

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

August 10, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 10, 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.
4. **Introduction of Mayor Dave Kleis's 2010 Budget.** Mayor Kleis presented.

Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **APPLICATION FOR A TOBACCO LICENSE FOR RICK MATTHEW LIESER DBA PX LIQUOR, 1107 WEST ST. GERMAIN STREET.** ACTION TAKEN: Libert/Berg moved approval. Motion carried unanimously.
7. **APPLICATION FOR (A) EXEMPTION FROM THE CITY'S NOISE ORDINANCE AND (B) TEMPORARY ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR ST. MARY'S BLOCK PARTY TO BE HELD SEPTEMBER 12, 2009.** ACTION TAKEN: Approved.
8. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FROM 9 P.M. TO 12 MIDNIGHT ON THURSDAY, AUGUST 27 FOR AN SCSU KICKOFF CONCERT ON THE ATWOOD MALL FEATURING THE JOHNNY HOLM BAND.** ACTION TAKEN: Approved.
9. **APPLICATION FOR (A) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE AND (B) AUTHORIZATION TO UTILIZE A SEASONAL OUTDOOR LIQUOR LICENSE FOR A CAR SHOW AND CRAFT SALE AT THE VFW POST 428, 9 18TH AVENUE NORTH, ON AUGUST 29, 2009.** ACTION TAKEN: Both permits approved.
10. **RESOLUTION OF SUPPORT FOR MINNESOTA GREENCORPS INITIATIVE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-8-105.
11. **RESOLUTION DECLARING THE CITY OF ST. CLOUD'S COMMITMENT TO PARTNERING WITH THE U.S. CENSUS BUREAU ON THE 2010 CENSUS.**

ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-8-106.

12. **PINE CONE ROAD IMPROVEMENTS, CONTRACT 2009-16, S.A.P. 162-165-01:**
 - A) **RESOLUTION ACCEPTING LOW BID FOR PINE CONE ROAD IMPROVEMENTS, CONTRACT 2009-16.**
 - B) **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, CONTRACT 2009-16.** ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2009-8-107. Resolution B was adopted and assigned number 2009-8-108.

13. **ACQUISITION OF A PARCEL OF LAND ADJACENT TO COOPER HILLS PARK.** ACTION TAKEN: Hontos/Masters moved approval. There was discussion as to why the City would offer any dollars to a property owner when they have been delinquent on their taxes since 2004. Hontos/Libert moved to amend the original motion to allow for \$1 consideration. Motion to amend carried 5-2; Councilmembers Berg and Masters voted against. The original motion as amended carried unanimously.

14. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR AUGUST 24, 2009, TO CONSIDER REPLACEMENT OR REPAIR OF DEFECTIVE SIDEWALKS IN THE DOWNTOWN AREA.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-8-109.

15. **APPROVAL OF FAUST CONTRACT FOR DEED FOR LAND ACQUISITION AT THE ST. CLOUD REGIONAL AIRPORT LOCATED IN FUTUTRE AIRPORT DEVELOPMENT AREA.** ACTION TAKEN: Approved.

16. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GRANT AGREEMENT FOR FEDERAL FUNDS FOR AIRLINE TERMINAL BUILDING IMPROVEMENTS – PHASE II – AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-8-110.

17. **ACCEPTING LOW QUOTE FOR EARTHWORK RELATED TO THE PASSENGER BOARDING BRIDGE (PBB) PROJECT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

18. **RESOLUTION TO APPROVE LETTER OF AGREEMENT BETWEEN THE CITY OF ST. CLOUD, MIDWEST AIR TRAFFIC CONTROL SERVICES, INC., AND THE MN ARMY NATIONAL GUARD TO CLARIFY OPERATING RESPONSIBILITIES AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Hontos/Garven moved approval with the amendment to change item 5c to read *VFR Traffic Pattern: Altitude as published traffic pattern altitude AGL unless otherwise*

noted. Motion carried unanimously. Resolution was adopted and assigned number 2009-8-111.

19. **APPROVAL OF GROUP 5 CHANGE ORDERS, GROUP 6 CHANGE ORDERS, AND BUDGET AMENDMENT FOR THE AIRLINE TERMINAL BUILDING EXPANSION PROJECT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously.

Open Forum:

No one testified.

Public Hearings:

20. **RESOLUTION AMENDING THE WINCLOUD PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO PERMIT THE OPTION OF DEVELOPING COMMERCIAL OFFICE BUILDINGS ON THE SOUTHERN LOT IN THE DEVELOPMENT.**

Matt Glaesman, Community Development Director, gave an overview of the resolution. He noted that the Planning Commission indicated its support for a condition requiring improvements to the intersection of 33rd Street South and County Road 75 prior to issuance of a building permit on the southern parcel. He also noted that City staff would support a revision of the Planning Commission's recommendation that calls for a building permit not be issued until such time as Stearns County/City of St. Cloud have ordered the CSAH 75 improvements. Council President Johnson opened the public hearing. The following individuals testified:

Phil Kronenbusch 3455 Bonna Belle Ct. He is concerned about additional traffic congestion. He agrees with the Planning Commission recommendation. He expressed that the commercial building is acceptable but that the rest shouldn't happen until the road improvements are completed.

Mike Berg 1155 Lime Tree Circle. He is concerned about additional traffic. He agrees that the road improvements should be completed first.

Preston Euerle Owner and tenant of the building. He expressed his desire to continue with the project. He expressed

that he appreciates the neighborhoods comments and will work closely with them.

Council President Johnson closed the public hearing. Hontos/Garven moved to approve the amended PUD as recommended by the Planning Commission (i.e. timing conditions and road improvements at 33rd Ave. St. S.) Motion failed 5-2; Councilmembers Hontos and Libert votes against. After much discussion, Pederson/Garven moved to approve the PUD General Development Plan as presented with the condition that the issuance of a building permit for any commercial building exceeding 15,000 gross square feet and 50 off-street parking spaces be conditioned upon the City's ordering of roadway improvements at CSAH 75 intersections and 33rd Street South and/or 36th Street South. Motion carried 4-3; Councilmembers Libert, Hontos, and Masters voted against. Resolution was adopted and assigned number 2009-8-112.

21. **AN ORDINANCE AMENDING ARTICLE 7 – AGRIBULTURAL DISTRICTS; ARTICLE 8 – RESIDENTIAL DISTRICTS; ARTICLE 9 – COMMERCIAL DISTRICTS; ARTICLE 10 – INDUSTRIAL DISTRICTS; ARTICLE 11 – SPECIAL PURPOSE DISTRICTS; ARTICLE 14 – USE STANDARDS; AND ARTICLE 21 – DEFINITIONS OF THE LAND DEVELOPMENT CODE RELATED TO WIND ENERGY CONVERSION SYSTEMS.**

Matt Glaesman, Community Development Director, gave an overview of the ordinance. The Planning Commission held a study session and a public hearing regarding the item and presented a draft ordinance. Council President Johnson opened the public hearing. The following individuals testified:

Mike Horman 5515 West Oakes Dr. Mr. Horman spoke in opposition to the ordinance and requested that the City Council deny the proposed ordinance in order to study the wind energy conversion systems further. He addressed vertical turbines which he feels are more efficient.

Joseph Horman 1715 Veterans Dr. Mr. Horman spoke in opposition to the ordinance and expressed his opinion that these systems need to be studied further. He feels

that the City could be a leader in this area. He also spoke of the vertical turbines being environmentally friendly.

Andrew Hornquist

25271 31st Ave. Mr. Hornquist spoke in opposition to the ordinance and stated that he would like to see this issue studied further. He is opposed to larger windmills. He feels that these may lower property values and are a visual eyesore. He mentioned that he would like to see the Mayor set up a task force.

Pat Morin

917 13th Ave SE. Ms. Morin spoke against the ordinance because she feels that there needs to be more information. She also noted that the City should be careful of where these are allowed.

Council President Johnson closed the public hearing. Hontos/Berg moved to table the item for further review. Motion to table carried unanimously.

New Business:

22. **DEMONSTRATION OF SCGIS, THE CITY OF ST. CLOUD'S PUBLIC GEOGRAPHIC INFORMATION SYSTEM WEBSITE.**

Tammy Campion, Senior Planner, gave a brief demonstration of the GIS website and how the public can access it.

Adjournment: There being no further business to discuss the meeting was adjourned at 8:26 p.m.

City Council President
Bob Johnson

Jennifer Burrows, Recording Council Secretary