

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

November 7, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on November 7, 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, 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 OCTOBER 10, 2011.** ACTION TAKEN: Approved.
6. **APPROVAL OF THE MEETING MINUTES AND SUMMARY OF PROCEEDINGS OF THE SPECIAL CITY COUNCIL MEETING HELD OCTOBER 24, 2011, AND OF THE REGULAR COUNCIL MEETING HELD OCTOBER 24, 2011.** ACTION TAKEN: Approved.
7. **REVISED 2012 CITY COUNCIL MEETING CALENDAR (MONTH OF NOVEMBER).** ACTION TAKEN: Approved.
8. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH SHERBURNE COUNTY FOR JOINT LAW ENFORCEMENT OPERATIONS THROUGH THE ST. CLOUD METRO GANG STRIKE FORCE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-11-163.

9. **AN ORDINANCE AMENDING SECTION 810:35 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED, “TIME WHEN SALES ARE PROHIBITED.”** ACTION TAKEN: Reading and public hearing were set for November 21, 2011. Assigned proposed ordinance 2011-28.
10. **AN ORDINANCE AMENDING SECTION 424:00 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED, “SUSPENSION OR REVOCATION OF LICNESES: CIVIL PENALTY,” AND BY ADDING A NEW SECTION 424:25 ENTITLED “PENALTIES FOR VIOLATIONS.”** ACTION TAKEN: Set a reading and public hearing for December 19, 2011. Proposed ordinance number 2011-29.
11. **PARK MAINTENANE EQUIPMENT PURCHASE – ST. CLOUD ROTARY CLUB GRANT.** ACTION TAKEN: Approved.
12. **CONSIDERATION OF 2012 PUBLIC UTILITIES CHEMICALS PROPOSALS.** ACTION TAKEN: Approved.
13. **AN ORDINANCE AMENDING ARTICLE 4 – LAND USE APPLICATIONS AND ENFORCEMENT, SECTION 4.2 – VARIANCE, A. PURPOSE AND E. FINDINGS OF FACTS; ARTICLE 21 – GENERAL TERMS DEFINITIONS, OF THE ST. CLOUD LAND DEVELOPMENT CODE UPDATED THE LANGUAGE TO REFLECT RECENT CHANGES IN MINNESOTA STATE LAW.** ACTION TAKEN: Set reading and public hearing for November 21, 2011. Proposed ordinance 2011-30.
14. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH DIVERSITY THRU COLORS/THE PROMISE NEIGHBORHOOD FOR USE OF THE PARK BUILDING AT 1114 9TH AVENUE SOUTHEAST.** ACTION TAKEN: Masters/Berg moved approval. Motion carried unanimously.

15. **REQUEST FOR COMBINED TIME-LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG THE EAST SIDE OF EAST LAKE BOULEVARD FROM 4TH STREET SOUTH TO 150 FEET NORTH. ACTION TAKEN:** Public hearing was set for November 21, 2011.
16. **REQUEST FROM THE DOWNTOWN COUNCIL TO CLOSE A PORTION OF ST. GERMAIN STREET FOR THE “WINTER NIGHTS AND LIGHTS PARADE” ON DECEMBER 10, 2011. ACTION TAKEN:** Approved.
- 16A. **REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION OF THE OLD SAM’S CLUB BUILDING. ACTION TAKEN:** Approved.

Open Forum:

No one testified.

Public Hearings:

17. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOTLE MEXICAN GRILL (STORE 1792), 211 5TH AVENUE SOUTH.**
Gregg Engdahl, City Clerk, presented the application and recommended approval pending receipt of certificate of occupancy and favorable reviews from the Health and Building Safety offices. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Goerger/Berg moved approval. Motion carried unanimously.
18. **AN ORDINANCE AMENDING SECTION 700 OF THE 2007 CODE OF ORDINANCE ENTITLED “TRAFFIC AND PARKING REGULATIONS.”**
Gregg Engdahl, City Clerk, gave a brief overview of the ordinance. Council President Libert opened the public hearing. No one testified. Council President Libert closed the

public hearing. Berg/Gohman moved approval. Motion carried unanimously. Ordinance was assigned ordinance number 2513.

19. **AN ORDINANCE VACATING SANITARY SEWER EASEMENTS IN THE ST. CLOUD HOSPITAL CAMPUS, ST. CLOUD, STEARNS COUNTY, MINNESOTA.**

Matt Glaesman, Community Development Director, gave an overview on the ordinance and noted that the Planning Commission recommended approval. 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 2514.

20. **ORDINANCE AMENDING ARTICLE 16 – OFF-STREET PARKING AND LOADING TO REDUCE THE OFF-STREET PARKING REQUIREMENT WITHIN THE C4, FRINGE CENTRAL BUSINESS DISTRICT.**

Matt Glaesman, Community Development Director, presented the ordinance and noted that the Planning Commission has recommended a 25% reduction in off-street parking for non-residential uses in the C4 district. Council President opened the public hearing. No one testified. Council President Libert closed the public hearing. Gohman/Masters moved approval. Motion carried unanimously. Ordinance was assigned number 2515.

Old Business:

21. **RESOLUTION OFFERING MUNICIPAL CONSENT FOR TRUNK HIGHWAY 15 AND CSAH 120 INTERCHANGE LAYOUT.**

Steve Foss, City Engineer, presented the agenda item which included the interchange layout, the comments and responses from the October 24, 2011 public hearing, and the resolution for layout approval. Claudia Dumont for MNDOT was present to give a brief history of the project, its funding, and process to answer any concerns of the City Council. The City Council had many questions. Councilmember Hontos commented that he feels that improvements need to take place in this location, but he also feels that local concerns have not been addressed. Councilmember Hontos and Goerger had

questions about traffic flow and access. Ms. Dumont addressed these concerns. Councilmember Hontos also expressed concern about the loss of access for Hennen's furniture and the fact that this hasn't been resolved. Mr. Foss noted that there is dialogue out there and this is being discussed. Hontos/Gohman moved to table for the purpose to have more discussion on how this will affect the Tilden Woods addition and how the Hennen's access issue will be addressed. Motion carried 4-3; Councilmembers Berg, Libert, and Masters voted against. Motion to table was approved.

Open Discussion:

- Johnson/Masters moved to bring back the Complete Streets Policy. Councilmember Hontos questioned how this item can come back if it was tabled with conditions. City Attorney Matt Staehling noted that it can be brought back because conditions are not held to the tabling. Motion carried 4-3; Councilmembers Goerger, Gohman and Hontos voted against. With the Complete Streets Policy back on the floor Masters/Berg moved approval. Goerger/Hontos moved to have that the policy in only considered on all City initiated projects. Motion fails 3-4; Councilmembers Berg, Gohman, Libert, and Masters voted against. Councilmember Hontos requested that the record show that he is not opposed to the Complete Streets Policy, but has concerns about it being redundant and for other reasons stated at the September 26, 2011 City Council meeting. These included design standards, regulations, costs and incentives, information on how park dedication fees coincide, and information on the CMBA concerns. Councilmember Goerger noted that he is opposed because of potential cost/financial reasons. The original motion for approval carried 4-3; Councilmember Goerger, Gohman, and Hontos voted against. Resolution was adopted and assigned number 2011-11-164.
- Mayor Kleis announced that discussion on Roberts Rules of Order was added as an item for the next Study Session.
- Mayor Kleis announced that there will be a Veterans Day program at the V.A. on Friday, November 11 at 1 p.m. In addition, the Mayor is hosting a reception for

all city employees who are veterans in the City Hall Council Chambers on Thursday, November 10 at 3:30 p.m.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:21 p.m.

City Council President
John Libert

Jennifer Burrows, Recording Council Secretary