

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MAY 6, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 6, 2013, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was observed for our men and women serving in the Armed Forces.
3. Councilmembers Goerger, Gohman, Hontos, Lewis, Libert, and Masters were in attendance. Councilmember Johnson was absent.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 8, 2013.** ACTION TAKEN: Approved.
6. **APPLICATION FOR RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2013 TO JUNE 30, 2014.** ACTION TAKEN: A public hearing was set for May 20, 2013.
7. **RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC. A FRANCHISE EXTENSION TO DECEMBER 31, 2013.** ACTION TAKEN: Resolution adopted and assigned number 2013-5-59.
8. **A. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING TO CONSIDER 33RD STREET SOUTH AND FRONTAGE ROAD IMPROVEMENTS BETWEEN CSAH 75 AND SOUTHWAY DRIVE.** ACTION TAKEN: Resolution adopted and assigned number 2013-5-60.
B. RESOLUTION AUTHORIZING THE CITY ADMINISTRATION TO APPLY FOR A VARIANCE FROM STATE AID URBAN GEOMETRIC STANDARDS, MINNESOTA RULES 8820.3300. ACTION TAKEN: Resolution adopted and assigned number 2013-5-61.
9. **REQUEST FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR EVENING CONSTRUCTION FOR THE I-94 IMPROVEMENTS FROM ST. CLOUD TO CLEARWATER.** ACTION TAKEN: Approved.

OPEN FORUM:

No one spoke.

PUBLIC HEARINGS:

10. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR BLIZZARD HOSPITALITY CORP (JOSEPH JOHN KUCAN III), DBA BIOLOGY, 701 ST. GERMAIN STREET.** City Clerk Gregg Engdahl gave a brief overview of the new liquor license application and requested approval pending the receipt and favorable review of the corporate papers, bylaws, articles of incorporation and proof of liquor liability insurance. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Hontos, seconded by Gohman, to approve the application as presented. Council discussion ensued. In response to Councilmember Hontos's inquiry, the applicant Joseph John Kucan III stated that the previous owner, Charles Severson, does not have any ownership in the new business. Mr. Kucan is the sole owner. City Attorney Matt Staehling confirmed that the new business entity is not responsible for any of the former business's violations. Councilmember Libert moved, seconded by Masters, to amend the main motion to require the new owner to develop a mitigation plan that would address the prevention of underage consumption. Councilmember Lewis, however, suggested the Council should allow the new owner a fair opportunity to provide his staff with proper training and support the operation of a successful business. Following further discussion, a vote on the amendment failed by a 2-4 vote with Gohman, Lewis, Hontos, and Masters voting against. The original motion then carried by a 6-0 vote.

11. **ORDINANCE REZONING PROPERTIES LOCATED AT 1000 AND 1010 9TH AVENUE SOUTH FROM C2, NEIGHBORHOOD COMMERCIAL DISTRICT AND R3A, GENERAL RESIDENTIAL AND LODGING HOUSE DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD).** Community Development Director Matt Glaesman gave a brief overview of the request to rezone the property (Lots 7, 8, 9, Block 69, James Bowe Addition) now zoned C-2, Neighborhood Commercial District and R3A, General Residential and Lodging House District, to a Planned Unit Development (PUD) and to approve the terms of the General Development Plan as depicted on the site plan, Exhibit A, displayed as a schematic on

the overhead. Council President Goerger opened the public hearing. The following people spoke:

Dorelyn F. Anderson, 1016 Ninth Avenue So., said she remains doubtful about the plan and asked for clarification on allowed uses regarding the block on the other side of the street. (*Glaesman confirmed that all four quadrants of University Drive are zoned for commercial use.*) She felt the additional parking (depicted on the site plan) was not necessary. Although the parking lot is never full, she inquired whether the expansion was to take care of snow storage. She further noted that her husband often clears the area of debris along the fence lines and mows the property between the two fences. She hoped the new fencing would be more durable and esthetically pleasing.

Dean Wick, Outsource Architecture, LLC, P.O. Box 7274, St. Cloud, said he would address the debris problems on the property with the business owners. A dumpster is being placed on the east side of the property. He spoke to the proposed plans for snow storage, setbacks, angle parking, the reconstructed west entrance, and plans for business lights off at 11 p.m.

There being not one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Hontos, seconded by Councilmember Gohman, to approve rezoning of the property. The motion carried by a 6-0 vote. It was moved by Gohman, seconded by Hontos, to approve the General Development Plan as depicted by the site plan. The motion carried by a 5-1 vote with Masters voting against. The adopted Ordinance was assigned number 2553. The document entitled “9th Avenue South and University Drive South Planned Unit Development General Development Plan for Ordinance #2553 and Exhibit A Site Plan” were approved.

12. **ORDINANCE AMENDING ARTICLE 4 - LAND USE APPLICATIONS AND ENFORCEMENT, SECTION 4.2 - VARIANCE, D., 2., TO INCLUDE WINDOW WELL SETBACKS FOR POTENTIAL ADMINISTRATIVE VARIANCES AND ARTICLE 15 - ON-SITE DEVELOPMENT STANDARDS, SECTION 15.5 - ACCESSORY STRUCTURES AND USES, TO CLARIFY THE ACCESSORY STRUCTURE REQUIREMENTS OF THE LAND DEVELOPMENT CODE. (LDC-2013-02)** Community Development Director Matt Glaesman gave a brief overview of the proposed amendments and displayed schematics on the overhead. The Land Development Code procedure and standards are being revised in Article 4 to allow the use of administrative variances for setback variances for window wells. Also, the revisions to Article 15 address the size and design of accessory

structures in residential districts. The Planning Commission recommended approval. Council President Goerger opened the public hearing. The following people spoke:

Dale Willner, 2049 Pleasant Avenue; has purchased land to construct a new garage to store his camper, two boats, motorcycles, and antique cars. He noted that he has asked for a variance before, and knows of other people requesting variances. He requested the Council's support for the amendments.

Pat Moran, 917 13th Avenue SE, asked whether a three-sided building pushed up to a garage would be an accessory building. (*Community Director Glaesman responded that it would be an accessory building.*) She said she reported such a building to city staff and asked for an inspector to review the situation. (*Community Director Glaesman responded that he would look into it.*)

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Libert, to adopt the Ordinance as submitted. Following a brief Council discussion, the motion unanimously carried. The adopted Ordinance was assigned number 2554.

13. **RESOLUTION ORDERING 2013 BITUMINOUS RESURFACING IMPROVEMENTS.** City Engineer Steve Foss gave a brief overview of the five roadways being considered for the 2013 bituminous resurfacing due to severe structural deterioration: 3rd Street North from 29th to 33rd Avenue North; 22nd Street South from 9th Avenue South to CSAH 75; 4th Street South from 4th to 9th Avenue South; Park Avenue from Division Street (CSAH 75) to 2nd Street South; and Old Highway 52 from 730 feet south of Saukview Drive north to City limits. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. Following a brief Council discussion, it was moved by Masters, seconded by Lewis, to adopt the resolution as presented. The motion carried by a roll call vote of 6-0. The adopted resolution was assigned number 2012-5-62.

14. **RESOLUTION ORDERING CLEARWATER ROAD REALIGNMENT.** City Engineer Steve Foss gave a brief overview of the letters received from the affected property owners stating their support. He reviewed the estimated project costs. Special assessments are estimated at \$1,918,162; the balance, \$1,225,244, is city cost and will be funded by a combination of MSA funds and general bond proceeds. He spoke to the letter received today's date from Yanish Family LLC, 2633 Superior Drive NW #100, Rochester, MN. The letter was

signed by Ron Yanish stating opposition to the assessment proposal affecting his property. Council President Goerger opened the public hearing. The following people spoke:

Jim Hornecker, Director of Real Estate for Coborns Corporate office, 1445 E. Hwy 23, spoke in support of the proposed realignment plans. Back in 2006, Coborns purchased land in this location. As of last month, Coborns board approved its plans to build its corporate office at this location. Construction is scheduled to begin this fall. Therefore, the roadway improvements are essential so that this construction project can begin. (*Councilmember Gohman asked about the plans for the current office on the east side of St. Cloud.*) There are several operations at the east side location and they are in process of evaluating all of these operations. At this time there are no plans to move the bait shop and the distribution facilities.

Dave Gruenes, 1001-24th Avenue W., spoke as a member of the Greater St. Cloud Development Corporation in support of the extension and realignment of the roadway to relieve congestion and allow for business expansion. He also spoke in support of the future Phase II of extending Opportunity Drive to connect with Heatherwood Road.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Hontos, seconded by Councilmember Gohman, to adopt the resolution as presented. Following a brief Council discussion, the motion carried by a 6-0 roll call vote. The adopted resolution was assigned number 2013-5-63.

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Dave Kleis stated that although spring has been late to arrive, the public can begin to organize cleanup efforts for parks, trails, neighborhoods, etc. Individuals and service groups can contact the city park department for free garbage bags and gloves.

ADJOURNMENT:

There being no further business to discuss, City Council President Goerger adjourned the meeting at 7:19 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary

