

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

December 6, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 6, 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, Gohman, Hontos, Johnson, Libert, Masters, and Pederson.

### Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 15, 2010.** ACTION TAKEN: Approved.
6. **RESOLUTION CALLING FOR A PUBLIC HEARING ON DECEMBER 20, 2010, REGARDING A PROPOSED PROPERTY TAX ABATEMENT AS PART OF AN AMENDMENT TO THE DEVELOPMENT AGREEMENT AND BUSINESS SUBSIDY AGREEMENT WITH ARCTIC CAT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-12-204.
7. **AN ORDINANCE AMENDING THOSE SECTIONS OF THE 2007 CODE OF ORDINANCES THAT REGULATE RENTAL RATES, FEES AND CHARGES AT THE MUNICIPAL ATHLETIC COMPLEX.** ACTION TAKEN: Reading and public hearing were set for December 20, 2010. Assigned proposed ordinance number 2010-34.
8. **AN ORDINANCE AMENDING SECTION 236 OF THE 2007 CODE OF ORDINANCES ENTITLED, "PARK AND RECREATION CONDUCT AND USE REGULATIONS," AND AN ORDINANCE AMENDING SECTION 560:00 OF THE 2007 CODE OF ORDINANCES ENTITLED, "PARK AND RECREATION DEPARTMENT FEES."** ACTION TAKEN: Reading and public hearings set for December 20, 2010. Assigned proposed ordinance numbers 2010-35 and 2010-36.
9. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO MNDOT GENERAL OBLIGATION BOND PROCEEDS GRANT AGREEMENT #97972 RELATED TO LAND ACQUISITION AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved. Resolution was

adopted and assigned number 2010-12-205.

**Open Forum:**

No one testified.

**Public Hearings:**

10. **GOVERNMENTAL FUNDS BUDGET AND TAX LEVY FOR THE YEAR 2011.**

**A. MAYOR'S BUDGET MESSAGE.**

Mayor Kleis addressed the City Council and the public on the 2011 Governmental Funds Budget. He touched on a few major points: Overall property tax levy is being reduced by approximately 3½ %; There is a current hiring freeze which has attributed to the reduction of 44 employees, however, there have been no layoffs; the Economic Development Authority was implemented and the department should be active in January 2012; and there have been two grants acquired – one to hire firefighters and one to hire police officers. He also mentioned some reorganization within departments, the implementation of a street light utility, and the cuts in LGA.

**B. FINANCE DIRECTOR'S BUDGET REVIEW.**

John Norman, Finance Director, presented a PowerPoint presentation. This presentation highlighted the *City Wide Comparison of Values and Tax Rates*, the *Breakdown of the Tax Levy*, and the *Governmental Funds Revenues and Expenditures*.

**C. CONDUCT THE PUBLIC HEARING.**

Council President Libert opened the public hearing. The following individuals testified:

Don Justin                      805 17<sup>th</sup> Avenue South. Mr. Justin made a comment that he is happy about the street light utility and that everyone is paying their fair share.

**D. CLOSE THE PUBLIC HEARING.**

Council President Libert closed the public hearing. Councilmember Hontos spoke in support of the budget. He noted that he would like to see greater efforts for the City to partner with the private sector and work with each other better. Councilmember Pederson also spoke in support of the budget and mentioned that the City Council spent a lot of time working on and reviewing the budget before the vote this evening. Masters/Hontos moved approval of the resolution approving the budget. Motion carried unanimously. Resolution was adopted and assigned number 2010-12-206.

11. **PUBLIC HEARING ON (A) AN ORDINANCE TO AMEND SECTION 245 ENTITLED, "PUBLIC UTILITIES DEPARTMENT;" (B) AN ORDINANCE TO AMEND SECTION 360 ENTITLED, "WASTEWATER TREATMENT SYSTEM USE CODE;" AND (C) AN ORDINANCE TO AMEND SECTION 365 ENTITLED, "STORMWATER SYSTEM USE CODE" OF THE 2007 CODE OF ORDINANCES.**

Pat Shea, Public Services Director, gave a brief overview of the amendments to the ordinances and noted that many of the changes are grammar changes and formatting. Council President Libert opened the public hearing on item A - Ordinance amending Section 245 entitled, "Public Utilities Department." No one testified. Council President Libert closed the public hearing. Masters/Berg moved approval of item A – Motion carried unanimously. Ordinance was assigned number 2481. Council President Libert opened the public hearing on item B – Ordinance amending Section 360 entitled, "Wastewater Treatment System Use Code." No one testified. Council President Liberty closed the public hearing. Hontos/Masters moved approval. Motion carried unanimously. Ordinance was assigned number 2482. Council President Libert opened the public hearing on item C – Ordinance amending Section 365 entitled, "Stormwater System Use Code." The following individual testified:

Jane DeAustin CMBA Government Affairs; Ms. DeAustin expressed concern about the changes made and that is will impose greater restrictions and/or more work for local builders. One specific concern was in regard to Section 365:40, Sub. 10.b. "along with a detailed maintenance plan" being added. She questioned what this meant and how it would affect a residential builder.

Pat Shea Mr. Shea required all projects that build a permanent storm water treatment BMP to submit a long term maintenance plan. He will provide guidance for these plans as needed. This may affect a developer if they are the owner of the permanent BMPs. This should have no effect on the individual house builders.

Jan DeAustin Her second question was in regard to Sub. 12.c.i. and the "fact sheet" being added. She wanted to know what this meant or required and how it would affect the residential builder.

Pat Shea Mr. Shea stated that on some residential projects the builder gets the house completed and wants to get rid of the permit because the work is done and the owner will put the yard in. The LDP must remain in effect until the yard is established. The builder and the homeowner then go through the permit transfer process. This makes the property owner responsible for the permit. The owner typically has no idea what this means so we started incorporating a fact sheet with the transfer so the property owner knows what they are agreeing to.

Council President Libert closed the public hearing. The City Council discussed the fact that there will be more paperwork for the local builders. Mr. Shea noted that there is some additional paperwork; however, they are there to improve the relationship between the two parties. Berg/Johnson moved approval. Motion carried unanimously. Ordinance was assigned number 2483.

12. **PUBLIC HEARING ON AMENDING SECTION 1060 OF THE 2007 CODE OF ORDINANCES ENTITLED, “WEAPONS, REGULATIONS RELATING TO USE,” BY ESTABLISHING A NEW SECTION 1060:20, ENTITLED “ST. CLOUD REGIONAL AIRPORT WILDLIFE HAZARD MANAGEMENT.”**

Bill Towle, Airport Director, gave a brief overview of the ordinances. Council President Libert opened the public hearing. The following individual testified:

Pat Moran 917 13<sup>th</sup> Ave. SE; Ms. Moran has various safety questions about the use of the weapons.

Council President Libert closed the public hearing. Pederson/Berg moved approval. Motion carried unanimously. Ordinance was assigned number 2484.

**New Business:**

13. **APPEAL OF THE ZONING BOARD OF APPEALS’ DENIAL OF THE REQUEST OF DALE WILLNER FOR A VARIANCE FROM ARTICLE 15.5.A5 TO INCREASE THE MAXIMUM ACCESSORY BUILDING AREA AT 2049 PLEASANT AVENUE (VAR-2010-12).**

Matt Glaesman, Community Development Director, gave an overview of the appeal and recommended that the City Council uphold the decision made by the Zoning Board of Appeals. Masters/Berg moved to uphold the Zoning Board of Appeals decision. Motion carried 6-1; Councilmember Pederson voted against. Resolution was adopted and assigned number 2010-12-207.\

14. **ACCEPT QUOTES FOR RESTORATION WORK AT FIRE STATION #3.**

Bill Mund, Fire Chief, presented the quotes and recommended that the City Council approve the quote from API Garage Door Store. Hontos/Masters moved approval of the recommended quote. Motion carried 6-0-1; Councilmember Gohman abstained from the vote.

**Open Discussion:**

- Mayor Kleis noted that all the applications for the City Council vacancy will be on the agenda on December 20, 2010.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 7:47 p.m.

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City Council President  
John Libert

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Jennifer Burrows, Recording Council Secretary