

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

May 10, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 10, 2010 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.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the addition of 6B.
5. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETING HELD APRIL 26, 2010.** ACTION TAKEN: Approved.
6. **MAYOR'S APPOINTMENT AND REAPPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed the Mayor's appointment of Mark Lenaghan to his first term to commence immediately and expire on April 30, 2012; and the re-appointment of Kelly Bartlow to her second term to commence immediately and expire April 30, 2013.
- 6B. **CONFIRM MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the Mayor's appointment of Michael E. Jamnick to the Zoning Board of Appeals for a term to commence immediately and expire on April 30, 2013.
7. **MAYOR'S APPOINTMENTS AND REAPPOINTMENTS TO THE POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Confirmed the Mayor's appointment of Officer Daniel Greenwald to his first term to commence immediately and expire April 30, 2013 and the appointment of Sergeant Lori Ellering to fill an unexpired term to

commence immediately and expire April 30, 2012; and the re-appointments of Icephine Johnson and Abdirahman Muhumed to their second terms to commence immediately and expire April 30, 2012.

8. **RESOLUTION ESTABLISHING THE CITY OF ST. CLOUD ECONOMIC DEVELOPMENT ADVISORY BORAD.** ACTION TAKEN: Mayor Kleis introduced the advisory board. Masters/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-5-70.
9. **RESOLUTION AUTHORIZING PHASED RETIREMENT OPTION AND DELEGATING AN OFFICIAL OR STAFF POSITION TO COORDINATE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-5-71.
10. **RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, THATER ON-SALE INTOXICATING, SPECIAL SUNDAY, WINE, CLUB AND COMBINATION 3.2/WINE LIQUOR LICENSES FOR THE PERIOD 7-1-10 TO 6-30-11.** ACTION TAKEN: Pederson/Berg moved to set the public hearing for May 24, 2010. Motion carried unanimously.
11. **COMMUNITY PROJECT AT LAKE GEORGE – 2010 PHASE #2 GRANITE FOUNTAIN PLAZA PROJECT.** ACTION TAKEN: Approved.
12. **MIRACLE LEAGUE OF CENTRAL MINNESOTA – FIELD IMPROVEMENTS AT WHITNEY PARK.** ACTION TAKEN: Approved.
13. **ACCEPTANCE OF LOW QUOTE FOR MATERIALS TESTING FOR THE CIVIC CENTER EXPANSION ROADWAY AND UTILITY IMPROVEMENTS.** ACTION TAKEN: Approved.
14. **25TH AVENUE IMPROVEMENTS.** Pederson/Masters moved approval of items A-I. Motion carried unanimously. Resolution numbers are listed.

- A) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 145 25TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN: Resolution was adopted and assigned number 2010-5-72.**
- B) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 110 ROOSEVELT ROAD, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN: Resolution was adopted and assigned number 2010-5-73.**
- C) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2506 1ST STREET SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN: Resolution was adopted and assigned number 2010-5-74.**
- D) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 30 25TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN: Resolution was adopted and assigned number 2010-5-75.**
- E) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 20 25TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN: Resolution was adopted and assigned number 2010-5-76.**
- F) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2424 DIVISION STREET, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN: Resolution was adopted and assigned number 2010-5-77.**
- G) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED**

- AT 2500 DIVISION STREET, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN:** Resolution was adopted and assigned number 2010-5-78.
- H) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2505 DIVISION STREET, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN:** Resolution was adopted and assigned number 2010-5-79.
- I) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 55 25TH AVENUE NORTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS. ACTION TAKEN:** Resolution was adopted and assigned number 2010-5-80.
15. **UNIVERSITY DRIVE AND 5TH AVENUE SOUTH INTERSECTICION IMPROVEMENTS:**
- A) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 925 5TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED UNIVERSITY DRIVE/5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS. ACTION TAKEN:** Approved. Resolution was adopted and assigned number 2010-5-81.
- B) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 1003 5TH AVENUE SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED UNIVERSITY DRIVE./5TH AVENUE SOUTH INTERSECTION IMPROVEMENTS. ACTION TAKEN:** Approved. Resolution was adopted and assigned number 2010-5-82.
16. **DISPOSITION OF CITY PROPERTY NEEDED FOR THE CONSTRUCTION OF THE WEST METRO CORRIDOR PROJECT. ACTION TAKEN:** Approved.

17. **RESOLUTION ENTERING INTO AGREEMENT NO. 96769 WITH THE STATE OF MINNESOTA FOR THE MN/DOT COMMUNITY ROADSIDE LANDSCAPING PARTNERSHIP RPOGRAM.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-5-83.

Open Forum:

Dixie Lee Brunet, 1002 8th Ave. S. came forward with a complaint about a college party house located near her home. Students are in her yard at all hours of the evening. She is looking for the City to have stronger enforcement. This item will be forwarded to Administration for a response.

Public Hearings:

18. **AN ORDINANCE AMENDING SECTION 105 OF THE 2007 CODE OF ORDINANCES ENTITLED, ADMINISTRATIVE CODE, BY COMBINING THE PARKS DEPARTMENT AND THE RECREATION DEPARTMENT INTO A SINGLE DEPARTMENT.**

Michael Williams, City Administrator, gave a brief overview. Council Vice President Libert opened the public hearing. The following individuals testified:

Troy Fritz	1609 Mulberry Road. Mr. Fritz is the Chair of the Park and Recreation Board and spoke in favor of the ordinance change.
Rob Siebring	84 Woodhill Rd., Mr. Siebring is the Director of Sports Facilities at SCSU. He spoke in favor of combining Park and Recreation.
Charlotte Stephens	23 Pandolfo Place; Ms. Stephens spoke in support, however, is concerned that park staff keeps getting cut.
Julianna Elchert	513 7 th Ave. S. Ms. Elchert is concerned about the low level of staffing for the Park Department. She spoke in support of the ordinance.

Council Vice President Libert closed the public hearing. Garven/Masters moved

approval. Motion carried unanimously. Ordinance was assigned number 2461.

19. **CONSIDERATION OF MAYOR/COUNCIL SALARY REVIEW COMMITTEE RECOMMENDATIONS AND PROPOSED ORDINANCE AMENDING SECTION 125:10 OF THE 2007 CODE OF ORDINANCES ENTITLED COMPENSATION OF CITY COUNCIL MEMBERS.**

Dede Gaetz, Human Resources Director, gave a brief overview of the ordinance. Council Vice President Libert opened the public hearing. The following individual testified:

Garner Moffat 305 8th Ave. S. Mr. Moffat is the chair of the Charter Commission and spoke in favor of the recommendation and proposed ordinance.

Council Vice President Libert closed the public hearing. Pederson/Masters moved to amend the ordinance to eliminate Section 125:00, which would mean no benefits. Motion failed 3-3; Councilmembers Berg, Garven, and Hontos voted against. Hontos moved to approve the recommended ordinance. Due to a lack of a second the motion died and the ordinance stays as is.

20. **DOWNTOWN STREET AND PARKING MODIFICATIONS ON 7TH AVENUE FROM 2ND STREET SOUTH TO 2ND STREET NORTH:**

A. CONSIDERATION OF RESOLUTION ORDERING DOWNTOWN STREET AND PARKING MODIFICATIONS ON 7TH AVENUE FROM 2ND STREET SOUTH TO 2ND STREET NORTH.

B. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR DOWNTOWN STREET AND PARKING MODIFICATIONS ON 7TH AVENUE FROM 2ND STREET SOUTH TO 2ND STREET NORTH, CONTRACT 2010-14.

C. RESOLUTION RELATING TO PARKING REVISIONS ON 7TH AVENUE FROM 1ST STREET SOUTH TO 1ST STREET NORTH.

Steve Foss, City Engineer, gave an overview of the modifications. City Council Vice President Libert opened the public hearing. No one testified. Council Vice President

Libert closed the public hearing. Berg/Masters moved approval of Item A. Motion carried unanimously by roll call vote. Resolution was adopted and assigned number 2010-5-84. Masters/Garven moved approval of Item B. Motion carried unanimously. Resolution was adopted and assigned number 2010-5-85. Garven/Berg moved approval of Item C. Motion carried unanimously. Resolution was adopted and assigned number 2010-5-86.

21. **A. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE (LDC) BY REZONING FROM AG, AGRICULTURAL DISTRICT TO R1, SINGLE FAMILY RESIDENTIAL DISTRICT PROPERTY LOCATED AT 2519 AND 2521 40TH STREET SOUTH (REZ-2010-01).**

B. PRELIMINARY AND FINAL PLAT OF SUESS ESTATES 2.

Matt Glaesman, Community Development Director, gave an overview of the ordinance and the proposed plats. Vice President Libert opened the public hearing. The following individual testified:

Mark Suess 2519 40th St. S. Mr. Suess is the owner of the property and requested approval.

Council Vice President Libert closed the public hearing. Garven/Masters moved approval of the Ordinance and the Preliminary and Final plats. Motion carried unanimously. Ordinance was assigned number 2462.

New Business:

22. **APPEAL OF THE ZONING BOARD OF APPEALS' DENIAL OF THE REQUEST OF COBORN'S INC. FOR A VARIANCE FROM ARTICLE 14.3U.3 TO REDUCE THE REQUIRED RESIDENTIAL DISTRICT SETBACK AND ARTICLE 16.7F TO REDUCE THE REQUIRED PARKING SETBACK. (LOCATION: 328 5TH AVENUE SOUTH) (VAR-2010-02).**

Matt Glaesman, Community Development Director, gave a brief overview. Pederson/Berg moved to set a public hearing for May 24, 2010. Motion carried 5-0-1; Councilmember Masters abstained.

Open Discussion:

23. **ST. CLOUD URBAN AREA MISSISSIPPI RIVER CORRIDOR PLAN KICK-OFF LUNCHEON THURSDAY, MAY 20, 2010, FROM 11 A.M. – TO 1 P.M. AT THE ST. CLOUD CIVIC CENTER.**

Other Open Discussion:

- Councilmember Hontos requested an update on the property located at 2438 1st St. S. In addition, he wondered about discussing the properties excessive consumption of services at a future study session.

Adjournment: There being no further business to discuss the meeting was adjourned at 6:50 p.m.

City Council President

Bob Johnson

Jennifer Burrows, Recording Council Secretary