

**CITY COUNCIL PROCEEDINGS**

AGENDA ITEM

February 9, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of St. Cloud, Minnesota, was called to order by City Council President Bob Johnson on February 9, 2009, at 6 p.m. in the City Council Chambers.
2. A Moment of Silence was observed for our men and women serving in the Armed Forces.
3. Roll Call. All members were present: Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING HELD DECEMBER 29, 2008.** ACTION TAKEN: Approved.
6. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING HELD JANUARY 12, 2009.** ACTION TAKEN: Approved.
7. **RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO CONDUCT OFF-SITE CHARITABLE GAMBLING FOR THE ST. CLOUD ALL CITY MARCHING BAND FOR AN EVENT TO BE HELD MARCH 19-22, 2009, AT THE ST. CLOUD CIVIC CENTER.** ACTION TAKEN: Resolution adopted and assigned number 2009-2-14.
8. **ACCEPTANCE OF ASSISTANCE TO FIREFIGHTERS GRANT (AFG) IN THE AMOUNT OF \$62,000 WITH A REQUIRED 20% LOCAL MATCH OF \$15,500 TO BE FUNDED FROM FIRE SPECIAL REVENUE FUND.** ACTION TAKEN: Approved.
9. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE FOR KAYLA TERESE MARIE SWANSON, LOCATED AT 798 15 AVENUE SOUTH, ST. CLOUD.** ACTION TAKEN: Approved.
10. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE FOR CHRISTINE KATHRYN NORDQUIST, AT 606 25TH AVENUE SOUTH, SUITE 107, ST. CLOUD.** ACTION TAKEN: Approved.
11. **PROFESSIONAL SERVICES AGREEMENT TO DEVELOP A WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL.** ACTION TAKEN: Approved.
12. **AN ORDINANCE REPEALING ARTICLE 7 OF THE ST. CLOUD ZONING ORDINANCE AND ADOPTING ARTICLE 18 OF THE LAND DEVELOPMENT CODE RELATED TO SIGN REGULATIONS.** ACTION TAKEN: A reading and public hearing was set for February 23, 2009. (Proposed Ordinance #2009-04).
13. **AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE 2009 CONTRACT WITH PRO-WEST & ASSOCIATES FOR GIS SERVICES.** ACTION TAKEN: Approved.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

14. **ORDINANCE AMENDING SECTION 511:00, SUBD. 1; AND SECTION 511:00, SUBD. 3, OF THE 2007 CODE OF ORDINANCES ENTITLED "LIQUOR LICENSE FEES."** City Clerk Gregg Engdahl reviewed the annual liquor license renewal process that begins in March of each year. Licenses are valid from July 1 of the current year thru June 30 of the following year. He reviewed proposed increases for the 2009-10 year and those costs

currently associated with the enforcement of liquor laws. The average proposed fee increase was approximately 3%. The City Clerk also spoke to liquor license fees/cost comparisons provided by similar Minnesota cities, such as Duluth, Mankato, Moorhead and Rochester. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Pederson/Berg moved approval of the ordinance. Councilmember Pederson suggested keeping liquor license fees at current rates due to the difficulties of our local economy. He suggested that increases could be revisited in one year. Council President Johnson suggested that the Hospitality Association engage in discussions with the City on ways to reduce costs to the City. Mayor Dave Kleis agreed to continue dialogue with the Hospitality Association. The motion to adopt the ordinance to increase liquor license fees (Proposed Ordinance 2009-01) failed by a vote of 2-5 (with Hontos, Johnson, Libert, Masters and Pederson voting against.).

**15. RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 2 FOR 2008 PUBLIC IMPROVEMENTS.**

Assistant City Engineer Steve Foss was in attendance to present information regarding the Special Assessment Roll 2 for 2008 Public Improvements. Council President Johnson announced that each improvement would be discussed one improvement at a time. The following public hearings on the six improvement projects were as follows:

**Project 2008-01 - 8<sup>th</sup> Avenue North Neighborhood Improvements – Phase 2.**

Assistant City Engineer Foss described the improvements proposed for the 8<sup>th</sup> Avenue North neighborhood. He announced that a written request was received from Bill/Christine Meissner to waive assessments for the alley work at 618 6<sup>th</sup> Avenue North. The alley adjoins their property but has a steep bank and is not usable from their property. After further review and due to the steep bank, Engineering staff amended Contract 2008-01 – 2008 Alley Improvements by deleting assessments for the following six properties: William & Christine Meissner, 618 6<sup>th</sup> Avenue North; Mark & Denise Lenaghan, 622 6<sup>th</sup> Avenue North; Glen F. Palm and Jane R. Ellison, 626 6<sup>th</sup> Avenue North; and Maureen O'Brien and Michel Tchang, 632 6<sup>th</sup> Avenue North; Mark Monn and Emily Rudrud, 702 6<sup>th</sup> Avenue North; and Terry & Hillary Vermillion, 706 6<sup>th</sup> Avenue North. He reviewed the proposed assessment rates. Council President Johnson opened the public hearing. The following individuals spoke:

**TERESA PANKRATZ, 819 7<sup>TH</sup> AVENUE N.,** asked why her property is being assessed for sanitary sewer two times (2004 and 2008).

**DENNY WILDE, 813 N. 8<sup>TH</sup> AVENUE;** asked for clarification on what constitutes sewer line/pipe line replacement; he stated his disappointment with the landscaping job done on his property. He asked what assurance he had that new sod will be laid in the spring.

There being no one else wishing to speak, the public hearing was closed. Masters/Garven moved approval of Project 2008-01 – 8<sup>th</sup> Avenue North Neighborhood Improvements – Phase 2, as amended with the deletion of assessments to the above listed six properties. The motion unanimously carried.

**Project 2008-04 -Cooper Avenue South Improvements.** Assistant City Engineer Steve Foss described the improvements for Cooper Avenue South and the estimated costs. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Hontos/Libert moved approval of the proposed Cooper Avenue South Improvements. The motion unanimously carried.

**Project 2008-04 – 2008 Alley Improvements.** Assistant City Engineer Steve Foss reviewed the costs and the proposed improvements. Council President Johnson opened the public hearing. The following individuals spoke:

**JOEL KNUTSON, 820 24<sup>TH</sup> AVENUE N.,** recently moved to St. Cloud from Buffalo; is a single dad with three children. He's being assessed for a double lot, which he suggested was unfair. He purchased his home, which had been vacant for one year, due to foreclosure.

**KATE HARRISON, 820 34<sup>TH</sup> AVENUE N.,** rents from Mr. Knutson; opposed the proposed assessment rates as too expensive and unaffordable.

The public hearing was closed. Assistant City Engineer Steve Foss briefly discussed the payment program available to residents. Mr. Knutson was encouraged to contact his realtor, and the seller of the property, about proper disclosure during the real estate transaction. Pederson/Garven moved approval of the 2008 alley improvements. The motion unanimously carried.

**Project 2008-06 – Bear Ridge Second/Third Addition.** Assistant City Engineer Foss spoke to the costs and the proposed improvements. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Libert/Masters moved approval of the 2008-06 Bear Ridge Second/Third Addition improvements. The motion unanimously carried.

**Project 2008-09 – Downtown Sidewalk Repair and Commercial-Zoned Properties within the 2008 Sidewalk Repair Area Improvements.** Assistant City Engineer Foss spoke to the costs and the proposed improvements. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Garven/Libert moved approval of the proposed improvements. The motion unanimously carried.

**Project 2008-10 Residential Sidewalk Repair Program.** Assistant City Engineer Foss spoke to the costs and the proposed improvements. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Berg/Masters moved approval of the proposed improvements. The motion unanimously carried.

**Project 2008-20 – Water Service to Doctors Park.** Assistant City Engineer Foss spoke to the costs and the proposed petitioned improvements. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Masters/Berg moved approval of the proposed improvements. The motion unanimously carried.

**Project 2008-50 – Miscellaneous Assessment Agreements.** Assistant City Engineer Foss spoke to the costs and the proposed improvements of these miscellaneous agreements with regard to SAC and WAC fees, and private sanitary sewer and water lines. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Garven/Berg moved approval of the proposed improvements. The motion unanimously carried.

The Resolution adopting Assessment Roll 2 for Improvements constructed during 2008, as revised, was adopted and assigned number 2009-2-15.

16. **ORDINANCE AMENDING ARTICLE 7 – AGRICULTURAL DISTRICTS, SECTION 7.2 - PERMITTED AND CONDITIONAL USES, AND ARTICLE 8 - RESIDENTIAL DISTRICTS, SECTION 8.2 - PERMITTED AND CONDITIONAL USES, OF THE LAND DEVELOPMENT CODE.** Community Development Director Matt Glaesman gave a brief overview of the proposal to establish a maximum size limitation for a number of

non-residential uses in the AG and RR zoning districts. He provided a schematic/map of the AG and RR Zoning Districts on the overhead. City Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Berg/Masters moved approval of the ordinance, as recommended by the Planning Commission, to amend the St. Cloud Land Development Code, Article 7, Agricultural District, Section 7.2, Permitted and Conditional Uses, to establish a maximum building size of 3,500 gross sq.ft. when a building is within 200' from a property line; and Article 8, Residential Districts, Section 8.2, Permitted and Conditional Uses, to establish a non-residential building size to a maximum of 3,000 gross sq. ft if the minimum setback can be met. The motion unanimously carried. The adopted Ordinance was assigned number #2420.

17. **ORDINANCE ADOPTING THE 2009 ST. CLOUD ZONING MAP TO REFLECT ZONING DESIGNATIONS BASED ON INDIVIDUAL PARCELS AND ZONING DISTRICT CLASSIFICATION CHANGES AS A RESULT OF THE ADOPTION OF THE LAND DEVELOPMENT CODE.** Community Development Director Matt Glaesman provided a schematic of the 2009 proposed zoning map on the overhead. He reviewed a summary of the changes made. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Garven/Libert moved approval of the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number #2421.

18. **RESOLUTION APPROVING THE ALIGNMENT OF THE PROPOSED BEAVER ISLAND TRAIL PHASE #3 IMPROVEMENTS AND AUTHORIZING ACQUISITION OF ASSOCIATED RIGHT-OF-WAY AND CONSTRUCTION EASEMENTS.** Park Director Scott Zlotnik, along with Brian Benjamin, representative of Bonestroo, and HRA Director Bruce Thielman, all addressed questions and concerns regarding the proposed trail extension project between downtown St. Cloud and Hester Park. The project is a continuation of the Beaver Island Trail that parallels the Mississippi River between 33<sup>rd</sup> Street South and the St. Cloud Civic Center. The project is identified in the City's Capital Improvement Plan and Federal funds have been allocated in SFY 2011. City Council President Johnson opened the public hearing. The following individuals spoke:

**Richard Cryzkowski, 230 5<sup>th</sup> Avenue N.,** spoke in opposition asking the City not to move forward on this project. He had concerns regarding public safety under the bridge and along the riverfront. He suggested that a fence be put up and lights installed along the way.

**Charlotte Stephens, 23 Pandolfo Place,** spoke in support of the project.

**Dave Alberta, 1109 N. 7<sup>th</sup> Avenue,** spoke in support of the project.

**Sherri Weitgenant, 230 5<sup>th</sup> Avenue N.,** spoke in opposition to the project, noting that the area would need to be patrolled.

**Lowell Olson, 23 Pandolfo Place,** spoke in support of a safe thoroughfare for cyclists, and suggested renaming this portion of bike trail to a more geographic name.

There being no one else wishing to speak, the public hearing was closed. Berg/Masters moved approval of the resolution approving the alignment of the Beaver Island Trail Phase #3 Improvements and authorizing the acquisition of necessary right-of-way and construction easements. The motion unanimously carried. The adopted resolution was assigned number

2009-2-16. Following the vote, a brief discussion ensued, which included compliments and general remarks regarding the next phase of the project.

19. **RESOLUTION ADOPTING THE SOUTH SIDE UNIVERSITY NEIGHBORHOOD MASTER PLAN AS AN ADDENDUM TO THE CITY OF ST. CLOUD 2003 COMPREHENSIVE PLAN (CPA-2009-01).** Community Development Director Matt

Glaesman presented a brief overview of the 82-page final draft of the South Side University Neighborhood Master Plan, which will serve as a guide for future decision-making.. The document did receive approval of the Planning Commission. Council President Johnson opened the public hearing. The following individuals spoke:

**Louis Foote, 404 9<sup>th</sup> Avenue S (Victorian Oaks Bed and Breakfast).**; read the following statement into the record, “In developing the South Side Master Plan we need to be proactive towards all interests. What seems to be missing is a positive approach to our university and downtown areas. We need to take pride in SCSU and develop a plan that encourages our school to grow and expand. SCSU should be recognized and promoted for the huge asset it is to our community and the south side. Also, our downtown area should not be boxed in and restrained from developing. This includes allowing tall buildings to be constructed in the university area. Overly limiting restrictions are being placed on the development of the university and businesses that should be expanding in our area. Much of this is being done in the name of historic preservation. Preservation is extremely important, but just because a house is old does not mean it is worth preserving. Saving mediocre houses just because they were built in the pas will not advance our south side. Saving what is important, but also developing the rest of the south side to represent and encourage all persons and businesses in our area is what this plan should be about. The present plan only represents a few residents’ ideas and does not reflect the interests of all concerned parties on the south side, particularly those interests of other residents, our university and south side businesses.

**Rich Kelly, 524 7<sup>th</sup> Avenue S.**, spoke in full support of the draft resolution and the master plan as presented.

**Mary Mathews, 315 3<sup>rd</sup> Avenue S.**, spoke in full support; read aloud a news article from the St. Cloud Times printed in 1981.

**Dan Hollenhorst, 513 7<sup>th</sup> Avenue S.**, also served as a South Side University Neighborhood Master Plan Task Force member and spoke in full support.

**Dan Borgert, 1735 Lucille Lane.** said that the Plan is not his vision; he had to leave the south side in 1989 due to the restrictions in development. Spoke in opposition, and asked that this Plan be tabled until 2010.

**Beth Cragle, 201 Ramsey Place.** also served as a South Side University Neighborhood Master Plan Task Force member and spoke in full support. Stated that from 1999-2005 the south side lost over 100 single family homes to rental houses. Suggested that the Plan is good stewardship and would bring a sense of balance for the area.

**Nathan Kroll, 708 6<sup>th</sup> Street.** as a pastor of the south side and a SCSU teacher, he expressed full support for the Plan; suggested this is a good blueprint for other areas in our City.

**Jeff Junczewski, 2507 Meadowrose Blvd.**, read aloud a statement stating that the Plan is not his vision. (He submitted his written notes for the record: Owns an 8 unit apartment complex on 8<sup>th</sup> Avenue S. Down zoning the majority of the south side and looking to a huge development along 5<sup>th</sup> Avenue and shifting housing to the far north and closer to bars makes no sense to me. I own an apartment at 512 8<sup>th</sup> Avenue S. and I am worried about the changing of the current R3A zoning to an R2 zone. I would support spot zoning over blanketing the majority of west of 5<sup>th</sup> Avenue to this R2 destination.)

**Mark Harren, Freeport, MN;** spoke about the rental property located at 356 6<sup>th</sup> Avenue S., suggested that page 62 of the Plan needs to be reviewed and rewritten.

**Ryan Mullner, 1817 26<sup>th</sup> Street S.** he works with Jeff Junczewski and agrees that spot zoning is better than down zoning.

**Juliana Elchert, 513 7<sup>th</sup> Avenue S.** spoke to the broad representation of the task force. She said that she read the full document (Master Plan) and made her recommendations for changes. Although she didn’t get all that she wanted, she knows compromise is important. Historic Districts need to be preserved. The South Side/SCSU will benefit from the Plan. Her comments were in support.

**Steve Ludwig, 1817 10<sup>th</sup> Avenue SE, Admin. Vice President at St. Cloud State University**, spoke in support of the task force's work and compromise in establishing a community based vision.

There being no one else wishing to speak, Council President Johnson closed the public hearing. Masters/Hontos moved approval of the resolution and the Master Plan as presented. Councilmember Masters, as an 18-year resident of the South Side and owner of an historic home, spoke in support of the work and diligence brought forth by the task force. Councilmember Hontos suggested that the document was not absolute and should serve only as a guide. Discussion ensued. The consensus of the Council was that the South Side University Neighborhood Master Plan represents a coordinated effort of many neighborhood partners and it would serve as a helpful tool in guiding the City, but would not serve as a written document of regulations/law. Libert/Garven moved to amend the resolution to include a sixth "Whereas" as follows: "Whereas, the City Council's adoption of the neighborhood master plan represents general support and interest in considering these recommendations." The motion to amend the resolution passed unanimously. The original motion as amended unanimously carried. The adopted resolution was assigned number 2009-2-17.

**NEW BUSINESS:**

20. **REQUEST FROM THE CENTRAL MINNESOTA COMMUNITY FOUNDATION TO HOST A WOMEN'S FUND EVENT IN THE MUNSINGER GARDENS.**

St. Cloud Parks Director Scott Zlotnik spoke in support of the event, "*Women on Stage...On the River*," to be held in the Munsinger Gardens on Tuesday, June 23, 2009, from 5:30 – 8:30 p.m. The Central Minnesota Community Foundation intends to provide music, food, beer and wine, and will apply/obtain all permits and licenses as required. The Park & Recreation Board recommended approval at its February 6 meeting. Barb Carlson of the Community Foundation and co-chair of the event was in attendance to respond to questions and/or concerns. Garven/Berg moved approval of the request. The motion unanimously carried.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Hontos asked staff to list the actual bids (all received) on professional service agreements/contracts when bringing bids forward for approval.

**ADJOURNMENT:** There being no further business to discuss, the meeting was adjourned at 8:53 p.m.

---

CITY COUNCIL PRESIDENT BOB JOHNSON

Respectfully submitted by

---

Sandy Hilsgen  
Recording Council Secretary