

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

August 9, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 9, 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, Johnson, Libert, Masters, and Pederson.

### Special Recognition:

4. **Recognition of Neoma (Rene) Sol, Laboratory Technician – Public Utilities Department, for being selected as the 2010 Laboratory Analyst by the Minnesota Wastewater Operators Association.**

### Mayor's Budget Presentation:

5. Mayor Dave Kleis gave an introduction of the 2011 City of St. Cloud Budget.

### Consent Agenda:

6. **APPROVAL OF AGENDA. ACTION TAKEN: Approved.**
7. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD JULY 26, 2010. ACTION TAKEN: Approved.**
8. **APPLICATION FOR EXEMPTIONS FROM THE CITY'S NOISE ORDINANCE FOR (A) A FIREWORKS DISPLAY FOR RETURNING STUDENTS AT SCSU ON AUGUST 21 AT HUSKY STADIUM; AND (B) A ST. CLOUD STATE UNIVERSITY "WELCOME BACK KICKOFF EVENT" FEATURING JOHNNY HOLM ON AUGUST 26, 2010. ACTION TAKEN: Approved subject to conditions**

noted by the Police Department.

9. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR MIKE KLEIN AND MICHELLE SCHINTGEN FOR A WEDDING EVENT TO BE HELD AUGUST 21, 2010 AT 1960 QUARRY ROAD.** ACTION TAKEN: Approved.
10. **PARK USE AGREEMENT WITH THE MIRACLE LEAGUE OF CENTRAL MINNESOTA.** ACTION TAKEN: Garven/Masters moved approval. Motion carried unanimously. Park and Recreation Director Scott Zlotnik announced that there is a groundbreaking on August 16 at 3:30 p.m.
11. **COMMUNITY PROJECT AT LAKE GEORGE – CHANGE ORDER GROUP #1.** ACTION TAKEN: Hontos/Berg moved approval. Motion carried unanimously.
12. **RESOLUTION ACCEPTING LOW BID FOR NON-STRUCTURAL REPAIR AT ST. CLOUD HYDROELECTRIC PLANT, CONTRACT 2009-23.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-8-131.
13. **QUOTE FOR DRAINAGE IMPROVEMENTS AT 1200 15<sup>TH</sup> AVENUE S.E., 2107 25<sup>TH</sup> STREET SOUTH, AND 1303 OAKRIDGE LANE.** ACTION TAKEN: Approved.
14. **RESOLUTION AUTHORIZING ACQUISITION OF PERMANENT SIDEWALK EASEMENT FOR 33<sup>RD</sup> AVENUE NORTH SIDEWALK IMPROVEMENTS, CONTRACT 2010-04.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-8-132.
15. **RESOLUTION INDICATING THE CITY OF ST. CLOUD'S SUPPORT OF A SMALL COMMUNITY AIR SERVICE DEVELOPMENT GRANT APPLICATION BY THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN:

Approved. Resolution was adopted and assigned number 2010-8-133.

**Open Forum:**

Don Justin, 805 17<sup>th</sup> Ave. S. Mr. Justin commented on the road congestion near the future skate park. He is concerned about the safety of the users. He proposed that a crosswalk stoplight be placed in this location.

Justin Lewandowski, 26 ½ 5<sup>th</sup> Ave. S. Mr. Lewandowski addressed community volunteerism and its importance to the St. Cloud area. He is a member of Green Band which promotes active volunteerism.

**Public Hearings:**

16. **APPLICATION FOR THE TRANSFER OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FROM CLUB LIQUOR TO RAE, LLC DBA CASH WISE LIQUOR.** Gregg Engdahl, City Clerk, gave an overview of the application and recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Berg/Garven moved approval. Motion carried unanimously.
  
17. **AN ORDINANCE AMENDING SECTION 440: FOOD ESTABLISHMENTS.** Lisa Schreifels, Health Director, gave an overview of the ordinance and noted that the Health and Housing Advisory and Appeals Committee recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Masters/Libert moved approval. Libert/Berg moved to amend the ordinance Section 440:45, Subsection 2, to read “...*at the next available Council meeting...*” Motion to amend carried unanimously. Original motion as amended carried unanimously. Ordinance was assigned number 2471.
  
18. **AN ORDINANCE AMENDING SECTION 441: LODGING ESTABLISHMENTS.** Lisa Schreifels, Health Director, gave an overview of the ordinance and noted that the Health and Housing Advisory and Appeals Committee recommended approval. Council

President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Berg/Garven moved approval with an amendment to Section 441:70, Subsection 2, to read “...at the next available Council meeting...” Motion as amended carried unanimously. Ordinance was assigned number 2472.

19. **ORDINANCE AMENDING SECTION 470: SWIMMING POOLS, PUBLIC, STATE REGULATIONS ADOPTED BY REFERENCE.** Lisa Schreifels, Health Director, gave an overview of the ordinance and noted that the Health and Housing Advisory and Appeals Committee recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Libert moved approval with an amendment to Section 470:70, Subsection 2 to read “...at the next available Council meeting...” Motion as amended carried unanimously. Ordinance was assigned number 2473.

20. **(A) AND ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING FROM C5, HIGHWAY COMMERCIAL, TO R2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT, PROPERTY LOCATED AT 17 19 ½ AVENUE SOUTH; AND**  
**(B) RESOLUTION AMENDING THE LAND USE PLAN ON THE 2003 CITY OF ST. CLOUD COMPREHENSIVE PLAN TO GUIDE THE AREA SOUTH OF THE TWO COMMERCIAL BUSINESSES THAT FRONT ON THE DIVISION STREET BETWEEN 19 ½ AVENUE SOUTH AND 20<sup>TH</sup> AVENUE SOUTH AND WEST ST. GERMAIN STREET INCLUDING THE PROPERTY LOCATED AT 1932 WEST ST. GERMAIN STREET FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL.**

Matt Glaesman, Community Development Director, gave an overview of the agenda item and noted that the Planning Commission has recommended approval of the requested rezoning. Council President Johnson opened the public hearing. The following individuals testified:

Jim Rudolph

Representative from Catholic Charities. Mr.

Rudolph requested approval of the rezoning. He wants to put a single family home on the property.

Council President Johnson closed the public hearing. Councilmember Hontos expressed concern that this zoning was not a part of the Comprehensive Plan and questioned with it affects the integrity of the plan. Masters/Garven moved approval of Item A – Ordinance. Motion carried 6-1; Councilmember Hontos voted against. Ordinance was assigned number 2474. Masters/Libert moved approval of Item B – Resolution. Motion carried 6-1; Councilmember Hontos voted against. Resolution was adopted and assigned number 2010-8-134.

21. **ORDINANCE VACATING THE ENTIRE 33' WIDTH OF THE SHOLING DRIVE RIGHT-OF-WAY FROM COOPER AVENUE SOUTH EASTWARD, LOCATED ADJACENT TO LOT 1, BLOCK 1, SHOLING PLACE. (LOCATION: 4334 COOPER AVENUE SOUTH)**

Matt Glaesman, Community Development Director, gave an overview of the ordinance and noted that the Planning Commission recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Berg/Garven moved approval. Motion carried unanimously. Ordinance was assigned number 2475.

22. **ORDINANCE VACATING THE 5' WIDE DRAINAGE AND UTILITY EASEMENT ALONG THE SOUTHERN PROPERTY LINE OF LOT 1, BLOCK 1, QUARRY QOODS 4<sup>TH</sup> ADDITION. (LOCATION: 3407 GRANITE WAY SOUTH)**

Matt Glaesman, Community Development Director, gave and overview of the ordinance and noted that the Planning Commission recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Masters/Libert moved approval. Motion carried unanimously. Ordinance was assigned number 2476.

23. **33<sup>RD</sup> AVENUE SOUTH SIDEWALK IMPROVEMENTS:**  
**(A) CONSIDERATION OF RESOLUTION ORDERING 33<sup>RD</sup> AVENUE SOUTH SIDEWALK IMPROVEMENTS.**

**(B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 33<sup>RD</sup> AVENUE SOUGH SIDEWALK IMPROVEMENTS, CONTRACT 2010-25.**

Steve Foss, City Engineer, gave an overview of the improvements. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Masters/Hontos moved approval of Item A. Motion carried unanimously by roll call vote. Resolution was adopted and assigned number 2010-8-135. Hontos/Garven moved approval of Item B. Motion carried unanimously. Resolution was adopted and assigned number 2010-8-136.

24. **PEDESTRIAN BLINKER SIGNS:**

**(A) CONSIDERATION OF RESOLUTION ORDERING TH EINSTALLATION OF PEDESTRIAN BLINKER SIGNS.**

**(B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR INSTALLATION OF PEDESTRIAN BLINKER SIGNS, CONTRACT 2010-27.**

Steve Foss, City Engineer, gave an overview of the item. Council President Johnson opened the public hearing. No one testified. Council President Joh0nson closed the public hearing. Garven/Berg moved approval of Item A. Motion carried 6-1 by roll call vote; Councilmember Hontos voted against. Resolution was adopted and assigned number 2010-8-137. Berg/Masters moved approval of Item B. Motion carried 6-1; Councilmember Hontos voted against. Resolution was adopted and assigned number 2010-8-138.

25. **CONSIDERATON OF RESOLUTION ESTABLISHING COMBINED TIME LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG BOTH SIDES OF 12<sup>TH</sup> AVENUE NORTH BETWEEN 2<sup>ND</sup> AND 3<sup>RD</sup> STREET NORTH.**

Steve Foss, City Engineer, gave an overview of the resolution. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Garven/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-8-139.

**Open Discussion & Announcements:**

26. **NORTHSTAR COMMUNTER RAIL UPDATE.**

Jill Brown, NorthStar Corridor Development Authority; DeWayne Mareck, Stearns County Commissioner; and Felix Schmeising, Sherburne County Commissioner, all addressed the City Council.

**Other Open Discussion Items:**

- Councilmember Hontos requested to have discussion on a proposed ordinance in regard to excessive consumption of city services. He recommended that this be at a Council Study Session. Mike Williams noted that this could be on the agenda at a study session in September or October.
- Council President Johnson requested an update on the design of the current road work on 7<sup>th</sup> Avenue.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 8:12 p.m.

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City Council President  
Bob Johnson

Jennifer Burrows, Recording Council Secretary