

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

October 10, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on October 10, 2011 at 6 p.m. in the City Council Chambers; and a Moment of Silence for our men and women serving in the Armed Forces.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Goerger, Gohman, Hontos, Johnson (arrived at 6:08 p.m.), Libert, 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 SEPTEMBER 12, 2011.** ACTION TAKEN: Approved.
6. **REQUEST TO MODIFY THE NOVEMBER 2011 ENTERPRISE BUDGET MEETING SCHEDULE.** ACTION TAKEN: Approved.
7. **APPLICATOIN FOR A TOBACCO LICENSE FOR AHMED S. DBA ONE STOP ONLY, 3429 3RD STREET NORTH.** ACTION TAKEN: Goerger/Masters moved approval. Goerger/Berg moved to table until after an administrative hearing is held at 5:30 p.m. on October 24, 2012. Motion to table carried 6-0-1; Councilmember Johnson was absent for the vote. Motion for approval is still open.
8. **RESOLUTION REGARDING CLASSIFICATION OF TAX FORFEITED LAND.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-10-144.

9. **AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE ONE AGREEMENT AND ONE CONTRACT WITH STEARNS COUNTY FOR:**
- A) FOOD, BEVERAGE, LODGING AND PUBLIC SWIMMING POOLS INSPECTION AGREEMENT, TERM OF THE AGREEMENT IS FROM JANUARY 1, 2012 TO DECEMBER 31, 2014.**
- B) CONTRACT FOR PROVIDING INTERIM, EMERGENCY ENVIRONMENTAL HEALTH SERVICES, TERM OF THE AGREEMENT IS FROM JANUARY 1, 2012 TO DECEMBER 31, 2014.**

ACTION TAKEN: Both approved.

10. **RESOLUTON ACCEPTING BIDS AND AUTHORIZING CIVIC CENTER EXPANSION BID PACKAGES #27B, SECURITY SYSTEM; AND #10D CUSTOM SIGNAGE.** ACTION TAKEN: Hontos/Goerger moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-10-145.
11. **RESOLUTION ACCEPTING BIDS FOR THE SAUK RIVER CROSSING SEWER INTERCEPTOR SYSTEM IMPROVEMENT PROJECT, CONTRACT 2011-19.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-10-146.
12. **RESOLUTION RESCINDING CONDITIONAL USE PERMITS CUP-90-011 AND CUP-98-013 FOR PROPERTY LOCATED AT 3601 2ND STREET SOUTH.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-10-147.
13. **RESOLUTION AMENDING THE 5TH AVENUE LIVE PUD GENERAL DEVELOPMENT PLAN TO ALLOW FITNESS CENTER AS A PERMITTED USE OF THE PROPERTY AT 305 5TH AVENUE SOUTH (DPA-2011-03).** ACTION TAKEN: Public hearing was set for October 24, 2011.
14. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE ST. CLOUD MTC TO**

UTILIZE PUBLIC ALLEY AT MTC'S DOWNTOWN TRANSFER STATION.

ACTION TAKEN: Approved.

15. **RESOLUTION REVOKING AND ESTABLISHING MUNICIPAL STATE AID STREETS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-10-148.
16. **PROFESSIONAL SERVICES AGREEMENTS FOR PROPERTY ACQUISITION APPRAISALS FOR THE T.H. 15 AND 33RD STREET SOUTH INTERCHANGE.** ACTION TAKEN: Approved.
17. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT BETWEEN THE STATE OF MINNESOTA AND THE CITY OF ST. CLOUD FOR FINANCIAL ASSISTANCE RELATED TO THE MASTER PLAN UPDATE, PURCHASE OF FRONT END LOADER AND RUNWAY GUARD LIGHTS AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-10-149.
18. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT BETWEEN THE U.S. DEPARTMENT OF TRANSPORTATION AND THE ST. CLOUD REGIONAL AIRPORT, ACTING FOR THE COMMUNITY OF ST. CLOUD, MINNESOTA, UNDER THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.** ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-10-150.

Open Forum:

No one testified.

Public Hearings:

19. **APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING AND**

SPECIAL SUNDAY LIQUOR LICENSE FROM BULL ELK ENTERPRISES INC., DBA GRIZZLY'S GRILL, 4101 WEST DIVISION STREET, SPACE E-14 TO SWEET GRASS VENTURES LLC DBA THE BOULDER TAP HOUSE & GRILL, 3950 2ND STREET SOUTH.

Gregg Engdahl, City Clerk, gave a brief overview and recommended approval pending receipt of: 1) Organization documents for Sweet Grass Ventures, LLC, and favorable reviews of those documents by the Legal Department; and 2) Approval of plans and inspections for food and beverage service and any required Building Safety permits. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Hontos/Goerger moved approval. Motion carried unanimously.

20. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR BIOLOGY, LLC (CHARLES SEVERSON) DBA BIOLOGY 701, 701 WEST ST. GERMAIN, SUITE 100.**

Gregg Engdahl, City Clerk, gave a brief overview and recommended approval pending receipt of: 1) Final approved inspections from Building Safety; 2) Final approved inspections for food and beverage service by Health and Inspections; and 3) Federal tax ID number. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Berg/Masters moved approval. Motion carried unanimously.

21. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR THE AFTER MIDNIGHT GROUP V, LLC, DBA COWBOY JACK'S, 506 ST. GERMAIN STREET.**

Gregg Engdahl, City Clerk, gave an overview and recommended that further action is tabled until receipt of the following: 1) Final dba name; 2) Verification of establishment address; 3) Favorable review from Health Department; 4) Issuance of a Certificate of Occupancy from the Building safety Office; 5) Federal Tax ID; 6) Corrected liquor liability insurance certificate; and 7) Completed State Certification form. Mr. Engdahl

noted that it has been very difficult to work with the establishment. Council President Libert opened the public hearing. The following individual testified:

Matt McGough Mr. McGough is a representative of Cowboy Jacks and commented that they do now have all of their paperwork that they will be submitting.

Council President Libert closed the public hearing. Goerger/Masters moved to table until receipt of all requested information is received by the City. Motion carried unanimously.

22. **A) ORDINANCE REZONING PROPERTY LOCATED AT 21 24TH AVENUE SOUTH FROM R2, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT TO C5, HIGHWAY COMMERCIAL DISTRICT. (LOCATION: 21 24TH AVENUE SOUTH) (REZ-2011-07)**
- B) RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR THE PROPERTIES LOCATED AT 20 AND 30 25TH AVENUE SOUTH AND 11 AND 21 24TH AVENUE SOUTH. (CPA-2011-05)**
- C) ORDINANCE VACATING A 14' WIDE ALLEY LOCATED BETWEEN LOTS 1 THRU 6 AND NORTH HALF OF LOT 7 AND THE NORTH 3' OF LOT 25 AND LOTS 26 THRU 32, BLOCK 5, COLONIAL GARDENTS ADDITION. (LOCATION: 20 25TH AVENUE SOUTH; 9, 11, & 21 24TH AVENUE SOUTH; AND 2400 & 2424 DIVISION STREET) (VAC-2011-04)**

Matt Glaesman, Community Development Director, gave a brief overview of all three items. He noted that the Planning Commission has recommended approval of the rezoning, vacation, and comprehensive plan amendment. Council President Libert opened the public hearing. The following individuals testified:

Jon Lennander Velmeier Companies, 7201 W. 78th St., Bloomington, MN. Mr. Lennander is the project manager. He was present to answer any questions a person may have on the plan.

The City Council expressed concerns about the impact on the neighborhood and the fact that this type of zoning does not require any landscaping requirements. They also questioned whether the Dairy Queen would be putting up a fence.

Gene Lahr

Mr. Lahr owns the Dairy Queen. He understands that there needs to be something between the Dairy Queen and the houses out of respect to the neighborhood; however, plans for what this will be have not been confirmed.

Council President Libert closed the public hearing. Councilmember Goerger commented that he and the City Council would like the Dairy Queen to pay attention to how the project affects the neighbors. Goerger/Berg moved approval of Item A – *ORDINANCE REZONING PROPERTY LOCATED AT 21 24TH AVENUE SOUTH FROM R2, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT TO C5, HIGHWAY COMMERCIAL DISTRICT*. Motion carried unanimously. Ordinance was adopted and assigned number 2508. Berg/Masters moved approval of Item B – *RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR THE PROPERTIES LOCATED AT 20 AND 30 25TH AVENUE SOUTH AND 11 AND 21 24TH AVENUE SOUTH*. Motion carried unanimously. Resolution was adopted and assigned number 2011-10-151. Goerger/Hontos moved approval of Item C – *ORDINANCE VACATING A 14' WIDE ALLEY LOCATED BETWEEN LOTS 1 THRU 6 AND NORTH HALF OF LOT 7 AND THE NORTH 3' OF LOT 25 AND LOTS 26 THRU 32, BLOCK 5, COLONIAL GARDENS ADDITION*. Motion carried unanimously. Ordinance was assigned number 2509.

23. **ORDINANCE AMENDING ARTICLE 15 – ON SITE DEVELOPMENT STANDARDS TO ALLOW NON-COMMERCIAL WIRELESS COMMUNICATION TOWERS WITHIN ALL OF THE CITY’S RESIDENTIAL DISTRICTS. (LDC-2011-03).**

Matt Glaesman, Community Development Director, gave a brief overview and noted that the Planning Commission held a public hearing and recommended approval of the proposed Land Development Code amendments. Council President Libert opened the

public hearing. The following individual testified:

Linden Scott Hall 3001 8th St. N., spoke in favor of the ordinance. He would like to erect an antenna behind his house as he is an amateur radio operator.

Council President Libert closed the public hearing. Councilmember Masters expressed concern about the size of the area where a tower will be able to be built. He is most interested in a 'fall zone'. He felt that it should be large enough to handle an accident of the tower being knocked over. Masters/Berg moved to have the radius around the tower be equal to the height of the tower (with a 50' maximum height). Motion failed 3-4; Councilmembers Goerger, Gohman, Hontos, and Johnson voted against. Berg/Goerger moved approval of amending the Ordinance that was approved by the Planning Commission to include stipulation that there can only be one tower and that applicant would need a variance to get another. Motion carried unanimously. Gohman/Hontos moved approval as amended. Motion carried 6-1; Councilmember Masters voted against. Ordinance was assigned number 2510.

24. **ORDINANCE AMENDING ARTICLE 12 – OVERLAY DISTRICTS AND DESIGNATED AREAS, SECTION 12.1, B., 2., a., i. AND SECTION 12.1, B., 2., c. OF THE ST. CLOUD LAND DEVELOPMENT CODE RELATED TO FLOOD INSURANCE STUDIES, FLOOD BOUNDARY AND FLOODWAY MAPS FOR STEARNS COUNTY PORTION OF ST. CLOUD.**

Matt Glaesman, Community Development Director, gave a brief overview of the ordinance. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Goerger/Berg moved approval. Motion carried unanimously. Ordinance was assigned number 2511.

25. **ORDINANCE VACATING A ROADWAY AND UTILITY EASEMENT LOCATED BETWEEN THE FORMER SAM'S CLUB PARKING LOT AND DIVISION STREET. (LOCATION: 3601 2ND STREET SOUTH) (VAC-2011-05).**

Matt Glaesman, Community Development Director, gave a brief overview of the ordinance. Council President Libert opened the public hearing. No one testified.

Council President Libert closed the public hearing. Masters/Johnson moved approval. Motion carried unanimously. Ordinance was assigned number 2512.

Open Discussion:

Councilmember Masters requested that at one of the future study sessions the Council talk about taking a look at the Land Development Code as it applies to commercial properties. This is in regard to the absence of certain landscaping requirements, etc. The Mayor noted that at the next study session they will be discussing what the Council will want to discuss at their future study sessions, so this topic can be brought up then.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:33 p.m.

City Council President
John Libert

Jennifer Burrows, Recording Council Secretary