

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

July 13, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on July 13, 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, Libert, Masters, and Pederson. Council President Johnson was absent.

Special Recognition:

4. **“Take Heart of St. Cloud” recognizes St. Cloud Police Officers and Gold Cross for their efforts in Sudden Cardiac Arrest Survival.** Susie Osaki Holm, Take Heart St. Cloud and employee of Central Minnesota Health Center, presented awards to Officer Jeff Atkinson, Officer Dawn Solarz and Officer Thomas Schlieman. Others who received awards but were not present were EMT Derek Toll, EMT James Meder, Officer David Darling, EMT Robert Wershing, and EMT Benjamin Behrendt.

Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **(A) APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING HELD JUNE 15, 2009; AND (B) APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING HELD JUNE 29, 2009.** ACTION TAKEN: Approved.
7. **CONFIRM MAYOR’S RE-APPOINTMENTS TO THE PARK & RECREATION BOARD.** ACTION TAKEN: Confirmed the re-appointment of Austin Lee and Mary Gruenes both to their second terms commencing immediately and expiring June 30, 2012.
8. **PUBLIC UTILITIES DEPARTMENT JOB DESCRIPTION UPDATE – TREATMENT PLANT OPERATOR LIMITED.** ACTION TAKEN: Approved.
9. **RESOLUTIONS AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PURCHASE AGREEMENT FOR THE SALE OF THE HOUSES LOCATED AT 322 14TH AVENUE NORTH AND 318 4TH AVENUE NORTH.** ACTION TAKEN: Hontos/Masters moved approved. Motion carried unanimously.

Resolutions were adopted and assigned numbers 2009-7-89 and 2009-7-90.

10. **APPROVAL OF GROUP EIGHT CHANGE ORDERS AND QUOTES FOR POLICE HEADQUARTERS.** ACTION TAKEN: Approved.
11. **RESOLUTION APPROVING THE PROPOSED REORGANIZATION OF CHARTER COMMUNICATIONS, INC.** ACTION TAKEN: Masters/Garven moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-7-91.
12. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR CHASE BINNIE TO CONDUCT A MUSIC FESTIVAL AT WILSON PARK, JULY 24, 2009, FROM 4-9 P.M.** ACTION TAKEN: Approved pending receipt of proof of notification to neighbors and favorable review from the Police Department.
13. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR CHRIS WAGNER FOR A WEDDING TO BE HELD ON AUGUST 15, 2009, FROM 6-10 P.M. AT RIVERSIDE PARK.** ACTION TAKEN: Approved.
14. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR ST. CLOUD ARTS COMMISSION THEATER IN THE PARK EVENT TO BE HELD JULY 15-19, 2009 AT LAKE GEORGE.** ACTION TAKEN: Approved contingent upon receipt of proof of notification of adjacent property owners and favorable review from the Police Department.
15. **APPLICATION FOR THE TRANSFER OF ON OFF-SALE LIQUOR LICENSE FROM DBA LECHNER LIQUORS, INC. (WILLIAM LECHNER) DBA PX LIQUORS TO LECHNER LIQUORS, INC. (RICK LIESER) DBA PX LIQUOR FOR THE ESTABLISHMENT LOCATED AT 1107 WEST ST. GERMAIN.** ACTION TAKEN: Public hearing was set for July 27, 2009.
16. **AN ORDINANCE AMENDING SECTION 810:00 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED "INTOXICATING LIQUOR."** ACTION TAKEN: Reading and public hearing were set for July 27, 2009. Assigned proposed ordinance number 2009-12.
17. **SET PUBLIC HEARING FOR AN ORDINANCE AMENDING SECTION 670 – TREES IN STREETS, PARKWAYS AND PUBLIC GROUNDS AND SECTION 1045 – DUTCH ELM DISEASE AND OAK WILT (AND EMERALD ASH BORER).** ACTION TAKEN: Reading and public hearing were set for July 27, 2009. Assigned proposed ordinance number 2009-13.
18. **RIVERSIDE REGIONAL PARK GREENHOUSE PROJECT PHASE #2 – APPROVAL OF ADMINISTRATIVE CHANGE ORDER GROUP #1.** ACTION

TAKEN: Hontos/Berg moved approval. Motion carried unanimously.

19. **MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL GRANT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-7-92.
20. **PROPOSALS TO TRANSPORT MUNICIPAL SOLID WASTE.** ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously.
21. **APPLICATIONS FOR RENEWAL OF LOADING ZONE PERMITS IN DOWNTOWN METERED PARKING AREA AND IN THE “E” AND “G” PARKING PERMIT ZONES FOR JULY 1, 2009, THROUGH JUNE 30, 2010.** ACTION TAKEN: Approved.
22. **RESOLUTION AUTHORIZING THE PUBLIC SERVICES SECTION TO PROVIDE MAINTENANCE SERVICES AT THE PROPOSED NORTHSTAR PARK-N-RIDE LOT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-7-93.
23. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2009 BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2009-09.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-7-94.
24. **AN ORDINANCE AMENDING SECTION 300:00 OF THE 2007 CODE OF ORDINANCES ENTITLED “BUILDING AND HOUSING CODES” REGARDING ADOPTION OF THE RESIDENTIAL AND COMMERCIAL ENERGY CODES AND 2008 NATIONAL ELECTRICAL CODE.** ACTION TAKEN: Reading and public hearing were set for July 27, 2009. Assigned proposed ordinance number 2009-14.
25. **RESOLUTION AMENDING THE MINDEN TOWNSHIP ORDERLY ANNEXATION AREA SUPPORT SERVICES AGREEMENT TO ALLOW BUILDING CODE ADMINISTRATION SERVICES TO BE CONDUCTED BY THE CITY OF ST. CLOUD.** ACTION TAKEN: Hontos/Garven moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-7-95.

Open Forum:

No one testified.

Public Hearings:

26. **ORDINANCE AMENDING SECTION 1200 OF THE 2007 CODE OF ORDINANCES – ADMINISTRATIVE HEARING PROCESS.**

Assistant City Attorney Matt Staehling gave an overview of the ordinance. The ordinance would expand the City's Administrative Citation Notice to violations to city noise, keg, and parking rules. Council Vice President Libert opened the public hearing. No one testified. Council Vice President Libert closed the public hearing. Masters/Garven moved approval. Motion carried unanimously. Ordinance was assigned number 2429.

27. **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.

Matt Glaesman, Community Development Director, gave a brief overview of the ordinance. Lisa Schreifels, Health Director, presented the details of the proposed ordinances. Council Vice President Libert opened the public hearing. The following individuals testified:

- | | |
|---------------|---|
| Bob Abel | 3640 Plum Creek Rd.; He spoke against limiting the number of animals. He stated that he was a member of the task force. He feels that limiting the number of dogs is ineffective because uncontrolled animals are an owner problem. He commented that this has been proven in other cities. |
| Carol Kenning | 25008 63 rd Ave.; Ms. Kenning spoke in favor of the Planning Commission recommendation of limiting the number of dogs to two. She feels that the Task Force was biased and it needed a more equal representation of the citizens of St. Cloud. |
| Joanna Moen | 832 20 th Ave. N.; Ms. Moen spoke in support of raising the limit of dogs to four. She stated that dogs that cause problems are usually owned by irresponsible owners. |
| Dana Bowers | 910 Wilson Ave. NE; Ms. Bowers spoke against having a limit on the number of dogs a person can own. She was a |

member of the task force and she questioned how the task force was selected. She mentioned a variety of circumstances when people may need to take a third or fourth dog in their home.

- Vicki Davis 735 8th St. NE; Ms. Davis spoke in representation of the Tri-County Humane Society. She commented that it is not fair to say that more dogs mean more complaints. That is not true – it is actually due to irresponsible owners.
- Kory Kaye 645 E. Co. Rd. B2, Little Canada, MN; She drove from Little Canada because she feels it is important to fight against having limits on the number of dogs people can have. She commented that it is owner responsibility that can be a problem. People need to learn how to take care of dogs.
- Fran Diedrichs 1117 11th Ave. SE; Mr. Diedrichs spoke in favor of having a limit on the number of dogs that homeowners can have.
- Pat Morin 917 13th Ave. SE; Spoke in favor of keeping limits on the number of dogs. She believes the main problem is the owners, however, that is harder to control.
- Bruce Bowers 610 Wilson Ave. NE; He feels that responsible owners should be able to use their own property and have more than two dogs.

Council Vice President Libert closed the public hearing. Councilmember Garven expressed concern over having a congregate limit. She moved to approve the ordinance to allow two dogs and include a multi-dog permitting process and to have no limit on the number of cats. There was no second to the motion. After some discussion, Hontos/Masters moved approval of the Planning Commission’s recommendation which was: a maximum of 2 dogs, 4 cats, and a congregate total of 4 domestic animals for a single family dwelling; 2 dogs, 2 cats, and a congregate total of 3 domestic animals for multiple family dwelling units; and a multiple animal permit process for unique circumstances such as deployment or fostering. Motion carried 5-1; Councilmember Garven voted against. There was discussion on other circumstances that may arise that differ from deployment or fostering. Mr. Glaesman noted that it would be staff’s discretion to grant the multiple animal permit. He mentioned bringing back a policy to

the Council which would list the guidelines for following the ordinance. Ordinance was assigned number 2430. Following this ordinance, Masters/Garven moved approval of the Ordinance establishing a fee for multiple animal permits. Motion carried unanimously. Ordinance was assigned number 2431.

Open Discussion:

- Mayor Kleis noted that the St. Cloud-Spalt Park wading pool will be opening due to generous donations made by the neighborhood and citizens of St. Cloud.

Adjournment: There being no further business to discuss the meeting was adjourned at 8:02 p.m.

City Council President
Bob Johnson

Jennifer Burrows
Recording Council Secretary