

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

JUNE 29, 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 June 29, 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. Members present: Berg, Garven, Hontos, Johnson, Libert, Masters and Pederson.

City Council President Bob Johnson read aloud an excerpt of an email received from Mark Bragelman, President of Liberty Savings Bank. Mr. Bragelman expressed his appreciation to the City of St. Cloud for its assistance with the 21st annual Block Party held Friday evening, June 26, 2009. He specifically thanked John Anderson of the City's Recreation Department; Scott Zlotnik, the City's Park Director; and the employees of the St. Cloud Police Department for their great work in making the event so successful.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
- 5A. **APPROVAL OF THE MEETING MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETINGS HELD MAY 4, 2009; MAY 18, 2009; AND JUNE 1, 2009.** ACTION TAKEN: Approved.
- 5B. **APPOINTMENT OF JAKE ANDERSON TO THE PLANNING COMMISSION.** ACTION TAKEN: Councilmember Berg recognized Jake Anderson and thanked him for his willingness to serve in this capacity. Berg/Garven moved to confirm the Mayor's Appointment of Jake Anderson for a term to commence immediately and expire on April 30, 2010. The motion unanimously carried.
6. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR MULTICULTURAL CENTER OF CENTRAL MINNESOTA FOR AN ANNUAL MULTICULTURAL EVENT TO BE HELD AT WILSON PARK ON JULY 12 FROM 1 TO 4 P.M.** ACTION TAKEN: Approved pending receipt of a favorable review from the Police Department and a copy of notice provided to adjacent property owners.
7. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE ST. CLOUD GOLDEN GLOVES BOXING FOR ACTIVITIES TO BE CONDUCTED AT SHOOTER'S SALOON AND EATERY.** ACTION TAKEN: Resolution adopted and assigned number 2009-6-71.
8. **APPLICATION FOR A TOBACCO LICENSE FOR STEVEN FREDRICK OTTEN DBA ONE STOP, 3429 3RD ST. N.** ACTION TAKEN: Approved.

9. APPROVAL OF CHANGE ORDER #3 FOR THE WATER TREATMENT FACILITY FILTER & CLARIFIER REHABILITATION PROJECT. ACTION TAKEN: Approved.

10. AMENDMENT 2 EXTENDING THE JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, EMERGENCY COMMUNICATION NETWORKS AND THE CITY OF ST. CLOUD AUTHORIZING LIEUTENANT THOMAS JUSTIN OF THE ST. CLOUD POLICE DEPARTMENT TO PROVIDE PROFESSIONAL AND TECHNICAL SERVICES AS A REGIONAL INTEROPERABILITY COORDINATOR. ACTION TAKEN: Approved.

11. RESOLUTION TO APPROVE ST. CLOUD POLICE DEPARTMENT APPLYING FOR A \$275,000.00 MULTI-AGENCY GRANT FROM THE US/DOT NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION THROUGH THE DEPARTMENT OF PUBLIC SAFETY'S OFFICE OF TRAFFIC SAFETY. ACTION TAKEN: Resolution adopted and assigned number 2009-6-72.

12. RESOLUTION SUPPORTING STATE BONDING REQUEST FOR CIVIC CENTER EXPANSION PROJECT. ACTION TAKEN: Councilmember Pederson pulled this item for discussion. Pederson/Masters moved approval of the resolution. Community Facilities Director Lyle Mathiasen responded to Pederson's queries about the cost increases to the budget. Mathiasen said that costs increased about 10%, mostly due to inflation of materials and labor. Community Development Director Matt Glaesman responded that the design guidelines proposed by the Land Development Code were not adopted, but that Planning and Zoning Department were working with the project team on design matters. He noted that the Planning Commission would most likely review the project concept at its August meeting. Following further discussion, the motion unanimously carried. Resolution adopted and assigned number 2009-6-73.

13. RESOLUTION SUPPORTING STATE BONDING APPLICATION RELATED TO LAND ACQUISITION AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Resolution adopted and assigned number 2009-6-74.

14. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE MN DOT GRANT AGREEMENT NUMBER 94617 FOR AIRPORT IMPROVEMENTS AT THE ST. CLOUD REGIONAL AIRPORT RELATED TO THE CONSTRUCTION OF A PASSENGER BOARDING BRIDGE. ACTION TAKEN: Resolution adopted and assigned number 2009-6-75.

15. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT - PHASE 2, CONTRACT 2009-19. ACTION TAKEN: Resolution adopted and assigned number 2009-6-76.

16. (A.) **RESOLUTION SUPPORTING THE GRANT APPLICATION UNDER THE GREATER MINNESOTA INTERCHANGE PROGRAM FOR THE TH 15 AND CSAH 120 INTERCHANGE;** and

(B.) **RESOLUTION SUPPORTING THE GRANT APPLICATION UNDER THE GREATER MINNESOTA INTERCHANGE PROGRAM FOR THE TH 15 AND 33RD STREET SOUTH INTERCHANGE.**

ACTION TAKEN: Resolutions adopted and assigned numbers 2009-6-77 and 2009-6-78 respectively.

17. **SUPPLEMENTAL AGREEMENT NO. 1 TO THE CARMACK ADDITION IMPROVEMENTS, CONTRACT 2009-17.** ACTION TAKEN: Approved.

18. **REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION FOR PHASE 1 OF THE SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT.** ACTION TAKEN: Approved.

19. **TRAFFIC SIGNAL REPLACEMENT AT T.H. 10 AND 15TH AVENUE S.E.** ACTION TAKEN: Approved.

20. **RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF ITS REFUNDING BONDS TO REFUND A PORTION OF ITS HEALTH CARE REVENUE BONDS, SERIES 2008 (CENTRACARE HEALTH SYSTEM PROJECT), THE CONVERSION OF THE INTEREST RATE BORNE BY CERTAIN SUCH BONDS; AND THE AMENDMENT OF CERTAIN PROVISIONS OF THE DOCUMENTS RELATING TO SUCH BONDS IN CONJUNCTION WITH SUCH CONVERSION; AND AUTHORIZING PREPARATION OF NECESSARY DOCUMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2009-6-79 (Council President Johnson abstained on this agenda item.)

21. (A.) **ORDINANCE AMENDING SECTION 1040 OF THE 2007 CODE OF ORDINANCES RELATED TO ANIMAL CONTROL REGULATIONS AND LICENSING; AND**

(B.) **ORDINANCE AMENDING SECTION 555, SUBDIVISION 3 OF THE 2007 CODE OF ORDINANCES TO ESTABLISH A FEE FOR MULTIPLE ANIMAL PERMITS.**

ACTION TAKEN: A reading and public hearing date for the meeting of July 13, 2009 was set on both ordinances. (Proposed Ordinances #2009-10 and #2009-11)

OPEN FORUM: Jose D. Barragan, Jr., 1117 13th Street S., briefly explained the “Father’s Program Services,” a program of the WINGS Family Supportive Services, which is located in Alexandria, MN. “Wings” is an advocate program that provides supportive services to homeless, vulnerable, and less fortunate children and their families. Mr. Barragan said the organization intends to open an office in St. Cloud in August or September.

PUBLIC HEARINGS:

22. **APPLICATION FOR A SEASONAL OUTDOOR SALES OF LIQUOR; AND AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR OLD CHICAGO, 4040 2ND ST. S. FOR AN EVENT TO BE HELD IN THE RESTAURANT PARKING LOT.**

City Clerk Gregg Engdahl explained that the request is for a one-time event to be held on Wednesday, July 1, 2009, from 5:00-8:30 p.m. He confirmed that another entrance would be constructed in the fencing area as requested by Mike Post, St. Cloud Fire Marshal. City Council President Bob Johnson opened the public hearing. No one spoke. The public hearing was closed. Libert/Pederson moved approval of the application for a seasonal outdoor sales of liquor; and for an exemption from the City's noise ordinance for the July 1, 2009 event. The motion unanimously carried.

23. **FISCAL YEAR 2009 - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.**

Police Chief Dennis Ballantine provided a brief introduction. The resolution was approved by the City Council on June 15, 2009, for a JAG grant to use in conjunction with the Crime Free Multi-Housing program. City Council President Bob Johnson opened the public hearing. No one spoke. The public hearing was closed. Berg/Garven moved approval of the memorandum of understanding between Stearns County and the City of St. Cloud as presented. The motion unanimously carried.

24. **RESOLUTION APPROVING THE CDBG CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR ONE YEAR USE OF FUNDS FOR THE CDBG PROGRAM YEAR 2009, AMENDMENT OF THE 2008 CDBG PLAN FOR ONE YEAR USE OF FUNDS, THE PRELIMINARY OBLIGATION FOR TARGET NON-PROFIT, CAPITAL IMPROVEMENT PROJECT FOR THE CDBG PROGRAM FOR YEARS 2010; and APPROVAL OF THE REVISION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AMERICAN RECOVERY AND REVITALIZATION ACT OF 2009 (CDBG-R) ACTIVITY 2008-164 PROJECT FOR BOYS AND GIRLS CLUB (PARKING LOT AND BUS CHUTE IMPROVEMENTS) AND THE CDBG CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR ONE YEAR USE OF FUNDS (COMP PLAN) FOR 2009 ACTIVITY #2009-167 HOUSING COALITION CASA MIA (RENOVATION).**

Les Henson, Community Development

Manager of the St. Cloud Housing and Redevelopment Authority (HRA) presented the proposal. The preliminary budget is set at \$505,518, which includes \$478,518 from the projected new 2009 CDBG funding and \$27,000 from the projected program income. The uses of the budget include: Home Owner Housing Rehabilitations - \$250,518; Core City Neighborhood Priority - \$30,000; Homeless Assistance Fund Tri-Cap - \$3,000; Non-Profit Fund Housing Coalition, Casa Mia Transitional Housing Renovation - \$130,000; Planning 5-year Consolidated Plan update - \$20,000; Public Information - \$2,000; and Administration fees \$70,000—totaling \$505,518. Darlene Johnson, Executive Director of the Housing Coalition, was also in attendance and addressed the Council on the transitional housing aspect that would focus on accommodating four families with children. She confirmed that the HUD Area Office recommended that the Boys and Girls Club project (parking lot and bus chute improvements) be funded with the CDBG Activity 2009-167 entitlement fund and that the Casa Mia project (renovation) through the Housing Coalition, be funded through the CDBG-R Act of 2009 fund. Therefore, agenda item 24B. reflects the switching of the two funding sources. City Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Garven/Pederson moved approval of both Item A. and Item B. as proposed. The motion unanimously carried. The adopted resolution was assigned number 2009-6-80.

25. **RESOLUTION ORDERING CERTAIN PROPERTIES SITUATED ALONG 33RD STREET SOUTH WITHIN MERGER AREA 7 TO CONNECT TO THE MUNICIPAL SANITARY SEWER AND WATER MAIN SYSTEMS.** Public Services Director Steve Gaetz explained that certain properties situated within Merger Area 7 are now scheduled to receive sanitary sewer and water service. Municipal sanitary sewer and water main utilities were installed along the abutting portion of 33rd Street South in 2006 in conjunction with the Stonegate development project. Those properties were not assessed or required to connect to the utilities at that time because the project was accomplished prior to the utility installation schedule established in the Merger Agreement. The properties should now be ordered to connect to the public utilities and be assessed accordingly. Gaetz confirmed that certain properties could be exempt from SAC/WAC charges due to various reasons. City Council President Johnson opened the public hearing. The following individual spoke:

Jose D. Barragan, Jr., 1117 13th Street S., asked about assessing properties that are designated as wetlands.

There being no one else wishing to speak, City Council President Johnson closed the public hearing. After a brief Council discussion, Berg/Garven moved approval of the resolution as presented. The motion unanimously carried by roll call vote. The adopted resolution was assigned number 2009-6-81.

26. **2009 SEAL COAT AND BITUMINOUS RESURFACING IMPROVEMENTS:**
(A) RESOLUTION ORDERING 2009 SEAL COAT AND BITUMINOUS RESURFACING IMPROVEMENTS; (B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2009 SEAL COAT IMPROVEMENTS, CONTRACT 2009-10. Public Services Director Steve Gaetz explained that due to budget constraints, only areas of highest priority will be receiving seal coat and overlay improvements. He displayed schematics of the proposed areas that will be receiving the improvements. City Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Hontos/Garven moved approval of both Item A. and Item B. as presented. The motion unanimously carried. The adopted resolutions were assigned numbers 2009-6-82 and 2009-6-83 respectively.

27. **DOWNTOWN STREET MODIFICATIONS: (A) RESOLUTION ORDERING DOWNTOWN STREET MODIFICATIONS; and (B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE 5TH AVENUE NORTH AND 1ST STREET NORTH TRAFFIC SIGNAL IMPROVEMENTS, CONTRACT 2009-18, S.A.P. 162-128-018.** Assistant City Engineer Steve Foss presented the overall concept plan. He displayed several schematics depicting the future downtown area with its proposed roadways and traffic signals and reviewed the modifications to be made. City Council President Johnson opened the public hearing. The following individuals spoke:

- Robin Gohman, representative of Liberty Savings Bank, 111 7th Avenue S;** stated Liberty Bank's full support for the improvements.
- Jose D. Barragan, Jr., 1117 13th Street S.,** had concerns regarding future parking in the downtown area.

There being no one else wishing to speak, City Council President Johnson closed the public hearing. Following a brief discussion, Masters/Berg moved approval of resolution ordering downtown street modifications. The motion carried unanimously. The adopted resolution was

assigned number 2009-6-84. Councilmember Hontos commented that he had some reservations with regard to the proposed 5th Avenue intersection. Garven/Masters moved approval of the resolution approving plans and specifications and authorizing advertisement for bids for the 5th Avenue North and 1st Street North Traffic Signal Improvements, Contract 2009-19, S.A.P. The motion carried by a 6-1 vote with Hontos voting against. The adopted resolution was assigned number 2009-6-85.

28. **RESOLUTION ORDERING RIGHT-OF-WAY ACQUISITION FOR UNIVERSITY DRIVE AND 5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS.**

Public Services Director Steve Gaetz spoke to the acquisition of right-of-way needed for the University Drive and 5th Avenue South intersection improvements. He explained that although the proposed plans for the subject area are still in the conceptual stages, right-of-way acquisition is a long process and needs to begin in the early stages of the project. Therefore, in order to advance the status of the Phase I Improvements and to meet timelines for the obligation of federal funding, he recommends the acquisition of two properties be ordered at this time. City Council President Johnson opened the public hearing. The following individuals spoke:

Jose D. Barragan, Jr., 1117 13th Street S., asked for fair appraisals on the properties to be acquired and spoke against taking of property.

There being no one else wishing to speak, the public hearing was closed by City Council President Johnson. Following a brief Council discussion, Masters/Garven moved approval of the resolution ordering the acquisition of right-of-way for University Drive and 5th Avenue South Intersection Improvements. The motion carried by a 6-1 vote with Councilmember Berg voting against. The adopted resolution was assigned number 2009-6-86.

29. **RESOLUTION AMENDING THE SCHROEDER ACRE LOTS PLANNED UNIT DEVELOPMENT (PUD) 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 1/2 33RD AVENUE NORTH) (DPA-2009-02)**

Tom Weber, co-owner of a building he referred to as the “Pan” building located at 437 ½ 33rd Avenue North, addressed the Council to seek permission to allow the continuation of warehousing of goods on the site by amending the PUD and to allow the fenced are to be used for exterior storage. City Council President Johnson

opened the public hearing. No one spoke. Council President Johnson closed the public hearing. Hontos/Pederson moved approval of the resolution amending Schroeder Acre Lots Planned Unit Development General Development Plan for Ordinance #1555. The motion unanimously carried. The adopted resolution was assigned number 2009-6-87.

30. **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 LANDSCAPED BERM. (LOCATION: 1210 32ND AVENUE NORTH) (DPA-2009-03)** Community Development Director Matt Glaesman gave a brief introduction about the property located at 437½ 33rd Street, which is located in a PUD that was established in 1992. Council President Johnson opened the public hearing. The following individual spoke:

Ben R. Nemeth, 228 22nd Street N., applicant; recently purchased the property and is asking to amend the PUD so that he can construct 19-space off-street parking lot on the property. He is proposing to remove and trim existing trees and shrubs for better visibility. The parking lot would better serve his dental office

There being no one else wishing to speak, Council President Johnson closed the public hearing. Berg/Masters moved to approve the Planning Commission's recommendation, which includes that the site plan reflect that the southernmost two parcels be combined and the parking lot be revised so the southernmost two parking spaces are removed (allowing 17 parking spaces). The motion carried by a 6-1 vote with Councilmember Pederson voting against. The adopted resolution was assigned number 2009-6-88.

31. **ORDINANCE VACATING THE 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE SHARED PROPERTY LINE BETWEEN LOTS 2 AND 3, BLOCK 3, DEER CREEK CROSSING FIVE. (LOCATION: 3571 AND 3583 21ST AVENUE SOUTH.) (VAC-2009-02)** Community Development Director Matt Glaesman gave a brief introduction regarding the vacation request by Schnettler Properties, LLC. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Masters/Garven moved approval of the ordinance vacating drainage and utility easement located between Lot 2, Block 3, Deer Creek Crossing Five. The motion unanimously carried. The adopted Ordinance was assigned number 2428.

ADJOURNMENT: There being no further business to discuss, the meeting was adjourned at 7:37 p.m.

City Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen, Recording Council Secretary