

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

December 8, 2003

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 8, 2003 at 7:00 p.m. in the City Council Chambers.
2. Councilmembers present were Berg, Bissett, Garven, Gottwalt, Hontos, Landy, Long, and Mareck. Councilmember Johnson was absent.

### Special Recognition:

3. Presentation of a \$2,500 donation from SCSU Earth Day Half Marathon Committee to the City Park Department for Beaver Island Trail mile markers.
4. Presentation of the 2003 Governor's Award for Waste and Pollution Prevention-Phosphorus Management Plan awarded to the City of St. Cloud's Wastewater Treatment Facility.

### Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with additions to Open Discussion.
6. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 24, 2003.** ACTION TAKEN: For clarification on item 18 of the minutes, they were held over to December 15, 2003 meeting.
7. **RESOLUTION ADOPTING THE FINAL TAX LEVY AND BUDGET FOR THE 2004 GOVERNMENTAL FUNDS.** ACTION TAKEN: Landy/Gottwalt moved approval with the modifications noted a memo submitted by Mayor Ellenbecker. Motion carried 7-1; Councilmember Hontos voted against noting his concerns that there was an increase in the levy and that there was no discussion on reform and efficiency. Resolution adopted and assigned number 2003-12-325.
8. **RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY FOR 2004.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2003-12-321.
9. **RESOLUTION AUTHORIZING THE RENEWAL OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE CHURCH OF ST. JOSEPH, WAITE PARK, FOR ACTIVITIES TO BE CONDUCTED AT O'HARA BROTHERS, 3303 3<sup>RD</sup> STREET NORTH.** ACTION TAKEN: Resolution adopted and assigned number 2003-12-322.
10. **RESOLUTION AUTHORIZING THE RENEWAL OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE ST. CLOUD LION'S CLUB FOR ACTIVITIES TO BE CONDUCTED AT MC'S DUGOUT, 501 MALL GERMAIN.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2003-12-323.
11. **AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH WACOSA FOR CITY HALL CLEANING SERVICES IN THE BUDGETED AMOUNT OF \$17,189.** ACTION TAKEN: Approved.
12. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$13,658 AND APPROVE THE ACCEPTANCE OF \$1,518 AS A CASH MATCH FOR THE GRANT FROM THE CATHOLIC CHARITIES CARITAS MENTAL HEALTH CLINIC AND THE BOYS & GIRLS CLUBS OF CENTRAL MINNESOTA.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2003-12-324.
13. **APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 4 OF THE BEAVER ISLAND TRAIL**

**CONTRACT PROJECT TO FURNISH AND INSTALL A MODULAR BLOCK RETAINING WALL. ACTION TAKEN:** Long/Landy moved approval. Motion carried unanimously.

14. **APPROVE THE CREATION AND IMPLEMENTATION OF AN EMPLOYEE WELLNESS PROGRAM. ACTION TAKEN:** Approved.

15. **APPROVE THE 2004 EMPLOYEE SAFETY PROGRAM. ACTION TAKEN:** Approved.

**Open Forum:**

No one testified.

**Public Hearings**

16. **A) APPLICATION FOR AN ON-SALE WINE LICENSE FOR CRYSTAL CHRISTINE HUGHES DBA POK'S SAKURA JAPANESE RESTAURANT, CUB WEST PLAZA, SUITE 8, 33<sup>RD</sup> AVENUE SOUTH. B) APPLICATION FOR AN ON'SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR CRYSTAL CHRISTINE HUGHES DBA HUGHES POK'S SAKURA JAPANESE RESTAURANT, CUB WEST PLAZA, SUITE 8, 33<sup>RD</sup> AVENUE SOUTH.**

Gregg Engdahl, City Clerk, overviewed the applications noting that he has not received proof of workers' compensation insurance. Council President Garven opened the public hearing. No one testified. Council President Garven closed the public hearing. Gottwalt/Mareck moved approval of both applications pending receipt of proof of workers' compensation insurance. Motion carried unanimously.

17. **2003 ENTERPRISE FUNDS BUDGET RESOLUTION.** John Norman, Finance Director, overviewed the Enterprise Funds budget. Council President Garven opened the public hearing. No one testified. Council President Garven closed the public hearing. Berg/Bissett moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2003-12-320.

18. **ORDINANCE AMENDING SECTION 700:22 OF THE 1977 CODE OF ORDINANCES ENTITLED "PARKING LOTS."** Jan Petersen, City Attorney, overviewed the ordinance. Council President Garven opened the public hearing. The following individuals testified:

Teresa Bohnen Executive Director of the Chamber of Commerce. Ms. Bohnen requested that the City make sure there is available information in regard to this ordinance, especially for convention attendees with oversized vehicles.

Council President Garven closed the public hearing. Gottwalt/Mareck moved approval. Motion carried unanimously. Ordinance was assigned number 2157.

19. **A) ORDINANCE AMENDING THE ZONING ORDINANCE BY REZONING FROM RR, RURAL RESIDENTIAL, TO MIXED RESIDENTIAL PUD, PROPERTY DESCRIBED AS THE SOUTHEAST CORNER OF THE NORTH 900 FEET OF THE WEST 1080 FEET OF THE NW ¼ OF THE NW ¼ OF SECTION 34, TOWNSHIP 124 NORTH RANGE 28 WEST, STEARNS COUNTY, MINNESOTA. B) RESOLUTION AMENDING THE QUARRY WOODS MIXED RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN. C) APPROVAL OF THE REVISED PRELIMINARY PLAT OF QUARRY WOODS.**

Matt Glaesman, Planning Director, gave a brief overview of the development proposal and noted the recommendation of the Planning Commission to approve the three requests; the rezoning, the PUD General Development Plan amendment, and the preliminary plat/revised site plan. Mr. Glaesman noted that staff has been able to resolve all issues with Noble Custom Homes except for the issue pertaining to bike lanes and/or paths. City staff recommends against bike paths because of the removal of off-street parking and for safety concerns.

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

Steve Noble Owner of Noble Custom Homes. Mr. Noble requested approval of the development plan and the preliminary plat, including the bike paths.

Ed Schnettler 2020 Lone Oak Circle; Owner and developer of Deer Creek Crossing. Mr. Schnettler noted the proposed reconstruction of 33<sup>rd</sup> Street South and the impact it will have on his property.

Joseph Kustritz 3840 County Road 136. Spoke in support of the bike paths. Spoke in opposition to the proposed multiple-housing structures.

Jane Bennett 4146 Pine Point Road, Sartell, MN. Commented on the Natural Resource Management Plan and recommended an additional change. She requested that a buffer be placed on the northwest edge of the orchid wetland.

Mr. Glaesman noted that in regard to the buffer along the orchid wetland, there is currently a 25' setback set by the County and is also recommended by City staff. Council President Garven closed the public hearing. Landy/Bissett moved approval of 19A. Motion carried unanimously and the ordinance was assigned number 2158. Landy/Bissett moved approval of 19B per staff recommendation. Motion carried unanimously and the resolution was adopted and assigned number 2003-12-324. Landy/Bissett moved approval of 19C per the staff proposal. Berg/Gottwalt moved to amend the plat by having sidewalks be placed on both sides of the local streets. Motion failed 1-7 with Councilmember Berg voting in favor. The original motion carried unanimously.

**Old Business:**

20. **CONVENTION AND VISITOR'S MARKETING AGREEMENT FOR 2004.**

Teresa Bohnen, Executive Director of the Chamber of Commerce, noted that the Chamber of Commerce board approved the agreement. Mareck/Long moved approval. Motion carried 7-0-1; Councilmember Hontos abstained.

**New Business:**

21. **REQUEST TO REVOKE PARKING RESTRICTIONS IN THE 800 BLOCK OF 34<sup>TH</sup> AVENUE NORTH.** Landy/Bissett moved approval. Motion carried unanimously. Resolution adopted and assigned number 2003-12-327.

**Open Discussion:**

Councilmember Long brought forward discussion on overnight parking in the downtown area and requested a brief overview from Steve Gaetz.

Councilmember Mareck requested that there be an update in approximately 60 – 90 days on the following topics; 1) What revenue would be received from exempted properties in regard to the Storm Utility Policy; 2) Where is Administration with the Reform & Efficiency Task Force; and 3) Financing package for the Civic Center expansion.

Councilmember Gottwalt thanked the Downtown Council for the Parade of Lights event.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 9:28 p.m.

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Carolyn Garven  
City Council President

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Jennifer Burrows  
Recording Secretary

**VIDEO AND AUDIOTAPES ARE AVAILABLE FOR VIEWING BY CONTACTING THE MAYORS OFFICE.**