

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

DECEMBER 20, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of St. Cloud, Minnesota, was held on December 20, 2010, at 6 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. Roll Call. Members present were Sonja Berg, Nancy Gohman, George Hontos, Jeff Johnson, John Libert, Dave Masters and John Pederson.

SPECIAL RECOGNITION:

Mayor Dave Kleis presented Council member John Pederson with a “Key to the City” for his three years of service as an At-Large City Council member. John will resign from his Council seat on December 31, 2010, and assume his new role as Minnesota State Senator for District 15 beginning January 2011.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETING HELD NOVEMBER 22, 2010.** ACTION TAKEN: Approved.
6. **MAYOR'S APPOINTMENTS AND REAPPOINTMENTS TO THE RETIRED AND SENIOR VOLUNTEER PROGRAM ADVISORY COUNCIL.** ACTION TAKEN: Councilmember Berg pulled this item to express her appreciation to the individuals for their willingness to serve. Berg/Masters moved approval of confirming the appointments of Erin Hausauer, Therese Haffner, Suzanne Kostanshek, Fran Murtley, Stacy Lund, and Jan Dahl to first terms to commence January 1, 2011 and expire December 31, 2013; and confirmed the re-appointments of Melissa Anderson, Dana Furman, Duane Grandy, Chris Kosloski, Marge Lesnick, and Tom Stachowski to second terms to commence January 1, 2011 and expire December 31, 2013. The motion unanimously carried.
7. **RESOLUTION DESIGNATING THE ST. CLOUD TIMES AS THE OFFICIAL NEWSPAPER FOR 2011.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-208.
8. **RESOLUTION AUTHORIZING THE CONDUCT OF OFF-SITE CHARITABLE GAMBLING FOR THE ROCKVILLE LIONS CLUB FOR AN EVENT TO BE HELD FEBRUARY 4 - 6, 2011 AT THE KELLY INN.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-209.

9. **RESOLUTION AUTHORIZING THE CONDUCT OF OFF-SITE CHARITABLE GAMBLING FOR THE SOBIESKI LIONS CLUB FOR AN EVENT TO BE HELD FEBRUARY 4 & 5, 2011 AT THE KELLY INN.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-210.
10. **RESOLUTION OF SUPPORT FOR A 2011 MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL GRANT.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-211.
11. **RESOLUTION OF SUPPORT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR SEBERGER PARK PLAYGROUND.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-212.
12. **RESOLUTION OF SUPPORT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR KOSHIOL PROPERTY ACQUISITION.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-213.
13. **COMMUNITY PROJECT CLOSE OUT AT LAKE GEORGE.** ACTION TAKEN: Approved.
14. **RESOLUTIONS ADOPTING THE FOUR STIPULATIONS REGARDING INTOXICATING LIQUOR LICENSE VIOLATIONS OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES BETWEEN THE CITY OF ST. CLOUD AND (A) DUCK'S BILLIARDS; (B) LINCOLN DEPOT; (C) SAM'S CLUB; AND (D) WHITE HORSE.** ACTION TAKEN: Resolutions adopted and assigned numbers 2010-12-214; 2010-12-215; 2010-12-216; and 2010-12-217 respectively.
15. **RESOLUTION ADOPTING THE HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION REGARDING BULL ELK ENTERPRISES, INC. DBA GRIZZLY'S BURGER COMPANY, FOR VIOLATIONS OF THE INTOXICATING LIQUOR ORDINANCE, SECTION 810:30, SUBD. 3, AND CHAPTER 340A.503 OF MINNESOTA STATUTES.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-218.
16. **(A) RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH THE CITY OF SARTELL FOR PROSECUTION SERVICES; AND (B) RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH THE CITY OF ST. JOSEPH FOR PROSECUTION SERVICES.** ACTION TAKEN: Resolutions adopted and assigned numbers 2010-12-219 and 2010-12-220 respectively.
17. **ORDINANCE VACATING 1926 FLOWAGE EASEMENT AND 1970S SANITARY SEWER EASEMENT INTERNAL TO THE ST. CLOUD HOSPITAL CAMPUS**

(LOCATION: 120, 1240, 1406, 1450, 1540, AND 1554 6TH AVENUE NORTH) (VAC-2010-06). ACTION TAKEN: A reading and public hearing was set for January 10, 2011. (Proposed Ordinance 2010-37.)

18. **ORDINANCE VACATING 10 FOOT WALKWAY RIGHT-OF-WAYS CONNECTING MOON CIRCLE AND SUN CIRCLE TO ROTARY PARK. (LOCATION: 16 & 17 SUN CIRCLE AND 14 & 19 MOON CIRCLE) (VAC-2010-05).** REQUESTED ACTION: Set reading and public hearing for January 10, 2011. (Proposed Ordinance 2010-38.)

19. **RESOLUTION APPROVING MN/DOT AGENCY AGREEMENT FOR THE WESTWOOD SCHOOL AREA SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE PROGRAM.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-221.

20. **RESOLUTION APPROVING MN/DOT AGENCY AGREEMENT FOR THE MADISON SCHOOL AREA SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE PROGRAM.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-222.

21. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JANUARY 10, 2011, TO CONSIDER 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS - PHASE 2.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-223.

22. **RESOLUTION AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE EASEMENTS FOR CAPX2020 POWER LINE ACROSS 6704 8TH AVENUE SOUTH AND 7050 GLENN CARLSON DRIVE.** ACTION TAKEN: Resolution adopted and assigned number 2010-12-224.

23. **PURCHASE OF 72" SNOW BLOWER WITH TRUCK LOADING CHUTE AND 72" SNOW BLOWER WITH A HYDRAULIC MOTOR PACKAGE.** ACTION TAKEN: Councilmember Hontos pulled this item to inquire whether the equipment was new or used. Gerald Kaeter, Assistant Director of Operations and Maintenance (Public Works), responded that the equipment was brand new equipment with a local vendor, but was priced the same as used equipment. Hontos/Johnson moved approval of the purchase. The motion unanimously carried.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

24. **RESOLUTION ADOPTING 2011 BUDGETS FOR ENTERPRISE FUNDS.** Finance Director John Norman introduced the resolution that sets the guidelines for the operations of the City's nine Enterprise Funds. The Street Light Utility is a new fund in 2011 that will pay for street light costs through the utility billing system and not the property tax system as in previous

years. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Berg/Masters moved approval of the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-12-225.

25. **AN ORDINANCE AMENDING SECTION 575 ENTITLED "PUBLIC UTILITIES DEPARTMENT FEES" OF THE 2007 CODE OF ORDINANCES TO INCREASE WATER RATES BY 3%, WASTEWATER RATES BY 5%, CLARIFY INDUSTRIAL PERMIT VIOLATION FEES, REDUCE LAND DISTURBANCE FEES FOR SINGLE FAMILY HOMES and ADJUST METER PERMIT FEES TO DIRECTLY REFLECT CITY COSTS.** Finance Director John Norman gave a brief update on the proposed 2011 rate increases for Public Utilities. The average increase for residential customers will be \$1.60 per month. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Masters/Berg moved approval of the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2485.

26. **AN ORDINANCE AMENDING SECTION 570 OF THE 2007 CODE OF ORDINANCES THAT REGULATE RENTAL RATES, FEES AND CHARGES AT THE MUNICIPAL ATHLETIC COMPLEX.** Finance Director John Norman spoke to the proposed rate and fee adjustments for the Municipal Athletic Complex. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Hontos/Masters moved approval of the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2486.

27. **(A) AN ORDINANCE AMENDING SECTION 236 OF THE 2007 CODE OF ORDINANCES ENTITLED, "PARK AND RECREATION CONDUCT AND USE REGULATIONS."** Park & Recreation Director Scott Zlotnik spoke to the proposed changes that reflect merging the Park and Recreation departments. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Masters/Pederson moved approval of the ordinance as presented. Councilmember Johnson asked about Section 236:65, Recreation Activities, Subd.3, as it relates to the use of firearms. City Attorney Matt Staehling responded that off-duty law enforcement officials do have a lawful permit to carry. Following a brief discussion, Masters/Pederson moved approval of the ordinance as submitted. The motion unanimously carried. The adopted ordinance was assigned 2487.

(B) AN ORDINANCE AMENDING SECTION 560:00 OF THE 2007 CODE OF ORDINANCES ENTITLED, "PARK AND RECREATION DEPARTMENT FEES." Park and Recreation Director Scott Zlotnik explained that the purpose of the ordinance amendment is to adjust Park & Recreation fees for 2011. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Berg/Pederson moved approval of the ordinance. The motion carried by a vote of 6-1 with Councilmember Hontos voting against. The adopted ordinance was assigned number 2488.

28. (A) RESOLUTION BY THE CITY OF ST. CLOUD, MINNESOTA, AUTHORIZING THE ABATEMENT OF TAXES PURSUANT TO MINNESOTA STATUTES, SECTION 469.1812 THROUGH 469.1815 (ARCTIC CAT INC. PROJECT); City Administrator Mike Williams gave a brief overview of Arctic Cat's proposed plan. A letter of support of the proposed agreement and abatement proposal had also been received from Antony Goddard, Executive Director of St. Cloud Opportunities. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Hontos/Gohman moved approval of the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-12-226.

(B) RESOLUTION OF THE CITY OF ST. CLOUD, MINNESOTA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AND AMENDMENT TO BUSINESS SUBSIDY AGREEMENT WITH ARCTIC CAT INC. AND THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF ST. CLOUD. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Councilmember Hontos asked about probable site locations. City Administrator Mike Williams that the City owns 120 acres near I-94 that will be taken into consideration. Hontos/Gohman moved approval of the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-12-227.

29. RESOLUTION ORDERING INSTALLATION OF SANITARY SEWER AND WATER MAIN ON 14TH STREET NORTH FROM 33RD TO 34TH AVENUE NORTH.

City Engineer Steve Foss gave a brief overview on the background of this area. The total project cost is estimated at \$113,417 with proposed assessments of \$103,496 and a net City cost of \$9,921. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Berg/Masters moved approval of the resolution as presented. The motion carried by unanimous vote. The adopted resolution was assigned number 2010-12-228.

OLD BUSINESS:

30. DISCUSSION OF ORDINANCE 1040 (ANIMAL CONTROL ORDINANCE) RELATED TO KEEPING OF POTBELLY/MINIATURE PIGS. Following a brief Council discussion, it was moved by Gohman/Hontos to direct City staff to prepare a proposed amendment to the Animal Control Ordinance to allow potbelly miniature pigs within the City limits. City Attorney Matt Staehling said he would prepare various options for the Council to consider. The motion unanimously carried.

OPEN DISCUSSION & ANNOUNCEMENTS:

31. (A) RESOLUTION DECLARING VACANCY OF JOHN PEDERSON'S AT-LARGE CITY COUNCIL SEAT EFFECTIVE DECEMBER 31, 2010. Hontos/Johnson moved

approval of the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-12-229.

(B) DISCUSSION OF FILLING THE AT-LARGE CITY COUNCIL VACANCY FOR A TERM TO BEGIN JANUARY 1, 2011. Councilmember Berg made a motion that the City Council set up 30-minute interviews with the four candidates (Jake Anderson, Jeff Goerger, Garner Moffat, and Greg Reigstad) on January 10, 2011. The motion died for a lack of a second. Hontos/Masters moved to appoint Jeff Goerger to fill the At-Large vacancy. The Council expressed its gratitude to the four qualified individuals who applied for the position. Hontos suggested, however, that Jeff Goerger, as a former St. Cloud City Council member, would be the best candidate due to his knowledge of City issues and his past Council experience. After a brief discussion, Hontos withdrew his motion. Council President Libert moved forward to the ballot process to select the new Council member. Each member was asked to circle the candidate of their choice. City Attorney Matt Staehling read the ballot results. Berg voted Greg Reigstad; Hontos voted for Jeff Goerger; Masters voted for Jeff Goerger; Gohman voted for Jeff Goerger; Johnson voted for Jeff Goerger; Libert voted for Jeff Goerger; and Pederson voted for Jeff Goerger. Jeff Goerger will assume his new role as St. Cloud At-Large Council member on January 1, 2011.

ADJOURNMENT: There being no further business to discuss, the meeting was adjourned at 6:49 p.m.

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary

City Council John Libert