

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

September 13, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 13, 2010 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, Hontos, Johnson, Libert, and Masters. Councilmember Garven and Pederson were absent.

Special Recognition:

4. **Recognition of Jordan Shiek, staff member of Central Minnesota Animal Care & Control, for achieving the Petfinder Maddie's Fund Award for outstanding customer service.**

Consent Agenda:

5. **APPROVAL OF AGENDA. ACTION TAKEN: Approved.**
6. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 9, 2010. ACTION TAKEN: Approved.**
7. **APPROVAL OF THE CITY COUNCIL PROCEEDINGS OF THE REGULAR MEETING HELD AUGUST 23, 2010. ACTION TAKEN: Approved.**
8. **A) SET A SPECIAL COUNCIL MEETING (CLOSED SESSION) FOR SEPTEMBER 27, 2010, AT 5 P.M. IN CR #1 FOR AN UPDATE ON LITIGATION REGARDING A SPECIAL ASSESSMENTS SETTLEMENT. ACTION TAKEN: Approved.**
B) SET A JOINT MEETING WITH THE HAVEN TOWNSHIP BOARD FOR

SEPTEMBER 27, 2010, AT 5:30 P.M. IN CR #1. ACTION TAKEN: Approved.

C) RESOLUTION SETTING A PUBLIC HEARING ON SEPTEMBER 27, 2010, TO CONSIDER PROPOSED AMENDMENT TO ASSESSMENT ROLL 1 FOR 2009 PUBLIC IMPROVEMENTS. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-9-161.

9. **APPLICATION FOR (A) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE; AND (B) A SEASONAL OUTDOOR LIQUOR LICENSE. BOTH LICENSES TO BE USED IN CONJUNCTION WITH A CAR SHOW TO BE HELD AT THE VFW POST 428 ON SEPTEMBER 25, 2010, FROM 10 A.M. TO 7 P.M. ACTION TAKEN:** Approved both permits subject to conditions noted by the Police Department.
10. **APPLICATION FOR THE TRANSFER OF AN ON SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM APPLEBEE'S RESTAURANTS NORTH, LLC DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR TO APPLE MINNESOTA, LLC DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 4190 W. DIVISION STREET. ACTION TAKEN:** Set public hearing for September 27, 2010.
11. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, LOCAL #33. ACTION TAKEN:** Approved. Resolution was adopted and assigned number 2010-9-162.
12. **LIBRARY PLUS YOU! – DONOR WALL PUBLIC ART CONTRACT. ACTION TAKEN:** Approved.
13. **RESOLUTION ACCEPTING BIDS, AMENDING A CONTRACT AWARD, RESCINDING A CONTRACT AWARD, REJECTING BIDS, AND AUTHORIZING EXPANSION BID PACKAGE #3 CONSTRUCTION**

CONTRACTS. ACTION TAKEN: Councilmember Hontos expressed an interest in conducting a special meeting to talk about the extra money available due to the low bids. Hontos/Libert moved approval to hold a special meeting in regard to the item and have discussion on having the extra funds set aside for parking ramp. Motion failed 1-4: Councilmembers Berg, Johnson, Libert and Masters voted against. Libert/Masters moved approval of the original item. Motion carried 4-1; Councilmember Hontos voted against. Resolution was adopted and assigned number 2010-9-163.

14. **CENTRE SQUARE PARKING FACILITIES LIGHTING RETROFIT.** ACTION TAKEN: Hontos/Libert moved approval. Motion carried unanimously.

15. **RESOLUTION ACCEPTING LOW BID FOR CITY OF ST. CLOUD ENERGY UPDATES, PROJECT D, AMERICAN RECOVERY AND REINVESTMENT ACT – ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (ARRA-EECBG).** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-9-164.

16. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY TITLED “BIORETENTION RETROFIT PROJECT.”** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-9-165.

17. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO STATE OF MN AIR SERVICE MARKETING GRANT AGREEMENT 97512 – GENERAL AIR SERVICE MARKETING FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Berg/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-166.

- 17B. **AGREEMENT WITH ST. CLOUD STATE UNIVERSITY FOR THE PROVISION OF CONSULTANT AND ADMINISTRATIVE SERVICES FOR THE ST. CLOUD**

COMMUNITY ALLIANCE. ACTION TAKEN: Berg/Masters moved approval. Motion carried unanimously.

Open Forum:

No one testified.

Public Hearings:

18. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2011.**

Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-167.

19. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2011.**

Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Masters/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-168.

20. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2011.**

Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Berg/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-169.

21. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2011.**

Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Libert/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-170.

22. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2011.**

Council President Johnson opened the public hearing. The following individual testified:

Dean Lanes 25360 County Road 4; Mr. Lanes thought he was removed from the list because he paid his citation.

According to the updated list, Mr. Lanes was removed. Berg/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-171.

23. **CONSIDERATION OF RESOLUTION ORDERING CERTIFICATION OF DELINQUENT WATER, SEWER, AND REFUSE CHARGES TO THE COUNTY AUDITOR FOR COLLECTION WITH TAXES PAYABLE 2011.**

Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-172.

24. **ORDINANCE AMENDING SECTION 365 OF THE 2007 CODE OF ORDINANCES STORMWATER SYSTEM USE CODE TO STANDARDIZE FEES FOR UNDEVELOPED PARCELS AND UNSEWERED AGRICULTURAL AND RURAL RESIDENTIAL PARCELS.**

Pat Shea, Public Services Director, gave a brief overview of the ordinance. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Masters/Berg moved approval. Motion carried unanimously. Ordinance was assigned number 2477.

25. **A) AN ENABLING RESOLUTION CREATING AN ECONOMIC**

DEVELOPMENT AUTHORITY (EDA) IN THE CITY OF ST. CLOUD.

Followed by action on:

B) APPROVING THE APPOINTMENTS TO THE EDA BOARD OF DIRECTORS AND THE HRA BOARD.

C) APPROVING THE ASSOCIATED PLAN FOR THE DIVISION OF ASSETS BETWEEN THE CURRENT HOUSING AND REDEVELOPMENT AUTHORITY AND THE NEW EDA.

Michael Williams, City Administrator, gave a brief overview. Council President Johnson opened the public hearing on Item A. No one testified. Council President Johnson closed the public hearing. Berg/Masters moved approval of Item A. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-173. Masters/Libert moved approval of Item B. Motion carried unanimously. Libert/Masters moved approval of Item C. Motion carried unanimously.

26. RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT.

John Norman, Finance Director, gave a brief overview. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-174.

Old Business:

27. 33RD AVENUE SOUTH SIDEWALK IMPROVEMENTS, CONTRACT 2010-25, S.A.P. NO. 162-134-007:

A. RESOLUTION ACCEPTING LOW BID FOR 33RD AVENUE SOUTH SIDEWALK IMPROVEMENTS, CONTRACT 2010-25, S.A.P. NO. 162-134-007.

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 2010-25, S.A.P. NO. 162-134-007.

Steve Foss, City Engineer, gave a brief overview. Hontos/Libert moved approval of item

A. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-175. Berg/Masters moved approval of item B. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-176.

28. **PEDESTRIAN BLINKER SIGNS, CONTRACT 2010-27, S.A.P. NO. 162-135-006 AND 162-134-006:**

A. RESOLUTION ACCEPTING LOW BID FOR PEDESTRIAN BLINKER SIGNS, CONTRACT 2010-27, S.A.P. NO. 162-135-006 AND 162-134-006.

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 2010-27, S.A.P. NO. 162-135-006 AND 162-134-006.

Steve Foss, City Engineer, gave a brief overview. Masters/Berg moved approval of item A. Motion carried 4-1; Councilmember Hontos voted against. Resolution was adopted and assigned number 2010-9-177. Libert/Masters moved approval of item B. Motion carried 4-1; Councilmember Hontos voted against. Resolution was adopted and assigned number 2010-9-178.

New Business:

29. **RESOLUTION ADOPTING THE PRELIMINARY TAX LEVY AND BUDGET FOR THE 2011 GOVERNMENTAL FUNDS.**

Mayor Kleis addressed the Council on the Preliminary budget for the 2011 Governmental Funds and noted that it includes an approximate 3.89% reduction in spending. Hontos/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-179.

30. **RESOLUTION SETTING DECEMBER 6, 2010, FOR THE PUBLIC HEARING ON THE 2011 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY.**

Libert/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-9-180.

Open Discussion:

Mayor Kleis commented on the LivCom Conference which will begin on November 5. If anyone is interested in attending they should contact the Mayor's Office or the Planning Office.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:39 p.m.

City Council President

Bob Johnson

Jennifer Burrows, Recording Council Secretary