN: Reading and public hearing set for March 28, 2011. Assigned proposed ordinance number 2011-06.
22. **APPROVE BIDS FOR SALVAGE OF MATERIALS FROM 925 AND 1003 5TH AVENUE SOUTH AND 4120 DIVISION STREET.** ACTION TAKEN: Approved.
23. **RESOLUTION AMENDING THE WESTWOOD PARKWAY PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO CHANGE AN AREA APPROVED FOR SINGLE FAMILY LOTS TO A SINGLE STORY 20-SUITE SKILLED NURSING FACILITY FOR THE ELDERLY. (LOCATION: WESTERN EXTENT OF VOYAGEUR STREET).** ACTION TAKEN: Public hearing was set for March 28, 2011.

24. **AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR ARCHITECTURE SERVICES FOR THE CITY HALL REMODELING PROJECT WITH GROOTERS, LEAPALDT & TIDEMAN ARCHITECTS (GLTA). ACTION TAKEN:** Approved.
25. **RESOLUTION RELATING TO PARKING RESTRICTIONS ON 25TH AVENUE NORTH FROM 1ST STREET NORTH TO 325 FEET NORTH OF 1ST STREET NORTH. ACTION TAKEN:** Hontos/Johnson moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-3-28.
26. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR ST. CLOUD STORMWATER RETROFIT PROJECT, CONTRACT 2011-03. ACTION TAKEN:** Approved. Resolution was adopted and assigned number 2011-3-29.
27. **RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD TO ACCEPT A MINNESOTA DEPARTMENT OF HEALTH SOURCE WATER PROTECTION COMPETITIVE GRANT ON BEHALF OF THE UPPER MISSISSIPPI RIVER SOURCE WATER PROTECTION PROJECT. ACTION TAKEN:** Berg/Goerger moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-3-30.

Open Forum:

Jeremy Hahn - an SCSU Student and Vice President of the SCSU Aviation Club. Mr. Hahn expressed his support for keeping the Aviation program. He noted that it is one of two 4-year programs left in Minnesota.

Logan Bold – an SCSU student. Mr. Bold thinks it is important to have the Aviation Program at SCSU. He also feels that, as a whole, it will be bad for the community if this program is eliminated.

Hikaru Sako – an SCSU student from Japan. He spoke in support of the program

and noted that he came here from Japan specifically for this program.

Public Hearings:

28. **APPLICATION FOR A SPECIAL EVENT PERMIT TO ALLOW OUTDOOR SALES OF LIQUOR; AND AN APPLICATION FOR AN EXEMPTION FROM THE CITY’S NOISE ORDINANCE FOR THE GREEN MILL FOR OUTDOOR MUSIC EVENTS TO BE HELD ON JUNE 30 AND SEPTEMBER 1 FROM 6 P.M. TO 10 P.M. IN THE GREEN MILL PARKING LOT.**

Gregg Engdahl, gave a brief overview of the applications for permits and noted that they have received favorable reviews and recommended for approval. Council President Libert opened the public hearing. No one testified. Council President closed the public hearing. Goerger/Berg moved approval. Motion carried unanimously.

29. **AN ORDINANCE AMENDING SECTION 1040: ANIMAL CONTROL ORDINANCE IN ORDER TO EXPAND THE ALLOWANCE OF POT BELLIED FIGS.**

Lisa Schreifels, Health Director, gave a brief overview of the ordinance. She noted that the Health and Housing Advisory and Appeals Committee recommended to the City to adopt no changes to Ordinance Section 1040. Council President Libert opened the public hearing. The following individuals testified:

Cory Boettcher 1744 14th St. S.; Mr. Boettcher would like to see the ordinance change. He noted that he owns a pot belly pig and surrendering it would be an issue. He hasn’t experienced any destructive behavior.

Cindy Boettcher 1744 14th St. S.; Ms. Boettcher would like to see the ordinance change. She owns a pot belly pig and stated that it is very domesticated. She noted that it takes a responsible pet owner to have a good pet. They have trained the pig and it is a member of their family.

Council President Libert closed the public hearing. Goerger/Berg moved approval. The Council discussed the ordinance change and although they feel for the Boettcher family, this is not something that would be a good change for the City. There was discussion on the nature of pigs and the problems that can arise when people purchase them as pets. Motion for approval failed 0-7.

Old Business:

30. **PRESENTATION OF QUOTES AND ESTIMATES TO RETROFIT FIRE STATION #3 WITH A FIRE SPRINKLER SYSTEM.**

Bill Mund, Fire Chief, gave a brief overview and requested approval of the installation of a fire sprinkler system to be paid by the Special Revenue Fund. Hontos/Berg moved approval. Councilmember Hontos noted that he is opposed to paying for the sprinkler system. He feels the funds should remain in the Special Revenue Fund for better use. Motion was approved 4-2; Councilmembers Hontos and Libert voted against and Councilmember Gohman abstained.

31. **ORDINANCE REZONING 103 AND 107 DOCTOR'S PARK FROM C1, BUSINESS OFFICE DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT. (LOCATION: 103 & 107 DOCTOR'S PARK) (REZ-2011-01).**

Matt Glaesman, Community Development Director, gave an overview. He noted that the Planning Commission considered the applicant's revised request and recommends denial of rezoning to PUD. Hontos/Johnson moved to allow a PUD to continue as use as an office and a book store. Motion failed 2-5. Goerger/Masters moved to concur with the Planning Commission's decision and moved the resolution as presented stating findings of fact. Motion carried 6-1; Councilmember Hontos voted against. Resolution was adopted and assigned number 2011-3-31.

Open Discussion:

- Councilmember Hontos requested an update on LVX. City Administrator Mike Williams gave a brief update noting that it has been installed at the Police

Department and is working well.

- There was discussion on the SCSU Aviation program and how it is an asset to the community. The Council encouraged the Administration of SCSU to reconsider its decision to close the Aviation Program. Goerger/Hontos moved approval of a **Resolution in Support of the St. Cloud State University Aviation Program.** Motion passed 6-0; Councilmember Johnson abstained. Resolution was adopted and assigned number 2011-3-32.
- Mayor Dave Kleis mentioned the Welcome Home of the 367th Army Reserve that will be taking place at the Civic Center on Saturday, May 19.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:20 p.m.

City Council President

John Libert

Jennifer Burrows, Recording Council Secretary