

CITY COUNCIL PROCEEDINGS

Agenda Item:

January 24, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota was held on January 24, 2011, at 6:03 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. Roll Call. All members were present: Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of two add-on open discussion items as requested by Councilmember Hontos: (a) Crime Free Housing Program; (b) Landlord Responsibility Ordinance; and (c) **listed under Open Forum - request to revisit the ZBA's decision of granting a conditional use permit for a commercial dog kennel and training facility at 25156 Stearns County Road 136.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 10, 2011.** ACTION TAKEN: Approved meeting minutes as adjusted/resubmitted on present date.
6. **MAYOR'S APPOINTMENTS TO THE ARTS COMMISSION.** ACTION TAKEN: Confirmed the appointments of Carolyn Garven for a term to commence immediately and expire September 30, 2011; Dana Drazenovich for a term to commence immediately and expire September 30, 2012; and Jim Pehler to a term to commence immediately and expire September 30, 2013.
7. **MAYOR'S APPOINTMENT TO THE RETIRED AND SENIOR VOLUNTEER PROGRAM ADVISORY BOARD.** ACTION TAKEN: Confirmed the appointment of James J. McMahan, Sr. to the RSVP Advisory Board for a term to commence immediately and expire December 31, 2013.
8. **MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the appointment of Allen Bright to the Zoning Board of Appeals for a term to commence immediately and expire on April 30, 2014.
9. **RESOLUTION AUTHORIZING THE CONDUCT OF OFF-SITE GAMBLING FOR THE DUELM AREA LION'S CLUB FOR ACTIVITIES TO BE CONDUCTED AT THE KELLY INN ON FEBRUARY 4 & 5, 2011.** ACTION TAKEN: Berg/Goerger moved approval of the resolution. Councilmember Berg asked how often the City receives such a

request from out of town applicants. Mr. Engdahl responded that this type of request is common. The motion unanimously carried. The Resolution was adopted and assigned number 2011-1-04.

10. RENEWAL OF MISCELLANEOUS BUSINESS LICENSES AND PERMITS FOR THE PERIOD JANUARY 1, 2011 TO DECEMBER 31, 2011. ACTION TAKEN: Approved with conditions noted in the supporting document entitled, "Office of the City Clerk, License Renewals 2011." (Said document dated January 24, 2011 and included in the City Council packet.)

11. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH SHERBURNE COUNTY FOR JOINT LAW ENFORCEMENT OPERATIONS THROUGH THE ST. CLOUD METRO GANG STRIKE FORCE. ACTION TAKEN: Hontos/Gohman moved approval of the resolution. Chief of Police Dennis Ballantine responded to concerns from Councilmember Hontos about which entities are actively participating in the joint law enforcement operation. Following a brief discussion supporting the continued collaboration of all involved, the motion unanimously carried. The resolution was adopted and assigned number 2011-1-05.

12. ACCEPTANCE OF A 2010 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$55,000 FOR THE ST. CLOUD FIRE DEPARTMENT CHEMICAL ASSESSMENT TEAM. ACTION TAKEN: Approved.

13. APPROVAL OF CHANGE ORDER #4 FOR THE WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT. ACTION TAKEN: Approved.

14. APPROVE OF CHANGE ORDER #1 FOR THE WATER TREATMENT FACILITY GENERATOR & REHABILITATION PROJECT. ACTION TAKEN: Approved.

15. RESOLUTION AMENDING THE SUN VILLA ESTATES PLANNED UNIT DEVELOPMENT TO CHANGE THE USE OF THE OUTLOT A, SUN VILLA ESTATES AND LOT 1, BLOCK 2, BURNS ESTATES FROM 32 FUTURE SINGLE FAMILY HOMES AND TOWNHOMES UNITS TO A 100 UNIT MULTIPLE FAMILY BUILDING. (LOCATION: 4020 25TH STREET SOUTH AND 2510 41ST AVENUE SOUTH) (DPA-2011-01). ACTION TAKEN: A reading and public hearing were set for February 14, 2011.

16. ORDINANCE REZONING 103 AND 107 DOCTOR'S PARK FROM C1, BUSINESS OFFICE DISTRICT TO C2, NEIGHBORHOOD COMMERCIAL DISTRICT. (LOCATION: 103 & 107 DOCTOR'S PARK) (REZ-2011-01). ACTION TAKEN: A reading and public hearing were set for February 14, 2011.

17. **RESOLUTION SETTING PUBLIC HEARING FOR FEBRUARY 14, 2011, TO CONSIDER SPECIAL ASSESSMENT ROLL 1 FOR 2010 PUBLIC IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2011-1-06.

18. **REQUEST FOR COMBINED TIME-LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG BOTH SIDES OF 13TH AVENUE NORTH BETWEEN 1ST AND 2ND STREET NORTH.** ACTION TAKEN: Approved.

Open Forum:

Tony Goddard, 2554 County Road 136, expressed his opposition to recent action taken by the St. Cloud Zoning Board of Appeals at its meeting on January 14, 2011, regarding the opening of a dog training facility along County Road 136 near St. Augusta to train dogs for law enforcement and other security use. He suggested that the proposed use does not comply with the Land Development Code. It is contrary to intended future land use, inconsistent with good planning for our community, and detrimental to the well-being and property values of existing residents. (Mr. Goddard distributed copies of Findings of Fact and a written statement asking the City to establish a moratorium on kennels and shooting ranges and enact an interim ordinance.)

Sue McGuire, 2554 County Road 136, expressed her opposition to the same issue and cited her concern regarding the provisions of Minnesota Statute 87A of 2005 regarding the Minnesota Shooting Range Protection Act. She stated that once a shooting range is protected the local government cannot get rid of it. She asked for Council consideration to revisit the decision. (***A brief Council discussion was held regarding the 10-day window in which the decision could be appealed, date of January 28, 2011. Since Councilmember Berg indicated interest in discussing this issue before the timeframe lapsed, Council President Libert moved this issue to the end of the meeting under Open Discussion.*)

Amanda Bardonner, student government president at St. Cloud State University, introduced Dale Rystad as the new SCSU Urban Affairs student/liaison.

Public Hearing:

19. **AN ORDINANCE AMENDING SECTION 100 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED, "HOW TO USE THE CODE, SEPARABILITY AND PENALTIES" BY ESTABLISHING A NEW SUBSECTION 100:60 ENTITLED, "VENUE IN CRIMINAL CASES."** City Attorney Matt Staehling spoke in support of the proposed ordinance that would affect where court cases are held regarding criminal offenses that occur in Benton and Sherburne counties. When criminal offenses occur within those portions of the City of St. Cloud that lie in either of those two counties, the cases would be tried in the respective county. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Goerger/Masters moved

approval of the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2491.

Open Discussion & Announcements:

Councilmember Hontos requested a progress report at a future Study Session on the status of the Crime-Free Multi-Housing Program as relates to the concerns of the landlords along with the viewpoint of the police department. He also requested a progress report on the Landlord Responsibility Ordinance at the same Study Session.

**It was moved by Berg/Masters to review the Zoning Board of Appeals' decision to grant a conditional use permit for a commercial dog kennel and training facility at the location of 25156 Stearns County Road 136 by examining the public record (as it stands to date) at its next regular meeting on February 14, 2011. The motion carried by a 4-3 vote with Goerger, Gohman, and Libert voting against. Community Development Director Matt Glaesman advised the Council that it would be acting as judge in this case and members should not discuss the issue with each other or with the public. He advised the public to contact his office with any questions or concerns. In conclusion, he stated that at the February 14, 2011 meeting the Council would have three options: (1) uphold the Zoning Board of Appeals' decision; (2) request more information; or (3) set a public hearing for a future meeting. Councilmember Goerger encouraged his colleagues to view the Zoning Board of Appeals' meeting video of January 18, 2011 prior to the February 14, 2011 meeting.

Adjournment:

There being no further business to discuss, the meeting was adjourned at 6:49 p.m.

City Council President John Libert

Respectfully submitted by

SandyHilsgen
Recording Council Secretary