

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

February 23, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on February 23, 2009 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, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 26, 2009.** ACTION TAKEN: Approved.
- 5A. **CONFIRM MAYOR'S APPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Confirmed the Mayor's appointment of Abdirahman Muhumed to the Police Citizen Review Board for a term to commence immediately and expire April 30, 2010.
6. **RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND ETAILS AND PROVIDING FOR THE PAYMENT OF GENERAL OBLIGATION JUDGMENT FUNDING REFUNDING BONDS, SERIES 2009A.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-2-18.
7. **RESOLUTION ESTABLISHING LEGISLATIVE PRIORITIES FOR THE JOINT CITIES GROUP.** ACTION TAKEN: Garven/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-2-19.
8. **RESOLUTION RECOGNIZING CURRENT REGIONAL COOPERATIVE EFFORTS OF THE ST. CLOUD AREA CITIES AND ENCOURAGING AND SUPPORTING MORE COLLABORATIVE EFFORTS IN THE FUTURE.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2009-2-20.
9. **RIVERSIDE REGIONAL PARK GREENHOUSE PROJECT PHASE #2 – PROCUREMENT OF GREENHOUSE GROWING TABLES.** ACTION TAKEN: Approved.

10. **MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL GRANT.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2009-2-21.
11. **AN ORDINANCE AMENDING THE ZONING ORDINANCE BY REZONING FROM C4, FRINGE CENTRAL BUSINESS DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, THE PROPERTY LOCATED IN THE 300 WEST BLOCK OF 5TH AVENUE SOUTH (REZ-2009-01).** ACTION TAKEN: Reading and public hearing were set for March 23, 2009. Assigned proposed ordinance number 2009-05.
12. **AN ORDINANCE AMENDING THE ZONING ORDINANCE BY REZONING FROM C4, FRINGE CENTRAL BUSINESS DISTRICT TO R5, GENERAL MULTIPLE RESIDENTIAL DISTRICT PROPERTY LOCATED AT 230 6TH AVENUE NORTH (REZ-2009-01).** ACTION TAKEN: Hontos/Masters moved to set public hearing. Motion carried unanimously. Reading and public hearing were set for March 26, 2009. Assigned proposed ordinance number 2009-06.
13. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2009 ALLEY IMPROVEMENTS, CONTRACT 2009-08.** ACTION TAKEN: Approved. Resolution adopted and assigned number 2009-2-22.
14. **REQUEST TO PURCHASE BUDGETED TANDEM TRUCK DUMP BODIES AND EQUIPMENT.** ACTION TAKEN: Approved.
15. **CONSTRUCTION SERVICES CONTRACT WITH SHINGOBEE BUILDERS, INC. FOR THE TRI-CITY LIFTSTATION PROJECT AND RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-2-23.
16. **APPROVAL OF MODIFICATION #P00003 TO THE COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION (TSA) AND THE CITY OF ST. CLOUD FOR FINANCIAL ASSISTANCE WITH LAW ENFORCEMENT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.
17. **APPROVAL TO ACCEPT THE LOW QUOTE FROM IFIDS.COM IN THE AMOUN TOF \$25,022.94 FOR THE FLIGHT INFORMATION DISPLAY SYSTEM AT THE ST. CLOUD REGIONAL AIRPORT, AND TO PURCHASE AND INSTALL MONITORS ASSOCIATED WITH THE SYSTEM.** ACTION TAKEN: Hontos/Libert moved approval. Motion carried unanimously.
18. **TECHNOLOGY AND EQUIPMENT INSTALLATION SERVICES FOR ST.**

CLOUD POLICE HEADQUARTERS. ACTION TAKEN: Masters/Garven moved approval. Motion carried unanimously.

19. **APPROVAL OF GROUP FOUR CHANGE ORDERS FOR POLICE HEADQUARTERS.** ACTION TAKEN: Approved.

Open Forum:

No one testified.

Public Hearings:

20. **AN ORDINANCE REPEALING ARTICLE 7 OF THE ST. CLOUD ZONING ORDINANCE AND ADOPTING ARTICLE 18 OF THE LAND DEVELOPMENT CODE RELATED TO SIGN REGULATIONS.**

Matt Glaesman, Community Development Director, presented an overview of the ordinance. Council President Johnson opened the public hearing. The following individuals testified:

Lonnie Folsom 1627 33rd Ave. N., Mr. Folsom asked that the time frame of the signs be at 90 days across the board.

Steve Anderson 407 14th St. N., Mr. Anderson expressed his support of the current ordinance.

Council President Johnson closed the public hearing. Pederson/Masters moved approval of Draft #2 with the amendment of 18.8 - 6A – change to *sign may be displayed for a total of **ninety (90)** days within a twelve (12) month period with a maximum of **three (3)** display periods of no more than thirty (30) days in that same twelve month period.* Motion failed 2-5; Councilmembers Berg, Garven, Hontos, Johnson, and Libert voted against. Garven/Libert moved approval of Draft #1. Motion carried 4-3; Councilmembers Hontos, Masters, and Pederson voted against. Ordinance was assigned number 2422.

Old Business:

21. **APPROVAL OF CONDITIONAL USE PERMIT 2008-06 FOR RIVER CREST OF ST. CLOUD TO ALLOW A RESIDENTIAL FACILITY AT 1307 LINCOLN**

AVENUE SOUTHEAST.

Jan Petersen, City Attorney, gave an overview of court order stating that conditional use permit 2008-06 must be issued by the City of St. Cloud. He noted that the City Council can choose to direct staff to appeal this to the Minnesota Court of Appeals and subsequently to the Minnesota Supreme Court. The main component was that the City did not act within the required 60-day period and therefore, the CUP should be approved. It is staff's opinion that the chances to win an appeal are limited and recommended granting the conditional use permit. Councilmembers Hontos and Pederson expressed their discomfort with approving the CUP and thought perhaps the City should appeal, particularly because the decision was based on a technicality. Berg/Garven moved to approve the Conditional Use Permit. Motion carried 5-2; Councilmembers Hontos and Pederson voted against. Resolution was adopted and assigned number 2009-2-23A.

Open Discussion & Announcements:

- Councilmember Hontos requested discussion on Charter Communication and issues that the citizens of St. Cloud are facing. He would like to see this placed on a City Council Study Session agenda. Mayor Kleis noted that this wouldn't be put on a study session agenda until after the City's budget issues are addressed.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:35 p.m.

City Council President
Bob Johnson

Jennifer Burrows
Recording Council Secretary