

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MARCH 23, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of St. Cloud, Minnesota, was called to order by City Council President Bob Johnson on March 23, 2009, at 6 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. Roll Call. All members were present: Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE CENTRAL MN COMMUNITY FOUNDATION FOR AN EVENT TO BE HELD JUNE 23, 2009 IN MUNSINGER GARDENS.** ACTION TAKEN: Approved pending receipt of proof of liquor liability insurance.
6. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE CENTRAL MN COMMUNITY FOUNDATION FOR AN EVENT TO BE HELD JUNE 23, 2009 IN MUNSINGER GARDENS.** ACTION TAKEN: Approved.
7. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE FOR QIULIAN ZHANG, DOING BUSINESS AS MARY'S TRADING, 4101 WEST DIVISION STREET ST. CLOUD MN 56301.** ACTION TAKEN: Approved.
8. (A.) **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); AND**
(B.) **AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS IN THE 300 BLOCK BETWEEN 5TH AND 6TH AVENUES SOUTH.**
ACTION TAKEN: Rescheduled the readings and public hearings on both ordinances to April 6, 2009. (Proposed ordinances 2009-07 and 2009-08 respectively)
9. **AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ST. CLOUD LAND DEVELOPMENT CODE REVISING THE TIMELINE FOR SUBMISSION OF APPEALS TO THE ZONING BOARD OF APPEALS AND THE CITY COUNCIL.** ACTION TAKEN: Councilmember Hontos pulled this agenda item to request that staff provide the Council with information prior to the public hearing on Minnesota Statute language

regarding 60-day Rule and City Extension Authority. Hontos/Libert moved to set the reading and public hearing for April 6, 2009. The motion unanimously carried. (Proposed ordinance 2009-09)

10. RESOLUTION AMENDING THE PLAZA 15 PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO INCREASE THE AMOUNT OF HOTEL SIGNAGE. (LOCATION: HIGHWAY 15 AND 1ST STREET NORTH) ACTION TAKEN: Set a reading and public hearing for April 6, 2009.

11. AN ORDINANCE AMENDING ARTICLE 16 (OFF-STREET PARKING AND LOADING) AND ARTICLE 21 (DEFINITIONS) OF THE CITY OF ST. CLOUD LAND DEVELOPMENT CODE RELATED TO RECREATIONAL VEHICLE, RECREATIONAL EQUIPMENT, AND COMMERCIAL VEHICLE STORAGE AND PARKING. ACTION TAKEN: Set a reading and public hearing for April 6, 2009. (Proposed ordinance 2009-10)

12. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR APRIL 6, 2009, TO CONSIDER PINE CONE ROAD IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2009-3-29.

13. APPROVAL OF AGREEMENT BETWEEN IFIDS.COM AND THE CITY OF ST. CLOUD FOR SERVICES RELATED TO A FLIGHT INFORMATION DISPLAY SYSTEM AGREEMENT AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Councilmember Hontos requested clarification regarding the contract and fees. Airport Director Bill Towle stated that the agreement is for three years and the charges are annual fees. Airport Director Towle expressed thanks for the support of the FAA, who will pay 95% of the charges the first year. Following discussion, Hontos/Garven moved approval of the agreement with iFids.com. The motion unanimously carried.

14. APPROVAL OF AGREEMENT BETWEEN SHORT ELLIOT HENDRICKSON (SEH) AND THE CITY OF ST. CLOUD FOR SERVICES RELATED TO THE CONSTRUCTION OF A PASSENGER LOADING BRIDGE AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

15. APPROVAL OF AGREEMENT BETWEEN SHINGOBEE BUILDERS AND THE CITY OF ST. CLOUD FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE CONSTRUCTION OF A PASSENGER LOADING BRIDGE AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Councilmember Hontos pulled this item for discussion. Hontos/Berg moved approval of the agreement as presented. Airport Director Bill Towle and Public Services Director Steve Gaetz spoke to the agreement and the selection process, noting that SEH and Shingobee (construction manager) were selected as a team. Councilmember Hontos spoke to the importance of keeping costs contained and projects on time. Hontos/Libert moved an amendment to the motion to include a clause in the agreement that states the construction manager could not charge additional fees on change orders. The motion failed by a vote of 3-4 (Berg, Garven, Johnson, and Pederson voting against). The original motion then carried by a 5-2 vote with Hontos and Libert voting against. Council President

Johnson suggested a future budget discussion to consider using City staff versus consultants for upcoming projects.

OPEN FORUM:

Pat Morin, 917 13th Avenue SE, expressed her resentment for past actions that led to the proposed Chronic Inebriate housing for our community.

OLD BUSINESS:

16. **PRESENTATION ON CAPX2020 PROPOSED EXPANSION OF THE REGION'S ELECTRIC TRANSMISSION GRID.** Project development manager for Xcel Energy, Darrin Lahr, gave a detailed update on the St. Cloud – Monticello 345-kV transmission line project. No action taken (information only).

17. **RECONSIDERATION OF ORDINANCE #2422 - AN ORDINANCE REPEALING ARTICLE 7 OF THE ST. CLOUD ZONING ORDINANCE AND ADOPTING ARTICLE 18 OF THE LAND DEVELOPMENT CODE RELATED TO SIGN REGULATIONS.** Hontos/Masters moved approval of reconsideration of Ordinance 2422 (which was adopted at the February 23, 2009 City Council meeting). Hontos/Masters moved to amend Ordinance 2422 by changing language in **ARTICLE 18. SIGNS; 5. Duration;** to state that on zoning lots measuring greater than 5 acres in size, a 90 day period should be allowed. Libert/Garven moved to amend that the proposed language should sunset in 24 months at which time the ordinance should be re-evaluated. The motion carried by a 4-3 vote with Berg, Johnson, and Pederson voting against. The Ordinance assigned #2422 as revised was adopted by a 5-2 vote with Berg and Johnson voting against.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos asked administration to schedule a joint meeting of the City Council and Zoning Board of Appeals within the next 60 days. City Administrator Mike Williams stated he would coordinate such a meeting with a future Council Work Session.

ADJOURNMENT: There being no further business to discuss, the meeting was adjourned at 6:58 p.m.

City Council President Bob Johnson

Respectfully submitted by
Sandy Hilsgen
Recording Council Secretary