

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MARCH 26, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on March 26, 2012, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. All Council members were present: 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 MEETING HELD MARCH 12, 2012.** ACTION TAKEN: Approved.
6. **REQUEST TO CANCEL THE REGULAR COUNCIL MEETING SCHEDULED FOR APRIL 9, 2012.** ACTION TAKEN: Approved.
7. **APPOINTMENT TO THE ST. CLOUD LIBRARY BOARD.** ACTION TAKEN: Confirmed the appointment of Tara Ferguson Lopez to the St. Cloud Library Board for a term to commence immediately and expire December 31, 2014.
8. **RE-APPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed the re-appointment of Mark Lenaghan for a second term to commence May 1, 2012 and expire April 30, 2015.
9. **RE-APPOINTMENTS TO THE BOARD OF EXAMINERS FOR MECHANICAL INSTALLERS.** ACTION TAKEN: Confirmed the re-appointments of Scott Fischer and Joanne Meyer both for fifth terms to commence immediately and expire March 1, 2015.
10. **APPOINTMENT AND RE-APPOINTMENTS TO THE ST. CLOUD POLICE CITIZENS' REVIEW BOARD.** ACTION TAKEN: Confirmed the re-appointments of Brianda Cediell and Donna McCray to their second terms to commence May 1, 2012 and expire April 30, 2015; and confirmed the appointment of Police Sergeant Lloyd Orth to his first term to commence May 1, 2012 and expire April 30, 2015.
11. **ORDINANCE AMENDING SECTION 810:05 SUBD(6) OF THE 2007 CODE OF ORDINANCES ENTITLED "TEMPORARY ON-SALE LICENSES."** ACTION TAKEN: A reading and public hearing was set for April 23, 2012. (Proposed Ordinance 2012-06)

12. APPLICATION FOR WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR THE NOODLE SHOP CO - COLORADO, INC. FOR A NOODLE'S & COMPANY RESTAURANT TO BE LOCATED AT 211 5TH AVENUE SOUTH, SUITE 200. ACTION TAKEN: Set the public hearing for April 23, 2012.

13. RESOLUTION AUTHORIZING A JOINT POWERS AGREEMENT WITH THE CITIES OF LITTLE FALLS, ST. JOSEPH, SARTELL, SAUK RAPIDS, AND WAITE PARK AND THE COUNTIES OF BENTON, MORRISON, STEARNS, SHERBURNE, AND TODD FOR JOINT LAW ENFORCEMENT OPERATIONS THROUGH THE CENTRAL MINNESOTA VIOLENT OFFENDER TASK FORCE. ACTION TAKEN: Resolution adopted and assigned number 2012-3-36.

14. (A) A NEW MASSAGE FACILITY LICENSE FOR SHERI YOUNG, 713 ST. GERMAIN STREET WEST, ST. CLOUD MN. ACTION TAKEN: Approved.

ADD-ON ITEMS:

(B) A NEW MASSAGE FACILITY LICENSE FOR XULING QUIN, DBA LILY'S MASSAGE, 222 WEST DIVISION STREET, SUITE 123, ST. CLOUD, MN. ACTION TAKEN: Approved pending a satisfactory inspection by the health & inspections department.

(C) A NEW MASSAGE FACILITY LICENSE FOR SWEETMAN-ST. CLOUD, LLC, DBA MASSAGE ENVY, 2714 WEST DIVISION STREET, SUITE #107E, ST. CLOUD, MN. ACTION TAKEN: Approved pending a satisfactory inspection by the Health & Inspections Department.

15. RESOLUTION APPROVING THE 2012 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN FOR YEAR THREE USE OF FUNDS FOR THE CITY OF ST. CLOUD'S 2012 CDBG PROGRAM YEAR. ACTION TAKEN: A public hearing was set for April 23, 2012.

16. ORDINANCE REZONING PROPERTY LOCATED AT 712 17TH AVENUE SOUTH AND 1602 7TH STREET SOUTH FROM R2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT, TO PLANNED UNIT DEVELOPMENT (PUD). ACTION TAKEN: A reading and public hearing was set for April 23, 2012. (Proposed Ordinance 2012-07)

17. RESOLUTIONS DETERMINING VALUE OF FIVE PROPERTIES LOCATED NEAR 33RD STREET SOUTH AND COUNTY ROAD 74 WHICH ARE NEEDED TO BE ACQUIRED TO COMPLETE THE T.H. 15/33RD STREET SOUTH INTERCHANGE IMPROVEMENTS:

(A) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4966 - 33RD STREET S. ACTION TAKEN: Resolution adopted and assigned number 2012-3-37.

- (B) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3243 COUNTY ROAD 74.** ACTION TAKEN: Resolution adopted and assigned number 2012-38.
- (C) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3275 COUNTY ROAD 74.** ACTION TAKEN: Resolution adopted and assigned number 2012-3-39.
- (D) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3350 COUNTY ROAD 74.** ACTION TAKEN: Resolution adopted and assigned number 2012-3-40.
- (E) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3225 COUNTY ROAD 74.** ACTION TAKEN: Resolution adopted and assigned number 2012-3-41.

18. SANITARY SEWER LIFT STATION NO. 3 REPLACEMENT PROJECT:

- (A) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SANITARY SEWER LIFT STATION NO. 3 REPLACEMENT PROJECT, CONTRACT 2012-05.** ACTION TAKEN: Resolution adopted and assigned number 2012-3-42.
- (B) APPROVE PURCHASE OF APPURTENANT PROPERTY, MATERIAL, WORK AND EQUIPMENT FOR SANITARY SEWER LIFT STATION NO. 3 REPLACEMENT PROJECT.** ACTION TAKEN: Approved.

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

OPEN FORUM: No One spoke.

PUBLIC HEARINGS:

20. ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY ADDING SECTION 151 ENTITLED "WARD AND PRECINCT BOUNDARIES", RELATING TO A REDISTRICTING PLAN FOR THE CITY OF ST. CLOUD. City Clerk Gregg Engdahl presented information regarding the 2012 redistricting plan for the City of St. Cloud which establishes four wards based on population figures from the 2010 census. St. Cloud remains in Congressional District 6 with our State legislative designation being districts 14A and 14B. The City must complete its ward and precinct boundaries by April 3, 2012, in order for other entities (counties, schools, hospitals, etc.) to have their lines established by May 1, 2012. City Clerk Engdahl reviewed guidelines used during the City's 2012 redistricting process. He noted that every household affected by a ward change and/or polling place change will receive a notice from the State indicating its new ward and polling location. The new ward and precinct

boundaries go into effect for the August 14, 2012 State Primary Election. The candidate filing for St. Cloud offices of Mayor and At-Large City Council seats will open on May 22, 2012 and close on June 5, 2012. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Gohman, and seconded by Councilmember Goerger, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2524.

21. **1ST AVENUE SOUTH IMPROVEMENTS FROM 8TH STREET SOUTH TO 11TH STREET SOUTH:** City Engineer Steve Foss gave a brief overview of the improvement project that mostly affects land owned by St. Cloud State University. The estimated total cost of the project is \$564,000. SCSU's share would be \$484,000 and the City's share would be \$80,000 (pro-rated costs). City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Action was taken on the following resolutions:

A. RESOLUTION ORDERING 1ST AVENUE SOUTH IMPROVEMENTS FROM 8TH STREET SOUTH TO 11TH STREET SOUTH (200 FEET SOUTH OF THE UNIVERSITY BRIDGE). It was moved by Councilmember Masters, seconded by Councilmember Goerger, to adopt the resolution ordering the improvement project. The motion carried by a roll call vote with all members voting in the affirmative. The adopted resolution was assigned number 2012-3-43.

B. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 1ST AVENUE SOUTH IMPROVEMENTS FROM 8TH STREET SOUTH TO 11TH STREET SOUTH, CONTRACT 2012-08. It was moved by Councilmember Goerger, seconded by Councilmember Masters, to adopt the resolution approving the plans and specifications and advertisement for bids for the improvement project. The motion unanimously carried. The adopted resolution was assigned number 2012-3-44.

22. **ORDINANCE VACATING 22ND AVENUE NORTH FROM 6TH AVENUE NORTH TO THE BURLINGTON NORTHERN RAIL YARD PROPERTY. (VAC-2012-02)** Planning Director Matt Glaesman explained that the request from applicant (Monumental Sales Inc.) is to vacate 22nd Avenue N. from 6th Street N. to the BNSF rail yard. However, the existing underground utility rights will be retained by the City over the full width of the platted right-of-way. The Planning Commission and staff recommend approval of the request. City Council

President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Berg, seconded by Councilmember Gohman, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2525.

23. ORDINANCE VACATING A SEGMENT OF 5TH AVENUE NORTH AND 8TH STREET NORTH LOCATED BETWEEN 506 AND 507 8TH STREET NORTH. (VAC-

2012-01) Planning Director Matt Glaesman gave a brief overview of the request from the applicant (Greskoviak & Arseneaux, LLC) to vacate only the easternmost segment of 8th Street North. Since there is public infrastructure within that road segment, the vacation of the public right-of-way would be subject to the City retaining rights to the public infrastructure. The applicant owns the abutting properties along both sides of the area of requested vacation. Staff supports the requested vacation contingent upon all conditions listed in the Engineering memo (said memo dated February 7, 2012). The Planning Commission had recommended approval at its February 14 meeting based on technical terms; however since that date, new information from the neighborhood came forward in opposition to the vacation request. By use of the overhead, Planning Director Glaesman indicated/clarified the specific area to be vacated. City Council President Libert opened the public hearing. The following individuals spoke:

Steve Lanz, 810 7th Avenue N. identified himself as an active member of the Northside Hester Park Neighborhood group. He spoke in opposition to the vacation request.

Theresa Fisher, 808 6th Avenue N. a 20-year resident of the neighborhood; spoke in opposition to the request. She noted that the Planning Commission recommended approval upon the technical merit, prior to hearing the neighbors concerns. The property is currently used by the community for parking and community activities. She noted that the dead end street is a benefit/community resource for the neighborhood.

John Grether, 814 6th Avenue N. a 25-year resident of the neighborhood; read a written statement opposing the request (said statement on file). He characterized the area as a cul-de-sac in a residential area rather than a dead-end street. He noted that over the years the area has been used for neighborhood parking and a safe place for children of all ages to play. The area is close to Hester Park and is used for neighborhood block parties and gatherings and offers a nice view of the Mississippi River.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Gohman, to approve the vacation request as presented. Council discussion ensued. Masters asked about plans for future development in

that area. Planning Director Glaesman noted that there could be many potential uses for the property; however the property is regulated by its zoning (currently zoned R2 to the north; R5 to the south) and the vacation would not change the zoning. Councilmember Berg attested to the property being a treasure for the neighborhood. Councilmember Goerger suggested that the vacation shouldn't change the public uses the neighborhood currently enjoy, as it is only a small portion of land. In response to Councilmember Gohman, City Engineer Foss confirmed that all utility relocation and street restoration work would be at the full cost of the applicant. After further discussion, the motion carried by a 5-2 vote (Berg and Hontos voted against). The Ordinance was assigned number 2526.

24. ORDINANCE AMENDING ARTICLE 17.4 OF THE LAND DEVELOPMENT CODE TO INCREASE SCREENING AND BUFFERING REQUIREMENTS BETWEEN RESIDENTIAL AND NON-RESIDENTIAL LAND USES.

Planning Director Matt Glaesman gave an overview of the request to revisit the Land Development Code as it relates to current screening and buffering requirements between differing land uses. Of the three options considered, the Planning Commission selected Option B which requires a minimum 25' setback from any property line that abuts a residential use. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Discussion ensued. Councilmember Goerger moved **Option A** – adding the following language to Article 17 of the LDC to provide a generalized screening requirement allowing significant discretion in its material and design – *“All off-street parking, loading facilities, drive lanes, and outdoor service areas upon commercial and industrial property must be screened from adjacent residential uses to height of six (6) feet with a minimum opacity of 90%. The required screening may consist of one or a combination of the following materials: wood, plastic, masonry, earthen berming, or coniferous plant material.”* Council President Libert seconded the motion. Discussion ensued. Councilmember Hontos offered a friendly amendment to change the word “adjacent” to “abutting” in Option A. As the motion makers, Goerger/Libert accepted the amendment to the motion. Berg offered an amendment to the motion to include language that adds a minimum setback of 15' from any property line that abuts a residential use. The motion was seconded by Councilmember Masters. The amendment motion failed by a 2-5 vote (Councilmembers Goerger, Gohman, Hontos, Johnson, and Libert voted against). The original motion as amended

carried by 5-2 vote (Berg and Masters voted against). The adopted ordinance was assigned 2527.

ADJOURNMENT:

There being no further business to discuss, City Council President Libert adjourned the meeting at 7:18 p.m.

City Council President John Libert

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary