

**CITY COUNCIL PROCEEDINGS**

**AGENDA ITEM**

**December 5, 2011**

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 5, 2011 at 6 p.m. in the City Council Chambers; and a Moment of Silence for our men and women serving in the Armed Forces.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

**Consent Agenda:**

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEEETING HELD NOVEMBER 7, 2011.** ACTION TAKEN: Approved.
6. **REQUEST FROM THE MINNESOTA YOUTH FOUNDATION FOR (A) A SPECIAL EVENT PERMIT TO CONDUCT THE FIRST ANNUAL GRANITE CITY POND HOCKEY CHAMPIONSHIP JANUARY 20-22, 2012; (B) AN APPLICATION FOR EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE; AND (C) A THREE-DAY TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE.** ACTION TAKEN: Approved pending receipt of proof of liquor liability insurance from West Side Liquor.
7. **RESOLUTION AUTHORIZING AN OFF PREMISES GAMBLING PERMIT FOR THE ROCKVILLE LIONS CLUB FOR AN EVENT TO BE HELD FEBRUARY 3 & 4, 2012, AT THE BEST WESTERN KELLY INN.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2011-12-173.

8. **RESOLUTION SETTING DECEMBER 19, 2011 FOR THE PUBLIC HEARING ON 2012 ENTERPRISE FUND BUDGETS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-12-174.
9. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE FOR TRACY ANNETTE LUDWIG D.B.A. RELAX & RECHARGE, 325 33<sup>RD</sup> AVE. N., SUITE 110, ST. CLOUD, MN.** ACTION TAKEN: Approved.
10. **WHITNEY RECREATION CENTER – HEATING VENTILATION AIR CONDITIONING ROOFTOP UNIT REPLACEMENTS.** ACTION TAKEN: Approved.
11. **ACCEPTANCE OF FUNDING ASSISTANCE FROM THE MNDNR UNDER THE 2011 FEDERAL RECREATIONAL TRAIL GRANT PROGRAM.** ACTION TAKEN: Masters/Berg moved approval. Motion carried unanimously.
12. **RESOLUTION ESTABLISHING THE CITY’S BIOSOLIDS PROGRAM POLICY STATEMENT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-12-175.
13. **SETTING A PUBLIC HEARING FOR DECEMBER 19, 2011, TO AMEND SECTION 575 OF THE 2007 CODE OF ORDINANCE INCREASING WATER RATES BY 3%.** ACTION TAKEN: Berg/Masters moved approval of setting the public hearing. Motion carried unanimously. Item was assigned proposed ordinance number 2011-33.
14. **RESOLUTION RECEIVING CITY ENGINEER’S REPORT AND SETTING A PUBLIC HEARING FOR DECEMBER 19, 2011, TO CONSIDER COOPER AVENUE SOUTH FROM CSAH 75 TO TRAVERSE ROAD IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-12-176.
15. **RESOLUTION RECEIVING CITY ENGINEER’S REPORT AND SETTING A**

**PUBLIC HEARING FOR DECEMBER 19, 2011, TO CONSIDER 10<sup>TH</sup> AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS – PHASE 3.** ACTION TAKEN: Goerger/Johnson moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-12-177.

16. **RESOLUTION AUTHORIZING ACQUISITION OF TEMPORARY EASEMENTS ALONG T.H. 23 FROM COOPER AVEUE TO T.H. 15, CONTRACT 2012-03.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2011-12-178.
17. **AGREEMENT WITH RIDLON PARKING MANAGEMENT, INC. FOR OPERATION AND MANAGEMENT SERVICES AT THE GRAND CENTRAL, PARAMOUNT, RIVER’S EDGE CONVENTION CENTER, AND CENTRE SQUARE PARKING FACILITIES.** ACTION TAKEN: Approved.
18. **ORDINANCE CHANGING STREET NAMES AND ADDRESSING WITHIN THE 1000 BLOCK OF COUNTY ROAD 134 AND 900 BLOCK OF CHESTNUT COURT.** ACTION TAKEN: Public hearing was set for December 19, 2011. Item was assigned proposed ordinance number 2011-34.

**Open Forum:**

Malcolm Nazareth, 819 14<sup>th</sup> St. N. Mr. Nazareth addressed the following concerns:

- Big Businesses/corporations are so strong they are causing local businesses to suffer. How can the City move its money to local businesses?
- He is concerned that home values keep going down and that the number of foreclosures keeps increasing.
- He expressed his opinion that public access television needs to be more accessible to the public for use.

**Public Hearings:**

19. **GOVERNMENTAL FUNDS BUDGET AND TAX LEVY FOR THE YEAR 2012.**  
The City Council has held a number of special budget meetings to discuss the Mayor’s

proposed Governmental Funds budget and tax levy.

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

Mayor Kleis presented his budget message for the year 2012.

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

Finance Director John Norman addressed the City Council on the budget and reviewed overall

**(C) CONDUCT THE PUBLIC HEARING.**

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

Donald Justin            805 17<sup>th</sup> Ave. S. He is concerned that his taxes increased and he will never get the money that his house is worth.

Council President Libert closed the public hearing.

**(D) RESOLUTION ADOPTING THE FINAL TAX LEVY AND BUDGET FOR THE 2012 GOVERNMENTAL FUNDS.**

Councilmembers commented on the budget and noted their satisfaction with the process and the outcome. Goerger/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-12-179.

20. **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF ITS HEALTH CARE REVENUE BONDS ON BEHALF OF CENTRACARE HEALTH SYSTEM, AUTHORIZING ONE OR MORE INDENTURES OF TRUST, LOAN AGREEMENTS, BOND PURCHASE AGREEMENTS AND A JOINT POWERS AGREEMENT, ALL RELATING TO SAID BONDS, AND AUTHORIZING OTHER ACTION TO BE TAKEN WITH RESPECT TO THE ISSUANCE SALE AND DELIVERY OF SAID BONDS.**

John Norman, Finance Director, gave a brief overview. Council President Libert opened the public hearing. No one testified. Council President closed the public hearing. Goerger/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-12-180.

21. **RESOLUTION AMENDING THE HIGHWAY 15 PLANNED UNIT**

**DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO ALLOW A 52,000 SQUARE FOOT ADMINISTRATIVE SERVICES BUILDING UPON THE CENTRACARE PLAZA CAMPUS. (LOCATION: 1564 & 1586 COUNTY ROAD 134) (DPA-2011-04).**

Matt Glaesman, Community Development Director, gave an overview and noted that the Planning Commission recommended approval of the PUD amendment. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Hontos/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2011-12-181.

22. **AN ORDINANCE REZONING PROPERTY LOCATED AT 1988 COUNTY ROAD 134 FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT TO C1, BUSINESS OFFICE DISTRICT. (REZ-2011-08).**

Matt Glaesman, Community Development Director, presented the proposed ordinance and noted that the Planning Commission recommended denial of the applicants rezoning request on November 8, 2011. They also did not support a potential compromise of rezoning the site to a PUD limiting the professional use to the existing residence. Council President Libert opened the public hearing. The following individuals testified:

Kristen Stebbins                      2241 Roosevelt Road. Ms. Stebbins spoke as the owner of Kristen Stebbins Insurance Agency Inc. which is a State Farm Agency. She wants to purchase the property for her office building. She requested that the Council approval the rezoning. She feels that this is a great location for this type of business. There will be no impact to the neighborhood and limited traffic.

Douglas Boser                      7155 5<sup>th</sup> Ave. NE, Sauk Rapids. Mr. Boser spoke on behalf of Boser Construction, presented the proposed upgrade to the house, and requested approval of the project.

Jonathan & Tammy Seelen    1988 County Road 134. The Seelen is the owner of the property and requested that it be rezoned. They are concerned that if it isn't rezoned it will be greatly impacted with the roundabout and its value will greatly diminish. Their fear is they won't be able to sell their home or will have to sell it at a greatly reduced price.

Scott Privratsky 58 10<sup>th</sup> Ave. S., Waite Park. He is the real estate agent working with the Seelens and with Kristen Stebbins. He presented a map of the site including traffic counts, proposed construction, etc. He spoke in favor of the rezoning because it would be a great commercial site.

Teresa Bohnen President of the St. Cloud Area Chamber of Commerce, 110 S. 6<sup>th</sup> Ave. She spoke on behalf of the Chamber's support of Kristen Stebbins Insurance Agency Inc. and in support of Kristen Stebbins as a business owner. She spoke in support of the rezoning.

Jeff John 1911 County Rd. 134. Mr. John is a neighbor of the Seelens and spoke in support of the rezoning.

Council President Libert closed the public hearing. Berg/Masters moved approval of the rezoning. Berg/Goerger moved to amend the motion that this be rezoned to a PUD. Matt Glaesman noted that the PUD would include; a development plan – that acknowledges the only use of this site will be an insurance agency; a site plan (included in the Council packet); and a sign plan. Councilmember Goerger requested that there be wording in the document about a landscaping plan. Mr. Glaesman stated that the owner would need to submit their landscaping design to staff for approval. Motion to rezone to a PUD carried unanimously. Originally motion with amendment carried unanimously. Ordinance was assigned 2518. Goerger/Hontos moved approval of a resolution approving the General Development Plan. Motion carried unanimously. Resolution was adopted and assigned number 2011-12-182.

23. **AN ORDINANCE AMENDING SECTION 14, SUBDIVISION 3, USE STANDARDS, OF THE LAND DEVELOPMENT CODE TO INCREASE THE MAXIMUM LENGTH OF STAY PERMITTED FOR TEMPORARY SHELTER FACILITES. (LDC-2011-06)**

Matt Glaesman, Community Development Director, presented the proposed ordinance. Council President Libert opened the public hearing. The following individuals testified:

Carolyn Garven 624 Riverside Dr. NE. Ms. Garven is Chair of the Shelter Committee for the Salvation Army. She spoke in support of the ordinance.

Maxine Barnett 712 Washington Memorial Drive. Ms. Barnett was present representing Anna Marie's Alliance and spoke in support of the ordinance.

Council President Libert closed the public hearing. Berg/Masters moved approval. Motion carried unanimously. Ordinance was assigned number 2519.

**Old Business:**

24. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR THE AFTER MIDNIGHT GROUP V, LLC DBA COWBOY JACK'S 506 ST. GERMAIN STREET.**

Goerger/Gohman moved to remove item from the table. Gregg Engdahl, City Clerk, addressed the Council and recommended that Cowboy Jacks' application be approved pending receipt of: Favorable review from the Health and Fire Departments; Issuance of a certificate of occupancy by the Building Safety Department; and only the main floor be used for service. The original motion for approval pending conditions are met was approved unanimously.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 8:02 p.m.

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City Council President  
John Libert

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Jennifer Burrows, Recording Council Secretary