

**CITY COUNCIL PROCEEDINGS**

**AGENDA ITEM**

**June 15, 2009**

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on June 15, 2009 at 6 p.m. in the City Council Chambers.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

**Special Recognition:**

4. **PROCLAMATION DECLARING JUNE 2009 AS ST. CLOUD'S HISTORIC PRESERVATION MONTH AND THE PRESENTATION OF THE CENTURY HOMES RECOGNITION PROGRAM AND ST. CLOUD COMMERCIAL HISTORIC DISTRICT NATIONAL REGISTER OF HISTORIC PLACES PLAQUES.** Mayor Kleis and Tammy Campion, Senior Planner, presented plaques to the following properties: 515 St. Germain St. W. (St. Cloud Floral); 501 St. Germain St. W. (MC's Dugout); 607 St. Germain St. W. (Books Revisited); 701 St. Germain St. W. (Salad Bowl); 717 St. Germain St. W. (Aria Communications), and 700 St. Germain St. W. (Tri-Cap).

**Consent Agenda:**

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **RESOLUTION RE-APPOINTMENT CAROLYN GARVEN TO THE ST. CLOUD METROPOLITAN COMMISSION.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-60.
7. **MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Libert/Berg moved approval of appointing Valerie Ohman. Motion carried unanimously. Ms. Ohman's first term commences immediately and expires April 30, 2011.
8. **APPROVAL OF ST. CLOUD LIBRARY PUBLIC ART BALANCE ALLOCATION PLAN.** ACTION TAKEN: Garven/Masters moved approval. Motion carried 6-1; Councilmember Pederson voted against.

9. **APPLICATION FOR (A) THE SEASONAL OUTDOOR SALES OF LIQUOR; AND (B) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR OLD CHICAGO, 4040 2<sup>ND</sup> ST. S. FOR AN EVENT TO BE HELD JULY 1, 2009.** ACTION TAKEN: Public Hearing set for June 29, 2009.
10. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE LIBERTY BLOCK PARTY EVENT TO BE HELD AT WHITNEY PARK ON JUNE 26, 2009, FROM 5 P.M. TO 8 P.M.** ACTION TAKEN: Libert/Berg moved approval with the amendment to have the end time be 10 p.m. Motion carried unanimously.
11. **RENEWAL OF ON-SALE AND OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSES FRO THE PERIOD 7-1-09 TO 6-30-10.** ACTION TAKEN: Approved subject to conditions as noted on the spreadsheet.
12. **SETTING A PUBLIC HEARING FOR JULY 13, 2009, ON PROPOSED AMENDMENTS TO SECTION 1100 OF THE 2007 CODE OF ORDINANCES – ADMINISTRATIVE HEARING PROCESS.** ACTION TAKEN: Public hearing was set for July 13, 2009.
13. **RESOLUTION AUTHORIZING ABATEMENT OF HAZARDOUS STRUCTURE LOCATED AT 400 5<sup>TH</sup> AVENUE SOUTH OWNED BY JEAN M. OCHU.** ACTION TAKEN: Hontos/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-6-61.
14. **APPROVAL OF GROUP SEVEN CHANGE ORDERS AND QUOTES FOR THE POLICE HEADQUARTERS.** ACTION TAKEN: Pederson/Berg moved approval. Motion carried unanimously.
15. **SET PUBLIC HEARING FOR 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR CRIME FREE MULTI-HOUSING PROGRAM.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-62. Public hearing on this item was set for June 29, 2009.
16. **APPROVAL TO PURCHASE A REPLACEMENT AIR COMPRESSOR FOR THE HYDROELECTRIC GENERATION FACILITY.** ACTION TAKEN: Approved.
17. **APPROVAL OF CHANGE ORDER #2 FOR THE WATER TREATMENT FACILITY FILTER & CLARIFIER REHABILITATION PROJECT.** ACTION TAKEN: Approved.
18. **RESOLUTION APPROVING THE 2006 WASTEWATER TREATMENT FACILITIES PLAN AND ADDENDUM #1.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-63.

19. **RESOLUTION AMENDING THE SCHROEDER ACRE LOTS PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO PERMIT THE EXISTING BUILDING TO BE USED FOR WAREHOUSING PURPOSES AND THE FENCED IN AREA TO BE USED FOR EXTERIOR STORAGE. (LOCATION: 437 ½ 33<sup>RD</sup> AVENUE NORTH).** ACTION TAKEN: Public hearing was set for June 29, 2009.
20. **RESOLUTION AMENDING THE MADISON PARK PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A 19 SPACE OFF-STREET PARKING LOT AND THE MODIFICATION OF THE EXISTING LANDSCAOPED BERM. (LOCATION: 1210 32<sup>ND</sup> AVENUE NORTH).** ACTION TAKEN: Public hearing was set for June 29, 2009.
21. **ORDINANCE VACATING THE 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE SHARED PROPERTY LINE BETWEEN LOTS 2 AND 3, DEER CREEK CROSSING FIVE. (LOCATION: 3571 AND 3583 21<sup>ST</sup> AVENUE SOUTH).** ACTION TAKEN: Public hearing was set for June 29, 2009. Assigned proposed ordinance number 2009-08.
22. **AN ORDINANCE ESTABLISHING SECTION 576 OF THE 2007 CODE OF ORDINANCES ENTITLED "STREET LIGHTING UTILITY".** ACTION TAKEN: Garven/Libert moved to set the reading and public hearing for July 27, 2009. Motion carried unanimously. Assigned proposed ordinance number 2009-09.
23. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JUNE 29, 2009, TO CONSIDER ORDERING CERTAIN PROPERTIES SITUATED ALONG 33<sup>RD</sup> STREET SOUTH WITHIN MERGER AREA 7 TO CONNECT TO THE MUNICIPAL SANITARY SEWER AND WATER MAIN SYSTEMS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-64.
24. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JUNE 29, 2009, TO CONSIDER 2009 SEAL COAT AND BITUMINOUS RESURFACING IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-65.
25. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JUNE 29, 2009, TO CONSIDER DOWNTOWN STREET MODIFICATIONS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-66.
26. **APPROVAL OF COST PARTICIPATION IN OPPORTUNITY DRIVE ENVIRONMENTAL ASSESSMENT.** ACTION TAKEN: Approved.
27. **AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND AFSCME LOCAL**

**NO. 748 PERTAINING TO EMPLOYEES OF THE SIGNS AND MARKINGS GROUP.** ACTION TAKEN: Approved.

28. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JUNE 29, 2009, TO CONSIDER RIGHT-OF-WAY ACQUISITION FOR UNIVERSITY DRIVE AND 5<sup>TH</sup> AVENUE SOUTH INTERSECTION IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-67.
29. **PETITION TO THE CITY OF ST. CLOUD BY THE VETERANS ADMINISTRATION MEDICAL CENTER FOR THE INSTALLATION OF PUBLIC WATER MAIN ON 44<sup>TH</sup> AVENUE NORTH.** ACTION TAKEN: Item was pulled by the Veterans Administration Medical Center.
30. **APPROVAL OF THE COMMUNITY AIR SERVICE DEVELOPMENT INITIATIVE AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Hontos/Libert moved approval. Motion carried unanimously.
31. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND THE FEDERAL AVIATION ADMINISTRATION (FAA) RELATED TO THE PASSENGER BOARDING BRIDGE AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.
- 31A. **RESOLUTION APPROVING ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM APPLICATION.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-6-69.

**Open Forum:**

James Willis, 2112 9<sup>th</sup> Ave. SE, commented on property in the Liberty Glen Development. There is garbage all over his yard and there is a problem with parking.

**Public Hearings:**

32. **APPLICATION FOR THE SEASONAL OUTDOOR SALES OF LIQUOR FOR DUCK'S BILLIARDS, INC. DBA DUCK'S BILLIARDS, 3606 WEST DIVISION STREET.**

Gregg Engdahl, City Clerk, gave a brief overview and recommended approval subject to conditions as noted by the Police Department (noise), Planning Department (lighting and parking) and Fire Departments (exits). Council President Johnson opened the public hearing. No one testified. Council President closed the public hearing. Berg/Masters

moved approval. Motion carried unanimously.

33. **APPLICATION FOR AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR 22 COMPANY, INC. (CHARLES EARLY WARD) DBA SCS UNIVERSITY STORE 1100 4<sup>TH</sup> AVENUE SOUTH.**

Gregg Engdahl, City Clerk, gave a brief overview and recommended approval subject to favorable review from the Health Department and conditions noted by the Planning Office regarding applicant's property in James Bowes Addition. The license would expire June 30, 2010. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Pederson/Hontos moved approval. Motion carried unanimously.

34. **RESOLUTION OF THE CITY OF ST. CLOUD, MINNESOTA APPROVING A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT REDEVELOPMENT DISTRICT NUMBER EIGHTY-SIX (86) IN THE CENTRAL AREA URBAN RENEWAL PROJECT (MINNESOTA R-65) AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF ST. CLOUD, MINNESOTA (5<sup>TH</sup> AVENUE DEVELOPMENT, LLC PROJECT).**

Bruce Thielman, Executive Director of the St. Cloud Housing and Redevelopment Authority introduced the item. Stacie Kvilvang , Ehlers & Associates, In., gave an overview of the Tax Increment Financing Plan. Bob Tofte then presented more of the details of the project. Council President Johnson opened the public hearing. The following individuals testified:

**Anne Nolan, 1945 30 St.;** Ms Nolan requested that the Council deny the TIF Plan or condition its approval on providing a community benefit.

**Steve Upgren, 38569 County Rd. 2, St. Joseph;** Represented southside neighborhood. Project started out great but feels that the plan keeps changing and now they want financial assistance. Feels that someone needs to hold the developers accountable.

**James Willis, 2112 9<sup>th</sup> Ave. SE;** Spoke against the project because he feels that

those who have funding should not be assisted with TIF financing.

**Nancy Moline, 1518 16<sup>th</sup> St. SE #5;** She is concerned that the citizens do not have enough information on this project.

**Dr. Earl Potter, President of SCSU;** Dr. Potter provided clarification on questioned items.

**Steve Pickard, 1216 9<sup>th</sup> Ave. SE;** He feels that this project does not qualify for TIF financing.

Council President Johnson closed the public hearing. Following Council discussion, Garven/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-6-68.

**Old Business:**

35. **RESOLUTION REAFFIRMING COMMITMENT/SUPPORT FOR THE NORTHSTAR COMMUTER RAIL PROJECT.**

Hontos/Garven moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-6-70.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 7:57 p.m.

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City Council President  
Bob Johnson

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Jennifer Burrows  
Recording Council Secretary