

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

November 19, 2012

1. Following the Pledge of Allegiance, a Special meeting of the City Council of the City of St. Cloud, Minnesota, was held on November 19, 2012 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. **A) APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 29, 2012; AND
B) APPROVAL OF THE MEETING MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD ON NOVEMBER 13, 2012.**
ACTION TAKEN: Approved.
6. **CONFIRM MAYOR'S APPOINTMENTS AND RE-APPOINTMENTS TO THE RSVP ADVISORY COUNCIL.** ACTION TAKEN: Hontos/Berg moved approval. Motion carried unanimously. Approved the appointments of Alicia Mages, Jim McDermott, Kathy Gilbride, Clara Knettel, April Myers, John Blackmore, and Maija Schmelzer to terms commencing January 1, 2013 and expiring December 31, 2015.
7. **RESOLUTION SETTING DECEMBER 17, 2012, FOR THE PUBLIC HEARING ON THE 2013 ENTERPRISE FUNDS BUDGET.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-11-166.
8. **A. APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT WITH HOLLY HANSEN CONSULTING, FOR PEG ACCESS REVIEW RELATING TO THE**

CHARTER COMMUNICATIONS CABLE FRANCHISE RENEWAL PROCESS; AND

B. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH CBG COMMUNICATIONS, INC., FOR TECHNICAL INSPECTION SERVICES RELATING TO THE CHARTER COMMUNICATIONS CABLE FRANCHISE RENEWAL PROCESS.

ACTION TAKEN: Hontos/Goerger moved approval of both A and B. Motion carried unanimously.

9. **SET READING AND PUBLIC HEARING FOR DECEMBER 3, 2012 FOR AN ORDINANCE AMENDING SECTION 440: FOOD ESTABLISHMENTS.**

ACTION TAKEN: Public hearing was set. Assigned proposed ordinance number 2012-22.

10. **CROSS-COUNTRY SKI TRAIL GROOMING AGREEMENT. ACTION TAKEN:**
Approved.

11. **AUTHORIZE CITY HALL BOILER REPLACEMENT. ACTION TAKEN:**
Approved.

12. **A) APPROVE PRELIMINARY AND FINAL PLAT OF FAIRWAYS 6TH ADDITION; AND**

B) RESOLUTION INITIATING ANNEXATION OF THOSE PORTIONS OF 22ND AVENUE NORTHEAST, 60TH AVENUE SOUTHEAST, AND 57TH AVENUE SOUTHEAST LYING EAST OF 55TH AVENUE SOUTHEAST WITHIN THE FAIRWAYS NORTH ADDITION.

ACTION TAKEN: Both items A and B were approved. Resolution was adopted and assigned number 2012-11-167.

13. **A) ORDINANCE REZONING 3125 AND 3143 COUNTY ROAD 74 FROM AG, AGRICULTURAL DISTRICT AND I1, LIGHT INDUSTRIAL DISTRICT, TO C5, HIGHWAY COMMERCIAL DISTRICT.**

B) RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN TO GUIDE 3125 AND 3143 COUNTY ROAD 74 TO COMMERCIAL LAND USES.

ACTION TAKEN: Public hearings were set for December 3, 2012. Proposed ordinance was assigned number 2012-23.

14. **RESOLUTION INITIATING ANNEXATION OF A .62 ACRE TRACT LOCATED IN THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 31 TOWNSHIP 36, RANGE 30, BENTON COUNTY, MINNESOTA. (JOHNSON PROPERTY).** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-11-168.
15. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE DOCUMENTS FOR THE SALE OF FORMER FIRE STATION 2 LOCATED AT 700 41ST AVENUE NORTH.** ACTION TAKEN: Hontos/Johnson moved approval. Councilmember Hontos expressed concern about the low selling price. Mayor Kleis noted that this is the third time trying to sell the property. Councilmember Gohman stated that perhaps the city should keep the property and sell it at a later date. Motion carried 5-2; Councilmembers Gohman and Hontos voted against. Resolution was adopted and assigned number 2012-10-169.
16. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR DECEMBER 3, 2012, TO CONSIDER WASHINGTON MEMORIAL DRIVE FROM UNIVERSITY DRIVE TO 11TH STREET SOUTH IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-11-170.
17. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR DECEMBER 3, 2012, TO CONSIDER 16TH STREET SOUTH FROM 9TH AVENUE SOUTH TO CSAH 75 (ROOSEVELT ROAD) IMPROVEMENTS.** ACTION TAKEN: Masters/Goerger moved approval. Councilmember Masters mentioned a number of questions he would like answered before the public hearing. Motion carried unanimously. Resolution was adopted and assigned

number 2012-11-171.

18. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR DECEMBER 3, 2012, TO CONSIDER 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS – PHASE 4.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-11-172.
19. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 213 – 25TH AVENUE NORTH.** ACTION TAKEN: Approved.

Open Forum:

- Patrick Powell, President of the United Way, was present to thank Scott Zlotnik and the rest of the City of St. Cloud for their volunteerism and participation in the United Way Day of Caring.
- Beau Jacobsen, SCSU Urban Affairs Committee, mentioned at street light walk that they are sponsoring on November 27 at 8 p.m. The walk is to focus on neighborhood safety.

New Business:

20. **APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR AND WINE LICENSE FOR S & D ROM 1, LLC DBA DICKEY'S BARBECUE PIT, 2956 WEST DIVISION STREET.** Gregg Engdahl, City Clerk, gave a brief overview and recommended approval pending the receipt of a liquor liability insurance certificate. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Masters/Goerger moved approval. Motion carried unanimously.
21. **ORDINANCE VACATING A SEGMENT OF A 10' WIDE UTILITY EASEMENT CENTERED ON THE LOT LINE BETWEEN LOTS 2 AND 3, BLOCK 1, ROLLING RIDGE ESTATES, LOCATED AT 1701 CASSELBERRY ROAD.** Matt Glaesman, Community Development Director, presented the ordinance. Council President Libert opened the public hearing. No one testified. Council President Libert

closed the public hearing. Goerger/Gohman moved approval. Motion carried unanimously. Ordinance assigned number 2539.

22. **RESOLUTION AMENDING THE WEST PRAIRIE POINT PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO REDUCE THE NUMBER OF REQUIRED HOUSING STYLES FROM 2 TO 1 REMOVING THE REQUIREMENT FOR CONSTRUCTION OF ATTACHED HOUSING.** Matt Glaesman, Community Development Director, presented the resolution. He noted that the Planning Commission held a public hearing and recommended denial of the PUD amendment. One of the reasons was that they did not want to vote against the comprehensive plan. Council President Libert opened the public hearing. The following individuals testified:

Loren Seppanen	Representative from Aho Northwest was present to request the amendment. He noted that there hasn't been enough growth in this area to support townhomes and would like to build single family homes.
Matthew Koob	6921 22 nd St. N. Mr. Koob spoke in support of the amendment.
Bob Herges	Mr. Herges is a real estate agent in St. Cloud and made general comments on the need for more single family homes.

Council President Libert closed the public hearing. Goerger/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2012-11-173.

23. **ORDINANCE AMENDING ARTICLE 4, SECTION 3C OF THE ST. CLOUD LAND DEVELOPMENT CODE TO ESTABLISH AN ADMINISTRATIVE PROCEDURE FOR AMENDING CONDITIONAL USE PERMITS.** Matt Glaesman, Community Development Director, presented the ordinance. Council President Libert opened the public hearing. No one testified. Council President closed the public hearing. Hontos/Berg moved approval of the draft ordinance submitted in the

packet. Motion carried unanimously. Ordinance was assigned number 2940.

Open Discussion:

- Councilmember Hontos requested discussion on the schedule for study sessions. Mike Williams, City Administrator, presented the schedule/change of study sessions as follows:
 - Cancel study session on November 26, 2012.
 - Study Session, December 10, 2012 at 5 p.m. – 8 p.m.
 - Study Session, December 17, 2012 from 5 – 6 p.m.
 - Study Session, January 7, 2013 from 4:30 – 6 p. m.Hontos/Goerger moved approval. Motion carried unanimously.
- Councilmember Hontos requested discussion on a letter the City Council received from the Stearns County Board of Commissioners in regard to the 33rd Street South project between CSAH 75 and Southway Dr. The City and County have had discussions on who was acting as the lead in the project and it was the understanding of the City Council that the City was the lead. Mr. Hontos noted that the letter stated that if the City didn't accept the original design plan that the County wants they will not participate in the project and will not provide their share of the funding nor take over jurisdiction of this roadway. The Council expressed their concern on this issue and that it felt a little like blackmail. Steve Foss noted that the City is still the lead agency for this project; however, it is thought that in long range planning, the County will most likely take over management of this roadway. Steve Foss also commented that the project is about \$3.5 million; half to be paid by the Federal Government and half to be funded by the City and County which equals approximately \$875,000 each. Mr. Foss also noted that a decision did not have to be made immediately but if the project didn't move forward it would lose federal funding. Hontos/Johnson moved to direct staff to have a discussion with the county and come back with a resolution, including alternative plans, in 30 days. Motion carried unanimously.
- Councilmember Hontos requested printed copies of the Zucker study and the

VenuWorks (River's Edge Convention Center) study. Five of the seven councilmembers wanted a copy (Councilmembers Berg and Johnson declined).

Adjournment: There being no further business to discuss the meeting was adjourned at 7:46 p.m.

City Council President

John Libert

Jennifer Burrows, Recording Council Secretary