

## CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

SEPTEMBER 28, 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 September 28, 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 with the addition of two items under Open Discussion: (1) a letter received from Lamont Companies regarding a liquor license; and (2) update on Southside Police activities.
5. **MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the appointment of Susanne Barkalow to her first term to commence immediately and expire April 30, 2012.
6. **AN ORDINANCE REPEALING SECTION 125:10 ENTITLED "INSURANCE BENEFITS" OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD.** ACTION TAKEN: Councilmember Hontos pulled item for discussion. He asked for the following data/information be provided to the City Council: a report of 10-year history of past and present City Council members' expenses; a report of pay history for past 15 years for City Council members and mayors; a memo explaining why the mayor was not included in the proposed ordinance; a history of the Home Rule Charter that established benefits and its rationale; and a comparison of benefits of cities our size. Hontos/Libert moved to replace the public hearing with a discussion at a Study Session and to be provided with the requested background data/information. Motion carried by a vote of 6-1 with Councilmember Pederson voting against.
7. **RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD TO PROVIDE WORKER'S COMPENSATION FOR MEMBERS OF THE ST. CLOUD BOARDS AND COMMISSIONS.** ACTION TAKEN: Councilmember Garven pulled this item for discussion and asked for additional information. City Attorney Jan Petersen provided further details on the proposed insurance coverage. The motion unanimously carried. Garven/Masters moved approval of the resolution. The resolution was adopted and assigned number 2009-9-147.
8. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION SEWER REVENUE BONDS, SERIES 2009B.** ACTION TAKEN: Resolution adopted and assigned number 2009-9-148.

9. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION INFRASTRUCTURE MANAGEMENT FUND REFUNDING BONDS, SERIES 2009C.** ACTION TAKEN: Resolution adopted and assigned number 2009-9-149.

10. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE "BLIZZARDSHACK SCSU HOMECOMING EVENT" TO BE HELD ON OCTOBER 8, 2009 AT ST. CLOUD STATE UNIVERSITY.** ACTION TAKEN: Approved.

11. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY FOR AN EVENT TO BE HELD OCTOBER 9, 2009 AT THE ATWOOD MEMORIAL CENTER BALLROOM.** ACTION TAKEN: Approved.

12. **ACCEPT AND EXPEND A \$5000 GRANT FROM THE NATIONAL RECREATION AND PARK ASSOCIATION "TAKE ME FISHING" PROGRAM.** ACTION TAKEN: Approved.

13. **LAKE GEORGE COMMUNITY PROJECT- ACCEPT PROFESSIONAL SERVICES DONATION FROM WINKELMAN BUILDING CORPORATION.** ACTION TAKEN: Approved.

14. **ACCEPT DONATION OF PLAYGROUND GRANT FUNDS TOTALING \$49,000 FROM REACH-UP INC. AND FEDERAL HEAD START FOR RAYMOND PARK IMPROVEMENTS.** ACTION TAKEN: Approved.

15. **EASTMAN REGIONAL PARK (LAKE GEORGE) COMMUNITY PROJECT- PROFESSIONAL SERVICES AGREEMENT.** ACTION TAKEN: Approved.

16. **AWARD THE CIVIC CENTER EXPANSION BID PACKAGE #1, STRUCTURE DEMOLITION, TO RACHEL CONTRACTING, ST. MICHAEL, MN.** ACTION TAKEN: Approved.

17. **RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2437 1ST STREET SOUTH, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 25TH AVENUE IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2009-9-150.

**OPEN FORUM:** No one spoke.

**PUBLIC HEARINGS:**

18. **A. RESOLUTION AMENDING THE LENZMEIER PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO INCLUDE MULTIPLE FAMILY RESIDENTIAL USES ON THE EASTERN HALF OF THE PROPERTY.**

**(LOCATION: 3763 ROOSEVELT ROAD) (DPA-2009-06)** Community Development

Director Matt Glaesman explained that the action requested for (Item A.) is to approve a PUD amendment to allow for development of three apartment buildings (181 units) on the land. One multi-family complex will be built each year for three years beginning 2010. During his overview, he also explained that a preliminary plat provides a concept for the entire property (e.g. road connections, utility connections; addresses wetland protection measures); whereas, a final plat provides a detailed drawing of the development and each of its phases. Approval of the preliminary plat reserves the right of way for future utilization without dictating any construction timeframe. He also spoke to proposed plans for two arterial roads, 33<sup>rd</sup> Street S. and 40<sup>th</sup> Street S. He displayed a schematic that depicted three possible connections of the Southwood Heights development road to 36<sup>th</sup> Street South and its proposed connection to County Road 75. He discussed the concept design option of a “T” in the road, connecting the development road of the adjacent neighborhood to 36<sup>th</sup> Street South. This idea came from recent discussions with the neighborhood. He further noted that the Planning Commission conducted a public hearing and recommends approval of both Item A. & B. Council President Johnson opened the public hearing. The following people spoke:

**KEN CROAT, CROAT KERFELD HOMES, APPLICANT.** He said that he understands that the neighborhood is upset about the proposed road connection, but explained that he and Bob Coborn, in order to develop Southwood Heights back in 1992, made a concession with St. Cloud Township that 36<sup>th</sup> Street S. would be built out to connect with County Road 75 in the future. This was an effort to keep increased traffic off 33<sup>rd</sup> Street S. and 40<sup>th</sup> Street S.

**JEFF BEHRENS, 1607 SOUTHWOOD COURT, PRESIDENT OF SOUTHWOOD HEIGHTS HOMEOWNERS ASSOCIATION.** He spoke in opposition to 36<sup>th</sup> Street S. ever becoming a thru street. He said that the neighborhood has changed since 1992 and the neighborhood has evolved into an established, quiet neighborhood. The residents have many safety concerns and property value concerns with 36<sup>th</sup> Street S. being built out to County Road 75. (His attending neighbors of Southwood Heights all stood up in the audience to show support for his comments.)

**STEVE RICHTER, 1610 SOUTHWOOD COURT.** He displayed a schematic of his subdivision and spoke to east/west traffic flowing on 17<sup>th</sup> and 18<sup>th</sup> Avenues. He said that slowing down the traffic in the area has been a major issue. There’s a hill in the road and a daycare center with many children playing outside. He understands that 36<sup>th</sup> Street S. is a collector street, but asked if another right angle could be added to the proposed street design as a speed reducer. He also asked for a three-way stop at the new intersection to slow traffic, thereby providing both a collector street and also a neighborhood street. (Councilmember Hontos asked for clarification as to whether action taken at this meeting would result in the extension of 36<sup>th</sup> Street S. Community Development Director Glaesman replied that it would not order construction of the

road; however, approval of the preliminary plan suggests that the extension of 36<sup>th</sup> Street S. will occur at some point in the future.)

**MELANIE BERG, 1155 LIME TREE CIRCLE.** As a resident of the Plum Creek neighborhood, she spoke in support of the two requests brought forward. She asked that the infrastructure be built out at the same time of the development of the property. Her neighborhood is already experiencing traffic that takes the frontage road to go thru Plum Creek into Southwood Heights.

**PAT MORAN, 917 13<sup>TH</sup> AVENUE SE.** She asked whether the street connection would be necessary if the proposed development didn't take place.

**DALE WEGENER, 1820 36<sup>TH</sup> STREET S.** Spoke in opposition to the road being built out to connect with County Road 75. However, if and when it is built out, he asked that the future option of the "T" in the road to help disconnect the traffic onto the development road be considered.

**ANDREW JACOBS, 3607 SOUTHVIEW COURT.** Stated his concern for safety for his child, as well as all other children in the neighborhood, with the likely increased traffic thru the neighborhood if 36<sup>th</sup> Street S. is extended and connected to County Road 75. He was concerned about decreased property values in the area with the proposed extension. He suggested that realtors and developers misled the homeowners, as he built his home in 2003 and wasn't aware of the proposed road connection.

**KEVIN QUINN, 3615 SOUTHVIEW COURT.** He suggested that he was misled by the developer as he wasn't informed about any future road connection. However, he understood the 20-30 year plan, but didn't agree to the 36<sup>th</sup> Street S. street connection before 33<sup>rd</sup> Street S. and 40<sup>th</sup> Street S. roadways were completed. He asked what would happen to traffic during the construction of 33<sup>rd</sup> Street S. (Glaesman suggested that 33 Street S. road construction could take place under traffic, much like the Hwy 23/Division Street construction of today.)

**SHARON WEGENER, 1830 36<sup>TH</sup> STREET S.** She spoke to the beauty of the neighborhood and the pride the neighborhood feels. She asked that the road remain closed to leave the neighborhood as is.

**OLGA ZENTENO, 1532 36<sup>TH</sup> STREET S.** She also suggested that she wasn't informed of the road connection when she purchased her home. She explained that the children in the neighborhood cross over the street at all times of the day to get to the play area, which is a safety concern.

**ERICA FLYNN, 1711 36<sup>TH</sup> STREET S.** She lives in a danger zone area where there is a hill and a blind spot. She spoke about safety for the children in the neighborhood with any increased traffic. She suggested that the area is heavily populated with pre-school age children. She further suggested that 33<sup>rd</sup> Street S. should extend out to connect with Highway 10.

**TOM BERG, 1155 LIMETREE CIRCLE.** He said he served as a former chair of the Plum Creek Association and was discouraged that the City hadn't responded to their request for reduced speed signage - 20 mph or less for their neighborhood, and/or hadn't installed any speed humps or speed bumps. He suggested that vehicles are continually speeding thru the neighborhood. (Public Services Director Steve Gaetz advised that state law sets the requirements for urban areas and no signs less than 30 mph can be posted. Also, speed bumps cannot be installed on public roadways. He suggested that speed humps can be installed, but are very expensive and not always effective. He spoke to the "Speedwatch" program, law enforcement setting speed traps, and building roundabouts as proven methods for calming traffic.)

**MARK HILGERS, 1816 TYLER PATH.** He said he listened to the neighborhood repeatedly state that they don't want the road connection; therefore, he wondered who would benefit from the road extension.

There being no one else wishing to speak, City Council President Johnson closed the public hearing. Hontos/Masters moved approval of Item A. - Resolution amending the Lenzmeier Planned Unit Development General Development Plan to include multiple family residential uses on the property. (NOTE: Council President Johnson cited a correction to the resolution to read Southern Boundary of the PUD.) Councilmember Hontos stated his support for long term planning and the proposed building out of 36<sup>th</sup> Street S. at such time that it is clearly justified as a result of the growth in that area. This would be indicated by increased traffic flow on 33<sup>rd</sup> and 40<sup>th</sup> Streets S. He hoped when it was necessary, the proposed connection of 36<sup>th</sup> Street South between the development of Southwood Heights and County Road 75 would better serve the residents in the area. Councilmember Pederson advised that the City recently purchased a Speed Trailer cart that could be set up on 36<sup>th</sup> Street S. He also stated that he was provided with a copy of the 2006 Association's Winter newsletter, which does include an article advising residents of the proposed plans for 36<sup>th</sup> Street S. Councilmember Libert also felt that the proposed connection shouldn't be made until deemed absolutely necessary. Following discussion, the motion to approve the resolution unanimously carried. The adopted resolution was assigned number 2009-9-151. **B. PRELIMINARY PLAT OF LENZMEIER ADDITION.**

Garven/Pederson moved approval of the preliminary plat with the proposed "T" intersection in the road. Discussion ensued. At the request of Councilmember Hontos, Ken Croat spoke to the 3-year timeline of constructing his apartment complex. He intends to build one building in 2010, the second building in 2011, and the last building in 2012. In his opinion, he thought the road connection wouldn't take place for at least 8-10 years. City Council President Johnson asked whether the preliminary plat for the PUD could include only the 11 acres, leaving out the remaining 89 acres. Glaesman responded that it could, but he wouldn't recommend doing so. The preliminary plat should show the concept for the entire property and provide future Councils and residents with confirmed action of the road decision. At the request of City Council President Johnson, Jeff Behrens, 1607 Southwood Court, responded to the idea of the plat design that depicted a "T" road intersection. He said that although the neighborhood does not want a road connection, a "T" intersection with a 3-way stop would serve the best to calm traffic in their

neighborhood. Following continued discussion, Hontos/Garven moved an amendment to the motion that would direct staff to include a statement attached to the preliminary plat that reads: “The St. Cloud City Council of September 28, 2009 go on record as strongly encouraging that 36<sup>th</sup> Street South not be built out/connected to CSAH 75 until such time that 33<sup>rd</sup> Street South and 40<sup>th</sup> Street South are deemed to be at capacity and the connection is deemed necessary.” The amendment motion was approved by a vote of 5-2 with Masters and Pederson voting against. The original motion as amended was approved by a vote of 6-1 with Council President Johnson voting against.

**OLD BUSINESS:**

19. **RESOLUTION CONCURRING WITH THE MAYOR'S ECONOMIC DEVELOPMENT TASK FORCE RECOMMENDATIONS.** Mayor Dave Kleis reported on his decision to form an Economic Development Task Force that would study and make recommendations on providing for a greater focus on economic development, job retention and job creation in the City of St. Cloud. The City Council discussed the subject at its retreat in April and it was suggested that the City play more of a key role in economic development. Hontos/Libert moved approval of the resolution brought forward along with specific direction to move forward with a transition team appointed by the Mayor to recommend the detailed organizational structure, financing structure, and transition plan. Discussion ensued. Berg disagreed with the recommendations and supported retaining the HRA as the entity to handle economic development in our community. Garven commended the Task Force; however she would have asked that the Task Force look at all possible alternatives and options for providing economic development in our community. Council President Johnson also suggested that the Task Force did a nice job; however, as a member of the HRA Board he felt there was disconnect in the direction given. He read an excerpt from the HRA Board meeting minutes of February 25, 2009, that states that Commissioner Hontos made a motion, seconded by Commissioner Landy, (motion carried) that reads: *“To ask Mayor Kleis to seriously examine various options and provide this Board with recommendations regarding the delivery of economic development services and related HRA functions that would result in less costs to the taxpayers and would improve the delivery of these services for the City of St. Cloud.”* He suggested that the mayor’s directive to the Task Force was to focus on moving the economic development element out of the HRA and over to the City, which didn’t address potential cost cuts or improvement of delivery of services. Mayor Kleis responded to the comments/concerns presented.

He commented that after serving as mayor the past 3½ years, it became apparent to him that the Council had issues regarding economic development in our community. He appointed a Task Force comprised of Dave Gruenes, Chair; Duane Schultz, Jim Pehler, Dr. Earl Potter, Tom Grones, Jerry Hirschfeld; Sheila DeVine; Mimi Bitzen, Karen Young, Mark Bragelman, Lalo Zavala, and Andrew Vinson. The Task Force did look at other options and made their findings and recommendations. Those recommendations were approved by the HRA Board. Therefore, he felt it was imperative to move forward. Following further discussion, the motion carried by a vote of 4-3 with Berg, Garven, and Johnson voting against. The adopted resolution was assigned number 2009-9-152.

20. **RESOLUTION AMENDING THE JAMES BOWES ADDITION PUD TO ALLOW THE USES PERMITTED BY THE C2 ZONING DISTRICT. (LOCATION: 927 9TH AVENUE SOUTH AND 922 10TH AVENUE SOUTH)** Community Development Director Matt Glaesman reviewed the changes to the PUD that were agreed to by staff and the applicant, Charles Ward. Hontos/Pederson moved to approve the “revised” resolution that was distributed to the Council at this meeting entitled, **“Resolution amending the James Bowes Addition PUD General Development Plan to allow the permitted and conditional uses found in the C2, Neighborhood Commercial District and revised the approved Site Plan.”** The motion unanimously carried. The adopted resolution was assigned number 2009-9-153.

21. **RESOLUTION OF SUPPORT FOR CENTRAL MINNESOTA HOUSING PARTNERSHIP'S TAX CREDIT APPLICATION TO THE MINNESOTA HOUSING FINANCE AGENCY.** This agenda item was presented and discussed at the Study Session held September 21, 2009. Berg/Garven moved approval of the resolution. Discussion ensued. Councilmember Hontos said he couldn't support the resolution as the Zoning Board of Appeals (ZBA) and neighbors hadn't had the opportunity to give input on the project. The normal process is to go to the ZBA first when asking for a conditional use permit. Councilmember Libert agreed that the regular process should have been followed, and that an independent market study should be completed before a resolution is passed. Councilmember Garven suggested that the resolution simply indicates that there is a need to provide units for the homeless families in our community. When Councilmember Masters asked if there could be any legal consequences, City Attorney Jan Petersen said that no one can predict any legal matter, but he assured the Council that the City has acted prudently. Community Director Glaesman read aloud the last paragraph of the resolution, which reads, *“Now, therefore, be it resolved, that the City of St. Cloud supports the*

*submission of a tax credit application from the Central Minnesota Housing Partnership to the Minnesota Housing Finance Agency based upon the broad need for units serving families experiencing homelessness in the community.”* Furthermore, no specific site is listed in the City’s resolution. Bill Reinke, Ex. Director of the Central Minnesota Housing Partnership, was in attendance and confirmed that the application must be filed within the next few days. Bill Kemp of PDC (a consulting firm), said the marketing study would be completed in two days for submission, but is not currently available. Following further discussion, the motion carried by a vote of 5-2 with Hontos and Libert voting against. The adopted resolution was assigned number 2009-9-154.

**22. APPLICATION FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPROVED.** (FOR INFORMATION ONLY) Public Services Director Steve Gaetz spoke to the approval of the funding and the energy improvements that will be made utilizing the grant funds.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Hontos referenced a letter received from Lamont Companies regarding a liquor license denial for “Homewood Suites” by Hilton. Staff was asked to revisit the current ordinance and bring back a proposed change for Council review. Owners of current “extended stay” establishments in our City should be invited to participate in the discussion.

Councilmember Hontos requested an update (by either memo or at a future Study Session) on how things are going on the south side of St. Cloud from the Police Department’s standpoint.

**ADJOURNMENT:**

There being no further business to discuss, the meeting was adjourned at 8:56 p.m.

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City Council President Bob Johnson

Respectfully submitted by  
Sandy Hilsgen  
Recording Council Secretary