

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

September 14, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 14, 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, Hontos, Libert, Masters, and Pederson. Councilmembers Johnson and Garven were absent.

Special Recognition:

4. **Recognition of the St. Cloud Fire Explorers' "First Place" achievement in state competition.** The group recognized by Mayor Kleis and the City Council were St. Cloud Firefighter Adam Morris (advisor) and Explorer Team Members: Kyle Viswanathan, Keenan Viswanathan, Craig Cordie, Kami Roth and Tim Roth.

Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON AUGUST 10, 2009.** ACTION TAKEN: Approved.
7. **APPROVAL OF THE MINUES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON AUGUST 24, 2009.** ACTION TAKEN: Approved.
8. **REQUEST TO CHANGE THE STARTING/ENDING TIME OF THE SEPTEMBER 21, 2009 STUDY SESSION.** ACTION TAKEN: Approved. Rescheduled the Study Session to take place from 4:30 p.m. to 6 p.m.
9. **APPLICATION FOR TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE STEARNS HISTORY MUSEUM FOR AN EVENT TO BE HELD ON SEPTEMBER 18, 2009, AT THE MUSEUM.** ACTION TAKEN: Approved.
10. **APPLICATION FOR A TOBACCO LICENSE FOR TIN TRONG DO DBA "EZ SMOKE SHOP" AT 101 LINCOLN AVENUE SE.** ACTION TAKEN: Approved.

11. **APPLICATION FOR A TOBACCO LICENSE FOR MICHAEL ALAN MOORES DBA "SPEEDSTOP ON 23" AT 16 14TH AVENUE NE. ACTION TAKEN: Approved.**
12. **APPLICATION FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE FOR THE TWIN CITY POWERBOAT ASSOCIATION, 2427 NORTHDAL BLVD. NW, COON RAPIDS, MN 55433, FOR AN EVENT TO BE HELD ON THE MISSISSIPPI RIVER FROM 11 A.M. TO 4:30 P.M. SEPTEMBER 19 AND 20, 2009. ACTION TAKEN: Approved.**
13. **RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY, CASUALTY, AUTOMOBILE, AND WORKER'S COMPENSATION INSURANCE PROGRAM FOR THE PERIOD 10-1-09 TO 9-30-10. ACTION TAKEN: Hontos/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-132.**
14. **RESOLUTION AUTHORIZING A TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PAYMENT IN 2010. ACTION TAKEN: Pederson/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-133.**
15. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO LEASE AND OPERATE THE "GARDENS GIFT SHOP" FOR THE YEARS 2009-2011. ACTION TAKEN: Approved.**
16. **RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT THE DONATION OF A 34-FOOT RECREATIONAL VEHICLE FROM ST. CLOUD SCHOOL DISTRICT 742 FOR USE AS A MOBILE EMERGENCY COMMAND CENTER. ACTION TAKEN: Masters/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-134.**
17. **PURCHASE OF DIGITAL CAMERAS FOR MARKED PATROL UNITS. ACTION TAKEN: Approved.**
18. **APPROVAL OF GROUP NINE CHANGE ORDERS AND BIDS FOR POLICE HEADQUARTERS. ACTION TAKEN: Approved.**
19. **RESOLUTION APPROVING CONTRACTS FOR THE VETERANS GOLF COURSE CLUB HOUSE RELOCATION AS PART OF THE WEST METRO CORRIDOR PROJECT. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-9-135.**
20. **PROPOSAL TO PURCHASE BEISWENGER/MCCONNELL PROPERTY LOCATED NORTH OF THE WASTEWATER TREATMENT FACILITY SITE. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-9-**

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21. **RESOLUTION APPROVING THE WASTEWATER TREATMENT SYSTEM USE AGREEMENT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-9-136.
22. **APPROVAL OF CHANGE ORDER #1 FOR THE TRI-CITY LIFTSTATION REHABILITATION PROJECT.** ACTION TAKEN: Approved.
23. **RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE ST. CLOUD WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-9-137.
24. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 227 – 10TH AVENUE NORTH.** ACTION TAKEN: Approved.
25. **RESOLUTION AMENDING THE LENZMEIER PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO INCLUDE MULTIPLE FAMILY RESIDENTIAL USES ON THE EASTERN HALF OF THE PROPERTY. (LOCATION: 3763 ROOSEVELT ROAD).** ACTION TAKEN: Set public hearing for September 28, 2009.

Open Forum:

Mark Jaede, 1815 Clearwater Road. Mr. Jaede presented his opinion that it is unacceptable that there isn't anyone in the position of Human Rights Director. He spoke of the importance of having a human rights advocate in the City of St. Cloud and encouraged the City to protect the human rights of all.

Semya Hakim, 3423 Lyndale Avenue, Minneapolis. Ms. Hakim works at SCSU and is very concerned that the Human Rights Director position has not been filled. She has students that use that position frequently.

Luke Tripp, 804 Washington Memorial Drive. Mr. Tripp encouraged the City to assume more leadership and to fill the position of the Human Rights Director. This would help move the City into a more harmonious interracial community.

Public Hearings:

26. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2010.**

Steve Gaetz, Public Services Director, gave a brief overview of the delinquent snow removal charges. Council Vice President Libert opened the public hearing. The following individuals testified:

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|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Craig Adamek | 229 4 th Avenue NE; Mr. Adamek feels that his charges should have been dropped back in January. His neighbors did not have to pay and is not sure why his charges have not been dismissed. |
| Jake Miller | 714 11 th Avenue N.; He was charged this fee before January and would like it to be dropped. |
| Lawrence Maier | 2420 8 th St. N.; He expressed his opinion that the contractor should notify you before they start plowing. He also mentioned that his charges were from only a dusting of snow and he doesn't feel he should be charged this fee. |

Council Vice President Libert closed the public hearing. Hontos/Pederson moved approval with the amendment that the above addresses listed above be removed from the list for further review. Motion carried 401; Councilmember Berg voted against. Resolution was adopted and assigned number 2009-9-139.

27. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2010.**

Steve Gaetz, Public Services Director, gave a brief overview of the resolution and noted that there is only one property. Council Vice President Libert opened the public hearing. No one testified. Council Vice President Libert closed the public hearing. Pederson/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-140.

28. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2010.**

Steve Gaetz, Public Services Director, noted that most of these charges were initiated by complaint. Council Vice President Libert opened the public hearing. The following individuals testified:

Rick Murray 15 Choctow Circle, Chanhassen. Mr. Murray works for Meridian Land Holdings which has a number of charges for weed removal. He is concerned that contractors charge the City more than they would charge public bodies and that cost is past along to the property owner. He was wondering if the fees could be reduced.

Jennifer Riley 26369 208 St., Morris. Ms. Riley works for RBP Housing which has many of the delinquent properties. The charges against these properties were made when the properties were owned by Edina Realty. She requested that the fees be dropped or decreased. She also noted that they never received notice on these properties in regard to weed removal/grass mowing.

Lisa Schreifels, Health Director On the above item she noted that is was Edina Realty that was notified if they are still the only owner listed on the title.

City Attorney Jan Petersen Mr. Petersen noted that the City is not required to notify the property owner. They are required to maintain their property.

Council Vice President closed the public hearing. Pederson/Masters moved approval as presented. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-141.

29. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2010.**

Council Vice President Libert opened the public hearing. No one testified. Council Vice President Libert closed the public hearing. Pederson/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-142.

30. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT WATER, SEWER AND REFUSE BILLS TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2010.**

Gregg Engdahl, City Clerk, gave a brief overview and noted that there was an updated list placed on the dais for approval. Council Vice President Libert opened the public hearing. The following individual testified:

Rick Murray

15 Choctow Circle, Chanhassen. Mr. Murray expressed concern over the property located at Liberty Glen. Currently that property is controlled by the Neighborhood Association and Meridian Housing has not taken over control yet and has questions about paying this charge. He is not disputing other charges but is looking for time to pay them.

Council Vice President Libert closed the public hearing. Berg/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-143.

31. **CONSIDERATION OF RESOLUTION ORDREING CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2010.**

Lisa Schreifels, Health Director, gave a brief overview. Council Vice President Libert opened the public hearing. No one testified. Council Vice President Libert closed the public hearing. Masters/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-144.

32. **RESOLUTION AMENDING THE JAMES BOWES ADDITION PUD TO ALLOW THE USES PERMITTED BY THE C2 ZONING DISTRICT.**

Matt Glaesman, Community Development Director, gave an overview of the resolution. He noted that the Planning Commission has recommended approval of the PUD amendment. One of the main items of discussion has been the fence that has not been completed. Council Vice President Libert opened the public hearing. The following individuals testified:

Charlie Ward

Mr. Ward is the applicant. He requested approval to amend the PUD to allow a broader range of commercial land uses. He also requested minor changes to the approved site plan. He noted that he will comply with the zoning because he has to in order to retain his liquor license on his other property. He noted that he has no change in usage of his buildings at this time.

Dori Anderson

1016 9th Avenue S. Ms. Anderson spoke against the resolution. She noted that commercial may not be the best choice for this area.

Silvia Mertens

916 10th Avenue S. Ms. Mertens property is adjacent to the subject property. She spoke against the amendment because she doesn't want it to affect her property. As of yet the Coffee Shop has not been a detriment to the neighborhood but the privacy fence that was promised in between their properties has not been completed. She would like to see this completed before any additional changes take place.

Patricia Anderson

751 14th Avenue S. Ms. Anderson spoke against the resolution because she feels that more growth on the south side may not be the best choice.

Council Vice President closed the public hearing. There was discussion among the council, in particular completing the fence adjacent to the Mertens property. There are certain improvements that need to be made on the property by October 1, 2009. There is a liquor license contingent on these improvements being made. This includes fencing and landscaping. Pederson/Hontos moved approval as recommended by the Planning

Commission with a six foot solid vinyl fence at both locations, as approved by Zoning Administrator. Motion failed 1-4; Councilmembers Berg, Libert, and Masters voted against. Masters/Berg moved to table the item and to draft Findings of Fact. Motion carried unanimously.

33. **ORDINANCE AMENDING ARTICLE 9, COMMERCIAL DISTRICT, OF THE LAND DEVELOPMENT CODE TO ALLOW EXISTING AUTO DEALERSHIPS AS A CONDITIONAL USE IN THE C4 ZONING DISTRICT.**

Matt Glaesman, Community Development Director, gave a brief overview of the Ordinance. Council Vice President Libert opened the public hearing. No one testified. Council Vice President closed the public hearing. Hontos/Berg moved approval as presented by Planning Commission. Motion carried unanimously. Ordinance was assigned number 2437.

33A. **APPLICATION FROM THE PARAMOUNT ARTS RESOURCE TRUST FOR A SEASONAL OUTDOOR LIQUOR LICENSE TO BE USED AT THE PARAMOUNT THEATER.** This item was withdrawn and no hearing will be held.

New Business:

34. **(A) RESOLUTION ADOPTING THE PRELIMINARY TAX LEVY AND BUDGET FOR THE 2010 GOVERNMENTAL FUNDS.**

Hontos/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-145.

(B) RESOLUTION SETTING DECEMBER 7, 2009, FOR THE PUBLIC HEARING ON THE 2010 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY.

City Council Vice President announced that a public hearing on the 2010 Governmental Funds Budget and Tax levy will be held on December 7, 2009 at which time public comment on the budget will take place. Berg/Masters moved to set the public hearing on the 2010 Governmental Funds budget for December 7, 2009. Motion carried unanimously. Resolution was adopted and assigned number 2009-9-146.

Open Discussion:

Council Vice President Libert commented that anyone who has questions on Human Rights can still call City offices. There is someone who is taking these calls and the issues are being addressed.

Adjournment: There being no further business to discuss the meeting was adjourned 8:29 p.m.

City Council President
Bob Johnson

Jennifer Burrows, Recording Council Secretary