

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

DECEMBER 2, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 2, 2013, 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. Council members Gohman, Goerger, Hontos, Johnson, Lewis, Libert and Masters were present.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of two items under Open Discussion: Hontos added discussion regarding Conditional Use Permits and Planned Unit Developments; and Johnson added a request for information about scheduled regional air service to St. Cloud.
5. **APPROVAL OF THE MEETING MINUTES OF THE REGULAR MEETING HELD NOVEMBER 4, 2013.** ACTION TAKEN: Approved.
6. **REAPPOINTMENTS TO THE ARTS COMMISSION.** ACTION TAKEN: Confirmed mayoral reappointments of Lacey Koby to her first full term to commence immediately and expire September 30, 2016, and Jim Pehler to his 2nd term to commence immediately and expire September 30, 2016.
7. **APPROVAL OF NEW JOB DESCRIPTION OF HEAVY EQUIPMENT MECHANIC/FIRE APPARATUS TECHNICIAN FOR THE FIRE DEPARTMENT.** ACTION TAKEN: Approved.
8. **APPLICATION FOR THE TRANSFER OF AN ON-SALE 3.2 PERCENT MALT LIQUOR AND WINE LICENSE FROM CENTRAL PERK, LLC (TAPIO/SCHERR) DBA CENTRAL PERK & WINE BAR TO CENTRAL PERK, LLC, (SCHERR) DBA CENTRAL PERK COFFEE SHOP & WINE BAR, 912 WEST ST. GERMAIN STREET.** ACTION TAKEN: A public hearing was set for December 16, 2013.
9. **APPLICATION FOR TRANSFER OF WHITE HORSE ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM WHITEHORSE ST. GERMAIN, INC. (LEE/COPA/CONDIT) DBA THE WHITE HORSE TO WHITEHORSE ST. GERMAIN, INC. (LEE) DBA THE WHITE HORSE, 809 WEST ST. GERMAIN.** ACTION TAKEN: A public hearing was set for December 16, 2013.
10. **RESOLUTION DESIGNATING THE ST. CLOUD TIMES AS THE OFFICIAL NEWSPAPER FOR THE CITY OF ST. CLOUD FOR 2014.** ACTION TAKEN: Resolution adopted and assigned number 2013-12-177.

11. **RESOLUTION APPROVING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE T.H. 15 AND 33RD STREET SOUTH INTERCHANGE IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2013-12-178.

12. **RESOLUTION APPROVING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR BEAVER ISLAND TRAIL PHASE 3 IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2013-12-179.

13. **REQUEST TO ENTER INTO ENCROACHMENT AGREEMENT WITH WEERES TO ENCROACH ON PUBLIC RIGHT-OF-WAY.** ACTION TAKEN: Approved.

14. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AND GRANT OF AUTHORITY BETWEEN THE CITY OF ST. CLOUD AND ST. CLOUD AVIATION.** ACTION TAKEN: Approved.

OPEN FORUM:

Mike Sjogren, 3038 Santa Fe Trail, raised concern about fairness and equality regarding “City enforcement, inspection, and compliance” for businesses and organizations receiving conditional use permits and planned unit developments. He specifically spoke to the lack of inspections of the Coldspring Quarry over the past 13 years.

PUBLIC HEARINGS:

15. **GOVERNMENTAL FUNDS BUDGET AND TAX LEVY FOR THE YEAR 2014.**

(A) **MAYOR'S BUDGET MESSAGE.** Mayor Dave Kleis presented a brief overview of the 2014 Governmental Funds Budget and the budget process. He highlighted the city’s partnership with St. Cloud State University and its recent agreement with the City for three police officers. He noted his commitment to maintain the police force up to 103 members. He displayed a schematic showing that the non-debt levy remained the same as 2012, and displayed his personal property tax statement depicting a slight property tax reduction. He stated that most residential property owners will notice a slight decrease. He spoke to the recent state legislative changes regarding public safety pensions, Local Government Aid (LGA), and also displayed a chart showing savings to the City in 2014 as local governments become exempt from sales and use tax on certain purchases and services. In conclusion, he expressed appreciation to city staff for their efforts. He specifically highlighted City Administrator Mike Williams, Finance Director John Norman, Accountant Ruth Wipper, and the finance staff for their commendable work on the budget.

(B) **FINANCE DIRECTOR'S BUDGET REVIEW.** Finance Director John Norman presented a slide presentation reviewing the City wide comparison of values and tax rates; the property tax comparison of 2013 to 2014; the 2014 Governmental Funds reserves and 2014 expenditures; and a breakdown of the tax levy. City Assessor Steve Bruggeman also addressed the Council and said that our area property values are market driven.

(C) **THE TRUTH-IN-TAXATION PUBLIC HEARING.** Council President Goerger opened the public hearing. No one spoke. The public hearing was closed.

(D) **RESOLUTION ADOPTING THE FINAL TAX LEVY AND BUDGET FOR THE 2014 GOVERNMENTAL FUNDS.** It was moved by Councilmember Gohman, seconded by Councilmember Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-12-180.

16. **RESOLUTION AMENDING ASSESSMENT ROLL 1 FOR 2012 PUBLIC IMPROVEMENTS.** City Attorney Matt Staehling explained that a change has been proposed to the assessment roll for the improvements on 10th Avenue North, Phase 3, specifically for the corner lot at 927 10th Avenue North owned by Harry Burns. The property has been reassessed by an independent appraiser and the assessment has been reduced from \$9,310 to \$6,300. Council President Goerger opened the public hearing.

City Attorney Matt Staehling read correspondence from Harry E. Burns, 927 10th Avenue North, St. Cloud, MN, 56303, dated and received December 2, 2013, addressed to City Clerk Gregg Engdahl into the record. It read:

“RE: Public Hearing December 2, 2013 – Proposed Amended Assessments for property located a 927 10th Avenue North, St. Cloud – N60’ of Lot 10, Block 71, Lowry’s Addition.

I received the Notice of Public Hearing on Proposed Resolution Amending Assessment Roll 1 for 2012 Public Improvements dated November 4, 2013 regarding the recent improvements. The hearing is scheduled for Monday, December 2, 2013 at 6:00 p.m.

Please accept this letter as my written objection to the Amended Assessment and to preserve my right to appeal the proposed amended assessment to District Court. If there are any questions or concerns, please call me. Thank you.

Sincerely, (signed) Harry E. Burns.”

There being no one from the public wishing to speak, the public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Lewis, to adopt the resolution as presented. Assistant City Attorney Gary Gustafson reported that litigation is ongoing as Mr. Burns continues to appeal the new assessment of \$6,300. Should the Council adopt the resolution, Mr. Burns can then proceed expeditiously by keeping his District Court trial date of February 4, 2014. The motion unanimously carried. The adopted resolution was assigned number 2012-12-181.

17. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE COMMON LOT LINE BETWEEN LOTS 1 AND 2, BLOCK 1, MILL RIVER ESTATES SECOND ADDITION. (LOCATION: 2189 AND 2193 MILL POND DRIVE) (VAC-2013-08)** Community Development Director Matt Glaesman explained that the applicant (Wollak Construction, Inc.) is asking to combine two adjacent residential lots into a single development site. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Johnson, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2570.

18. **ORDINANCE VACATING 23RD AVENUE NORTH RIGHT-OF-WAY BETWEEN 6TH STREET NORTH AND THE BURLINGTON NORTHERN RAIL YARD. (LOCATION: 2300 6TH STREET NORTH AND 539 22ND AVENUE NORTH)(VAC-2013-09)** Community Development Director Matt Glaesman explained that the applicant (James Trantina) is seeking the vacation of the street right-of-way to consolidate the parcels into a single fenced-in impound lot for his vehicle towing business. Council President Goerger opened the public hearing. The following individual spoke:

James Trantina, applicant/owner of Collins Brothers Towing of St. Cloud, 216 Scott Drive, Sartell; requested support as he leases the property now, but intends to buy the property.

There being no one else wishing to speak, the public hearing was closed. It was moved Councilmember Gohman, seconded by Councilmember Libert, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2571.

19. **ORDINANCE VACATING A 15' WIDE UTILITY EASEMENT LOCATED BETWEEN THE WEST ST. GERMAIN STREET RIGHT-OF-WAY AND DIVISION STREET (HIGHWAY 23) THRU THE FORMER GRANITE BOWL PARKING LOT. (LOCATION: 1740 WEST ST. GERMAIN STREET) (VAC-2013-07)** Community Development Director Matt Glaesman explained that the applicant (James P. Schleper of Redevelopment Holdings One, LLC, on behalf of Bremer Bank) is seeking vacation of the existing drainage and utility easement to accommodate redevelopment of the former Granite Bowl property. Council President Goerger opened the public hearing. No one spoke. The public

hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Masters, to adopt the ordinance as presented. The motion carried by a 6-0 vote. Councilmember Johnson was absent for the vote. The adopted ordinance was assigned number 2572.

20. **ORDINANCE AMENDING ARTICLE 14 - USE STANDARDS, SECTION 14.3 - USE STANDARDS, V. TEMPORARY SHELTER FACILITIES, 1. RESIDENTIAL AND INDUSTRIAL DISTRICTS, AND 2. COMMERCIAL DISTRICTS TO ELIMINATE THE MAXIMUM LENGTH OF STAY FROM 45 TO 90 DAYS BETWEEN JANUARY 1, 2012 TO JANUARY 1, 2014. (LDC-2013-04)** Community Development Director Matt Glaesman explained that the sunset provision of the 2011 Land Development Code (LDC) granting an additional 45 day stay (to 90 days) for 10% of a temporary shelter facility's maximum occupancy will expire on January 1, 2014. Currently it affects only two facilities--Anna Marie's and the Salvation Army. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Hontos, seconded by Councilmember Libert, to revert back to the original language in the ordinance that states a maximum of forty-five consecutive days for length of stay. Discussion ensued. Hontos said his motion was based on the fact that neither agency had indicated a desire to continue with the 90 days maximum length of stay. Councilmember Lewis spoke against the motion with concern for those individuals with children who are struggling and may need an extended stay. Following discussion, it was moved by Councilmember Hontos, seconded by Councilmember Masters, to table the issue so staff can contact the two agencies and request a written statement indicating their support for the amendment. The item will return for final action on the December 16th agenda. The motion unanimously carried.

21. **ORDINANCE AMENDING ARTICLE 4 - LAND USE APPLICATIONS AND ENFORCEMENT, SECTION 4.1 - TEXT AMENDMENT AND REZONING, D. PROCEDURE TO INCLUDE GENERAL DEVELOPMENT PLAN AMENDMENTS AND MEDICAL DISTRICT AMENDMENTS; SECTION 4.3 CONDITIONAL USE PERMIT, C. AUTHORITY TO ADDRESS NEW CUPS AND CUP AMENDMENTS; AND ARTICLE 11 - SPECIAL PURPOSE DISTRICT, SECTION 11.2 PLANNED UNIT DEVELOPMENT DISTRICT, E. POST APPROVAL TO CLARIFY THE PUD AMENDMENT PROCESS. (LDC-2013-05)** Community Development Director Matt

Glaesman explained that the proposed amendments provide clarity on past practice and on the process for conditional use permits, planned unit developments, and medical district amendments. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Hontos, seconded by Councilmember Masters, to adopt the ordinance as presented. Council discussion ensued. Glaesman said the new language provides clarity to the past and current practice that allows a PUD to be amended and clearly explains the process that is to be followed. Following discussion, the motion unanimously carried. The adopted ordinance was assigned number 2573.

NEW BUSINESS:

22. **CITIZEN PETITION CALLING FOR THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) REGARDING THE PROPOSED EXPANSION OF COLDSRING'S CHARCOAL DIMENSIONAL STONE QUARRY.** Community Development Director Matt Glaesman provided an overview of the proposed Coldspring's quarry expansion project to date and noted that a new conditional use permit application (with removal of the aggregate component) had been filed. He reviewed the options available to the Council, which were to declare an Environmental Assessment Worksheet (EAW) be required for the project, to declare an EAW is not required for the project, or to table final action to the December 16th meeting. The City received a petition from approximately 200 Minnesota residents and/or property owners requesting the preparation of an environmental assessment worksheet for the new CUP application. Glaesman displayed a graphic on the overhead to recap the City's options. It was moved by Councilmember Gohman, seconded by Councilmember Hontos, to approve a resolution declaring that an EAW not be required for the project. Council discussion ensued. Lewis noted that the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources found the past EAW to be inadequate with regard to the aggregate processing water usage, and she felt a new EAW should be completed. Glaesman displayed the applicant's fact sheet on the overhead showing a significant reduction in water usage, vibration, noise and number of trips (road traffic) per day. Following discussion, the motion carried by a 6-1 vote with Councilmember Lewis voting against. The adopted resolution was number 2013-2-182.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos asked for a Council discussion in the near future on how the City monitors conditional use permits and planned unit developments. It was moved by Councilmember Hontos, seconded by Councilmember Libert, to have this issue placed on the Study Session agenda in February. The motion unanimously carried.

Councilmember Johnson distributed a memorandum (dated December 2, 2013) addressed to the Mayor and City Administrator asking for a response to 12 questions listed on the memo with regard to regional airline service to St. Cloud and clarification of Study Session video documentation.

Mayor Kleis encouraged the public to attend the many events to be held on Saturday, December 7, 2013. There will be a Winter Wonderland at Lake George from 1-4 p.m.; the 5 p.m. Winter Nights & Lights Parade along West St. Germain Street; and the first Weihnachtsmarkt (German Christmas Market) at 523 St. German Street W. from 4 – 7 p.m.

Councilmember Lewis announced that the St. Cloud Symphony Orchestra is hosting two December concerts on Saturday, December 7, 2013. A Children's Holiday concert (10 a.m.) and the Holiday Pops concert (3 p.m.). Both will be held at the Ritsche Auditorium at St. Cloud State University.

ADJOURNMENT:

There being no further business to discuss, Council President Goerger adjourned the meeting at 7:52 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary