

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM:

OCTOBER 26, 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 October 26, 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.

### SPECIAL RECOGNITION:

4. Mayor Dave Kleis acknowledged members of Boy Scout Troop #106 who had been in attendance prior to the meeting to learn about citizenship.

Mayor Kleis then presented Appreciation Awards (certificate and plaque) to representatives of Geyer Signal. Geyer Signal provided all of the electronic message boards for the C.R.A.S.H. Task Force saturation details at no cost. Chief Ballantine, Chief Bentrud, Sheriff Sanner, and Captain Kutz, on behalf of all the agencies in the Task Force, signed a Certificate of Appreciation for Geyer Signal for its generous donation towards traffic safety in our communities. It was noted that the business has agreed to do the same donation during the 2009/2010 grant year.

### CONSENT AGENDA:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with one add-on item requested by Councilmember Hontos under Open Discussion on City Council agenda procedure.
6. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETING HELD SEPTEMBER 28, 2009.** ACTION TAKEN: Approved.
7. **APPLICATION FOR A TOBACCO LICENSE FOR NABIL MOHAMID TARIFI DBA SMOKE TO GO FOR A CONVENIENCE STORE TO BE LOCATED AT 805 WEST ST. GERMAIN.** ACTION TAKEN: Approved.
8. **RESOLUTION AUTHORIZING A CHARITABLE GAMBLING PREMISES PERMIT FOR THE ST. CLOUD YOUTH HOCKEY ASSOCIATION FOR ACTIVITIES TO BE CONDUCTED AT HOWIE'S SPORTS BAR GRILL, 101 9TH AVENUE NORTH.** ACTION TAKEN: Resolution adopted and assigned number 2009-10-162.

**9. RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$6,650,000 GENERAL OBLIGATION SEWER REVENUE BONDS, SERIES 2009B.** ACTION TAKEN: Councilmember Pederson pulled this item for discussion. Pederson/Berg moved approval of the resolution. Finance Director John Norman announced that bids were opened on this date and six bids were received. Also in attendance was Terri Heaton, Springsted Financial Advisor, who provided the bid tabulation sheets to the Council. It was noted that interest rates were some of the lowest bid in 50 years. The 10-year General Obligation Sewer Revenue Bonds, Series 2009B, were awarded to Robert W. Barid & Company, Inc. and Syndicate; sale date of October 26, 2009; Standard & Poor's Rating: AA+; interest rate of 2.7372%. The motion unanimously carried. The adopted resolution was assigned number 2009-10-163.

**10. RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF GENERAL OBLIGATION INFRASTRUCTURE MANAGEMENT FUND REFUNDING BONDS, SERIES 2009C.** ACTION TAKEN: Councilmember Pederson pulled this item for discussion. Pederson/Berg moved approval of the resolution. Finance Director John Norman announced that bids were opened on this date and 8 bids were received. The 5-year General Obligation Infrastructure Management Fund Refunding Bonds, Series 2009C were awarded to M&I Bank; sale date of October 26, 2009; Standard & Poor's Rating: AA+; interest rate of 1.5364%. The motion unanimously carried. The adopted resolution was assigned number 2009-10-163. Staff was pleased with the results.

**11. (A) SET A PUBLIC HEARING ON A REVOCATION/SUSPENSION OF TAXICAB LICENSE ISSUED TO CHRISTOPHER OSLUND, PURSUANT TO SECTION 472.60 OF THE CODE OF ORDINANCES; AND (B) SET A PUBLIC HEARING ON A REVOCATION/SUSPENSION OF TAXICAB LICENSE ISSUED TO TAMEKA ALAMIR, PURSUANT TO SECTION 472.60 OF THE CODE OF ORDINANCES.** ACTION TAKEN: Both public hearings were set for November 9, 2009.

**12. APPROVAL OF ADDITIONAL INTERIOR FURNISHINGS AND LOBBY ARTWORK FOR POLICE HEADQUARTERS.** ACTION TAKEN: Approved.

**13. APPROVAL OF GROUP TEN CHANGE ORDERS AND BIDS FOR POLICE HEADQUARTERS.** ACTION TAKEN: Approved.

**14. COMMUNITY PROJECT AT LAKE GEORGE – ACCEPT DONATION FROM THE ST. CLOUD ROTARY CLUB.** ACTION TAKEN: Approved.

**15. RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL LEGACY GRANT – BEAVER ISLAND TRAIL PHASE #3.** ACTION TAKEN: Resolution adopted and assigned number 2009-10-165.

16. **CONTRACT WITH HURRE TRUCKING, INC. FOR HAULING AND THE BENEFICIAL REUSE OF LIME SOLIDS FROM THE WATER TREATMENT FACILITY.** ACTION TAKEN: Approved.

17. **RESOLUTION ESTABLISHING FINAL DATE FOR FILING PETITIONS FOR PUBLIC IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2009-10-166.

18. **RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN THE MINNESOTA POLLUTION CONTROL AGENCY'S 2010 ENVIRONMENTAL ASSISTANCE GRANT PROGRAM (STORMWATER BEST MANAGEMENT PRACTICES).** ACTION TAKEN: Resolution adopted and assigned number 2009-10-167.

**OPEN FORUM:**

Judy Dorn, 708 14<sup>th</sup> Avenue S., on behalf of the Lake George Neighborhood, expressed gratitude to Park Director Scott Zlotnik for his wonderful, on-going assistance to the Lake George neighborhood.

**PUBLIC HEARINGS:**

19. **PUBLIC HEARING ON AN ORDINANCE AMENDING OR REPEALING THE FOLLOWING SECTIONS OF THE 2007 CODE OF ORDINANCES:** City Attorney Jan Petersen noted that the proposed changes were provided to the City Council for each of the following Sections: Section 510 Business Licenses, Permits, & Fees (amendment); Section 520 Police & Fire Department Fees (amendment); Section 525 Fire Department Fees (amendment); Section 540 Municipal Athletic Complex Fees (amendment); Section 544 Airport Fees (amendment); Section 555 Miscellaneous Licenses and Permit Charges (amendment); Section 561 Recreation Department Fees (amendment); Section 571 Erosion and Sediment Control (repeal); Section 572 Water and Sewer System Availability Charges (repeal); Section 573 City Wastewater Treatment Charges (repeal); Section 574 Stormwater Utility (repeal); Section 575 City Water Charges (amendment); and Section 580 Parking Fees (amendment). He noted that the changes are listed under one proposed ordinance as coordinated by the Legal office. Council President Bob Johnson opened the public hearing. No one spoke. The public hearing was closed. Garven/Berg moved approval of the ordinance. The motion unanimously carried.

20. **PUBLIC HEARING ON THE FOLLOWING FOUR PUBLIC UTILITY ORDINANCES: A) ORDINANCE AMENDING SECTION 245,"PUBLIC UTILITIES DEPARTMENT;" B) ORDINANCE AMENDING SECTION 360,"SEWER USE CODE;" C) ORDINANCE AMENDING SECTION 365,"ILLCIT DISCHARGE DETECTION**

**AND ELIMINATION;" and D) ORDINANCE ESTABLISHING NEW ORDINANCE, SECTION 370, ENTITLED "WATER USE CODE."**

Public Utilities Director Pat Shea reviewed the proposed changes that would clarify procedures and incorporate language consistent with other City ordinances. Sections 571; 572; 573; and 574 would be repealed. Sections 245; 575; 360; and 365 are to be amended; and lastly, Section 370 would be created as "Water System Use Code." Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Councilmember Hontos was in agreement with proposed ordinances A, B, and D as presented; however, he had concerns with proposed Ordinance C, under Section 365:15, entitled Stormwater Utility Fee Exemptions. That Section lists those accounts that are billed annually and are exempted from the Fixed Charge (FC). Two listed land uses, listed as paragraph (d) and paragraph (h), entitled "Undeveloped parcels;" and "Unsewered parcels situated within the AG (Agricultural) and RR (Rural Residential) zoning districts of the City" were being recommended for removal from the specific Section. This would exempt approximately 3,000 parcels. Since the Council agreed with the text of the other proposed ordinances, Hontos/Berg moved approval of (A) Ordinance amending Section 245,"Public Utilities Department;" (B) Ordinance amending Section 360,"Sewer Use Code;" and (D) Ordinance establishing new ordinance, Section 370, entitled "Water Use Code." The motion unanimously carried. Those ordinances were assigned numbers 2439, 2440, and 2442 respectively. Discussion ensued on proposed Ordinance C, specifically Section 365:15. Councilmember Hontos said he couldn't agree to charging a fee to these properties for a service not yet provided, referring to the concept that Enterprise Funds are supported by user fees. Public Services Director Steve Gaetz explained that these properties do receive benefits, noting that the fees pay for street sweeping of major arterial roadways; keeping contaminants out of water, thus providing for cleaner water for our community; cleaning ponds and the river of pollutants; educating the public; etc. The other land uses that remain exempt within the ordinance were briefly discussed. Following discussion, Garven/Libert moved approval of (C) Ordinance amending Section 365, "Illicit Discharge Detection and Elimination." The motion carried by a 6-1 vote with Hontos voting against. The adopted Ordinance was assigned number 2441.

**21. A RESOLUTION ADOPTING A CIVIL FINE SCHEDULE FOR OFFENSES ELIGIBLE FOR DISPOSITION UNDER SECTION 1100, ADMINISTRATIVE HEARING PROCESS, OF THE 2007 CODE OF ORDINANCES.**

City Attorney Jan Petersen explained that “non-property related ordinance violations” are now subject to our administrative citation and hearing process. Those eight offenses include: *Alcohol on the street or sidewalk; keg permit violation; urinating in public; public nuisances; obstructing the street or sidewalk; unreasonable acceleration; noise violations; and Illegal Discharge of a Firearm.* He reviewed the proposed fine schedule for these offenses, all varying from \$100-\$125. Currently, violations of such are prosecuted in District Court and the generated revenue is split with the State of Minnesota. The City will now be collecting 100% of fine revenues rather than splitting revenues with the State. He suggested that the proposed fine schedule should impose a financial penalty proportionate to the offense while accounting for City cost to administer the program. City Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Masters/Pederson moved approval of the resolution. Councilmember Pederson spoke to raising the fine rates for non-property related offenses. Discussion also included changing repeat violations to 12 months rather than the proposed 24 months. City Attorney Petersen suggested testing the model presented for one year to be followed by a review. Pederson suggested a friendly amendment to increase the fines for “Non-Property Related Offenses” by \$25 each and to change the repeat offenses to a 12 month period. After a brief discussion, he withdrew his motion. Masters/Berg moved a friendly amendment to include a \$25 increase to each of the 8 violations listed under “Non-Property Related Offenses” and to keep the repeat violation to a 24 month period. Pederson moved a friendly amendment to increase each of those specific 8 fines by \$100. The motion died for a lack of a second. Masters/Pederson agreed to accept the friendly amendment proposed by Maters/Berg to include a \$25 increase to each of the 8 violations listed under “Non-Property Related Offenses” and to keep the repeat violation to a 24 month period. The original motion as amended unanimously carried. The adopted resolution was assigned number 2009-10-168.

**22. APPLICATION FOR (A) AN EXTENSION OF THE EXISTING SEASONAL OUTDOOR SALES AREA; AND (B) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE GREEN MILL, BOTH TO BE USED IN CONJUNCTION**

**WITH A SINGLE EVENT TO CELEBRATE THE OPENING OF THE GRANITE CITY CROSSING BRIDGE SCHEDULED FOR OCTOBER 29, 2009.**

City Clerk Gregg Engdahl spoke to the request and confirmed that all departmental reviews indicated support. He also noted that all costs incurred by the City for Police, Fire and Public Works related to this event will be the responsibility of the Downtown Council. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Hontos/Libert moved approval of both requests that will take place the late afternoon/evening of October 29, 2009. Hontos and Garven expressed gratitude to the downtown merchants and the Downtown Council for all their efforts to plan and promote this “bridge re-opening” event, and encouraged the public to participate in this family, fun-filled event. Pegg Gustafson, Ex. Director of the Downtown Council, and Charlie Spanier of the Green Mill, invited the public to participate in the many events planned to take place from 5 p.m. – 10 p.m. in the Green Mill parking lot, weather permitting. Mayor Kleis expressed his gratitude to the Downtown Council and the Green Mill for all their efforts in planning and organizing the celebration that will take place on the actual date that the Granite City Crossing Bridge will open to traffic (confirmed at the Dedication Ceremony held at 8:15 a.m. on this date). The motion unanimously carried.

23. **PROPOSED AMENDMENTS TO SECTION 670 OF THE 2007 CODE OF ORDINANCES RELATING TO TREES, PLANTINGS, RAIN GARDENS AND SPRINKLER SYSTEMS PLACED IN BOULEVARDS.**

Public Services Director Steve Gaetz explained that this amendment would expand the use of the public boulevard by adjacent property owners by permitting some ornamental gardening activities in the boulevards and permitting the installation of irrigation systems to water those areas. The amendment is a recommendation provided by the Planning Commission and Park and Recreation Board based on input received from City administration and the City Council. Council President Johnson opened the public hearing. The following people spoke:

**Judy Dorn, 708 14<sup>th</sup> Avenue S.**, expressed her appreciation to staff and Council for listening to the neighbors who want to beautify and maintain City property, and for following the Best Practices of Minnesota Extension Services.

**Pat Morin, 917 13<sup>th</sup> Avenue SE**, offered general comments, specifically suggesting that the City should encourage residents to maintain the landscaping of boulevards.

There being no one else wishing to speak, the public hearing was closed. Berg/Masters moved approval of the Ordinance amending Section 670 of the 2007 code of ordinances relating to trees, plantings, rain gardens and sprinkler systems placed in boulevards. The motion unanimously carried. The adopted ordinance was assigned number 2443.

24. **PUBLIC HEARING TO OBTAIN CITIZEN INPUT ON THE SUBMITTAL OF A REGIONAL PARK GRANT AND REGIONAL PARK LEGACY GRANT FOR IMPROVEMENTS AT ST. CLOUD RIVER BLUFFS REGIONAL PARK.** Council

President Bob Johnson opened the public hearing. Park Director Scott Zlotnik presented the following information for the Council record:

Information on Minnesota Department of Natural Resources Regional Park State Grant Application for:

1. Regional Park Grant Program - Local
2. Regional Park Grant Program - Legacy

Project: St. Cloud River Bluffs Regional Park

Project Scope and the Type of Activities Involved

The scope of this grant project is to develop outdoor recreation facilities in the general southern portion of St. Cloud River Bluffs Regional Park. Desired development activities that are to be completed under the grant process include providing:

- A nature study/observation area with interpretive signage in the form of a 16' X 16' open-air covered shelter at the River Overlook. \$25,000
- Covered information boards (2) for public information and education, to be located at the southern Parking Area, Great Lawn and/or southern Active Recreation access point. \$15,000
- 6,000 linear feet of ten-foot wide bituminous base multipurpose trail (trails to be field sited to provide natural resource protection and proper erosion control). \$375,000
- Signage and adequate fencing to identify access points, mark boundaries and discourage inappropriate park usage. \$25,000
- Installation of 2,000 linear feet of twelve foot wide paved service road to stabilize the existing service road/bluff and additionally provide access to the Great Lawn Area. \$80,000
- Design and engineering fees. \$50,000

Implementation Schedule

The Legacy Grant will be submitted to the Minnesota Department of Natural Resources (MNDNR) by November 13, 2009 and the Local Grant by March 31, 2010. The MNDNR will review and rank applications during the Winter/Spring of 2010. Preliminary grant awards will be announced in the Spring/Summer of 2010. If successful in receiving a grant, the city would move to the environmental review, design and engineering process in 2010. Implementation and construction would proceed in 2010-2011.

Overall Costs and the Proposed Financing for the Project

The project at St. Cloud River Bluffs Regional Park, which includes a nature study/observation area, roads and trails, information boards and signage, has a projected budget of \$570,000. For the Legacy Grant Program (75/25), this would mean a request of \$427,500, and a City match of \$142,500. For the Local Grant program (60/40), this will equate to a request of \$342,000, and a City match of \$228,000.

Costs to be Assessed to Community Residents

Matching dollars for this project will come from local sales tax revenue for regional parks and trails. No general tax dollars will be used for this project except for in-kind elements.

Other Associated Project Costs Such as Maintenance Expenses, Etc.

Short- and long-term maintenance expenses exist and will be spent from general tax dollars. It is within our best management practices to estimate short and long term maintenance costs of this project.

Annual maintenance expenses - Would exist in the form of park inspections, vandalism repair, loss of signs, park clean-up and garbage removal, etc.

Long-term maintenance expenses - Could exist in the form of exotic species control, restoration efforts, adding signage, trail maintenance, educational signage replacement, painting of structures, parking/service road maintenance, etc.

There being no one else wishing to speak, the public hearing was closed. Councilmember Berg moved, seconded by Councilmember Masters, to adopt the Resolution entitled, "Resolution Requesting Funding Assistance from the MNDNR under the 2009 Regional Park Legacy Grant Program for a FY2009 Regional Park Legacy Grant Program" and assign Resolution # 2009-10-169. The motion unanimously carried. Councilmember Berg moved, seconded by Councilmember Masters, to adopt the Resolution entitled, "Resolution authorizing the Submittal of a MNDNR Regional Park Grant Application for St. Cloud River Bluffs Regional Park Improvements for FY2010 Regional Park Grant Program," and assign Resolution #2009-10-170. The motion unanimously carried.

25. **A.) ORDINANCE REZONING FROM I2, GENERAL INDUSTRIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT PROPERTY LOCATED AT 217 OSSEO AVENUE NORTH (REZ-2009-04); and B.) RESOLUTION AMENDING THE YOUTH FOR CHRIST PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO INCLUDE PROPERTY LOCATED AT 217 OSSEO AVENUE NORTH AND ALLOW FOR EXPANSION OF AN INDUSTRIAL USE. (DPA-2009-08); and C.) RESOLUTION AMENDING THE FUTURE LAND USE PLAN OF THE 2003 CITY OF ST. CLOUD COMPREHENSIVE PLAN TO GUIDE PROPERTY BOUND BY COOPER AVENUE, 3RD STREET NORTH, OSSEO AVENUE, AND THE EXTENSION OF 2ND STREET NORTH FROM HIGH DENSITY MIXED RESIDENTIAL TOWARD INDUSTRIAL LAND USE. (CPA-2009-01)** Community Development Director Matt



Glaesman gave a brief overview of the three-part request to proceed with proposed expansion on the north side of the “MicroBiologics” existing structure at the location of 217 Osseo Avenue North. Council President Johnson opened the public hearing. The following person spoke:

**Robert C. Coborn, applicant;CEO of MicroBiologics, Inc.;** displayed an 8-minute power point presentation, sharing the history and success of his family’s business, MicroBiologic’s, and talked about the medical products they manufacture and those medical goods that are shipped to companies/users around the world. He requested Council support for his expansion plan.

There being no one else wishing to speak, the public hearing was closed. Garven/Hontos moved approval of (A) The Ordinance rezoning from I2, General Industrial District, to PUD, Planned Unit Development, the property located at 217 Osseo Avenue North. The motion unanimously carried. The adopted Ordinance was assigned number 2444. Masters/Libert moved approval of (B) Resolution amending the Youth for Christ Planned Unit Development General Development Plan to include property located at 217 Osseo Avenue North and allow for expansion of an industrial use. The motion unanimously carried and was assigned Resolution number 2009-10-169. Garven/Hontos moved approval of (C) Resolution amending the Future Land Use Plan of the 2003 City of St. Cloud Comprehensive Plan to guide property bound by Cooper Avenue, 3<sup>rd</sup> Street North, Osseo Avenue, and the extension of 2<sup>nd</sup> Street North from High Density Mixed Residential toward Industrial Land Use. The motion unanimously carried and was assigned Resolution number 2009-10-170.

26. **RESOLUTION AMENDING THE STONE GATE PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF A K-9 SCHOOL. (LOCATION: 33RD STREET SOUTH AND STONE GATE DRIVE)**

**(DPA-2009-07)** Community Development/Planning Director Matt Glaesman gave an overview of the request from the applicant to construct a new Stride Academy facility (charter school) at the intersection of 33<sup>rd</sup> Street South and Stone Gate Drive. Schematics of the site plan were displayed on the overhead. Director Glaesman noted that at the Planning Commission meeting, the Commission did request a re-design to the site plan to provide for a public street connection from Stone Gate Drive to the west, and that issue has now been resolved. Council President Johnson opened the public hearing. The following people spoke:

**Dale Reek, 4634 33<sup>rd</sup> Street S.**, currently lives on the SE corner of the intersection of County Road 74 and 33<sup>rd</sup> Street S. He felt that the proposed project will be constructed

too close to his home. He also talked about the increased traffic that will be generated with a new school, and he mentioned that it is an already aging roadway. He didn't want the school driveway built right across from his home. Although he knows he'll be losing his home when 33<sup>rd</sup> Street S. is re-constructed to four-lanes, he felt that it was unfair to have to deal with this inconvenience, also.

**Al Keller, 2521 19<sup>th</sup> Street N.**, builder/developer/ owner of the property. He said that Phase I of the facility would house about 100 students - Grades 6-8 only. Phase II of the project would be for Kindergarten – 9<sup>th</sup> grade and house an additional 340 students. He suggested the school would be neighborhood friendly. He hoped to start construction as soon as possible.

There being no one else wishing to speak, the public hearing was closed. Berg/Garven moved approval of the resolution. Discussion ensued. City Engineer Steve Gaetz responded to questions and concerns about the timeline of the proposed 33<sup>rd</sup> Street S. road improvement project noting that the recent overlay to 33<sup>rd</sup> Street S. should serve sufficiently until such time that the roadway improvement project takes place. Stearns County will be the project authority. Following discussion, the motion unanimously carried. The adopted resolution was assigned number 2009-10-173.

**27. CONSIDERATION OF RESOLUTION ORDERING SIDEWALK IMPROVEMENTS**

**ON 33RD AVENUE NORTH.** Public Services Director Steve Gaetz explained that Metro Bus asked the City to install public sidewalk improvements along a portion of 33rd Avenue North in the vicinity of North Village Apartments. The sidewalk would provide an accessible path in accordance with ADA standards to two bus shelters that are being replaced in the area. The proposed sidewalk improvements would provide links between the new bus shelters, the existing public sidewalks along 12<sup>th</sup> and 14<sup>th</sup> Street North, and the existing private walkway systems that serve the area apartment buildings. By use of the overhead, Director Gaetz displayed a financial statement showing the total project cost is estimated at \$51,468. Of this amount, \$24,705 would be assessed to the abutting apartment properties; \$6,500 would be paid by the MTC; and \$20,263 would be City cost. Council President Johnson opened the public hearing. The following person spoke:

**Anne Callan, 3201 14<sup>th</sup> Street N.;** representing the owners of North Village Apartments; said that reps from her company did attend the public informational meeting held on September 29, 2009, and spoke in opposition. She explained that due to the soft economic market, they are experiencing a revenue loss. The apartment complex of North Village has 203 apartments and a 10% vacancy. She suggested the costs

associated with a sidewalk would be a significant cost for North Village Apts, and not needed by the residents. She said that only five apartments have school age children.

There being no one else wishing to speak, the public hearing was closed. Gaven/Masters moved approval of the resolution. Councilmember Pederson asked why the MTC doesn't pay for the improvement project since the request was initiated by Metro Bus. To allow administration to connect with Tom Cruikshank and/or Dave Tripp to get more answers, Garven/Libert moved to table this item to a future date. The motion unanimously carried.

28. **AN ORDINANCE AMENDING SECTION 700 RELATING TO TRAFFIC AND PARKING REGULATIONS OF THE 2007 CODE OF ORDINANCES.** Public Services Director Steve Gaetz gave a brief report on the success of the "part-time worker parking program" that was implemented this summer on a trial basis. The trial program offered part-time downtown employees the incentive to park on the top level of the Paramount Ramp at a cost of 45-cents per hour, rather than parking in prime on-street locations. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Hontos/Garven moved approval of the Ordinance amending Section 700 of the 2007 Code of Ordinances relating to Traffic and Parking Regulations. The motion unanimously carried. The adopted ordinance was assigned number 2445.

29. **(ITEM WAS MOVED TO NOVEMBER 23, 2009 AGENDA AT THE REQUEST OF THE APPLICANT.) AN ORDINANCE REZONING PROPERTY LOCATED AT 1715 VETERANS DRIVE FROM R2, SINGLE AND TWO FAMILY RESIDENTIAL TO PUD, PLANNED UNIT DEVELOPMENT.(LOCATION: 1715 VETERANS DRIVE) (REZ-2009-05)**

**NEW BUSINESS:**

30. **(ITEM WITHDRAWN BY PUBLIC SERVICES DIRECTOR STEVE GAETZ) RESOLUTION AUTHORIZING MINNESOTA POLLUTION CONTROL AGENCY (MPCA) GRANT APPLICATION FOR REDUCING LANDFILL ORGANICS.**

31. **RESOLUTION OF SUPPORT AND ESTABLISHING GUIDING PRINCIPLES FOR THE SUPPORT OF PHASE 2 OF THE NORTHSTAR COMMUTER RAIL LINE.** The Northstar Commuter Rail will begin service between Big Lake and downtown Minneapolis on

November 16, 2009. Mayor Dave Kleis spoke in full support of extending the Northstar Commuter Rail to St. Cloud. Garven/Berg moved approval of the Resolution of Support and Establishing Guiding Principles for the Support of Phase 2 of the Northstar Commuter Rail Line. The motion unanimously carried. The adopted resolution was assigned number 2009-10-174.

**OPEN DISCUSSION & ANNOUNCEMENTS:** Councilmember Hontos suggested changing the agenda format so that the City is consistent with publicly recognizing donations/contributions from various businesses and entities.

**ADJOURNMENT:** There being no one else wishing to speak, Council President Johnson adjourned the meeting at 8:22 p.m.

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City Council President Bob Johnson

Respectfully submitted by

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Sandy Hilsgen  
Recording Council Secretary