

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MAY 23, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 23, 2011, 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. All City Council members were present: Sonja Berg, Jeff Goerger, Nancy Gohman, George Hontos, Jeff Johnson, John Libert and Dave Masters.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **REAPPOINTMENT OF CHUKS UGOCHUKWU TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the reappointment of Chuks Ugochukwu to a second term to commence immediately and expire on April 30, 2014.
- 6A. **REAPPOINTMENT OF DICK ANDZENGE TO THE PLANNING COMMISSION.** ACTION TAKEN: Confirmed the reappointment of Dick Andzenge to his a term to commence immediately and expire on April 30, 2016.
- 6B. **APPOINTMENT OF ANTHONY AKUBUE AND SHAN WANG TO THE ST. CLOUD PUBLIC LIBRARY BOARD.** ACTION TAKEN: Approved the appointment of Anthony Akubue to a first term to commence immediately and expire December 31, 2011; and Shan Wang to a first term to commence immediately and expire December 31, 2013.
7. **THE REGIONAL HUMAN RIGHTS JPA BOARD APPOINTMENT OF BRETT YOUNG TO THE REGIONAL HUMAN RIGHTS COMMISSION.** ACTION TAKEN: Approved.
8. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR CATHEDRAL HIGH SCHOOL FOR AN ALUMNI REUNION TO BE HELD SATURDAY, AUGUST 13, 2011, FROM 1:00 TO 3:00 PM IN THE AREA BETWEEN THE SCHOOL BUILDINGS AT 312 7TH AVENUE NORTH.** ACTION TAKEN: Approved.
9. **APPLICATION BY THE ST. CLOUD COUNTRY CLUB, INC. FOR A LICENSE TO SELL TOBACCO AT THE COUNTRY CLUB, 301 MONTROSE ROAD.** ACTION TAKEN: Approved.
10. (A) **APPLICATION FOR A TEMPORARY ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE; AND (B) AN APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR ST. MARY'S CATHEDRAL ANNUAL BLOCK**

PARTY TO BE HELD SEPTEMBER 10, 2011, FROM 4:00 P.M. TO 10:00 P.M. ACTION TAKEN: Approved both items.

11. APPLICATION FOR THE RENEWAL OF A WINE AND ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SOMEYA, LLC DBA POK'S SAKURA JAPANESE RESTAURANT, 266 33RD AVENUE SOUTH #8. ACTION TAKEN: A public hearing was set for June 6, 2011.

12. (A) ORDINANCE AMENDING SECTION 300:40 ENTITLED "RENTAL DWELLING LICENSING"; (B) ORDINANCE AMENDING SECTION 555 "MISCELLANEOUS LICENSES AND PERMIT CHARGES"; AND (C) AN ORDINANCE REPEALING SECTION 1055 "CRIME FREE MULTI-HOUSING PROGRAM." ACTION TAKEN: Set reading and public hearing on the three ordinances for June 6, 2011. (Proposed Ordinances 2011-11; 2011-12; and 2011-16 respectively)

13. RIVER BLUFFS REGIONAL PARK "LEGACY" IMPROVEMENT PROJECT. ACTION TAKEN: Approved.

14. RESOLUTION ACCEPTING BIDS AND AUTHORIZING CIVIC CENTER EXPANSION BID PACKAGE #5-CONTRACT PACKAGE #27, AUDIO SYSTEM. ACTION TAKEN: Resolution adopted and assigned number 2011-5-60.

15. PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH INCORPORATED FOR THE DUAL FORCEMAIN INTEGRITY ASSESSMENT PROJECT. ACTION TAKEN: Approved.

16. AMENDMENT #1 TO THE WATER SERVICES AGREEMENT WITH THE CITY OF ST. AUGUSTA. ACTION TAKEN: Approved.

17. CHANGE ORDER #6 FOR THE WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT. ACTION TAKEN: Councilmember Berg removed the item and requested a project update. Public Services Director Pat Shea provided information to date on the St. Cloud Wastewater Treatment Facility Rehabilitation, Upgrade, and Expansion project. Berg/Masters approved Change Order #6 as submitted. The motion unanimously carried.

18. (A) ORDINANCE REZONING PROPERTY LOCATED AT 4055 COUNTY ROAD 74 FROM C2, HIGHWAY COMMERCIAL DISTRICT TO C5, HIGHWAY COMMERCIAL DISTRICT. (LOCATION: 4055 COUNTY ROAD 74) (REZ-2011-05); AND (B) RECOMMENDATION ON A REQUEST FROM THE ST. CLOUD PLANNING AND ZONING DEPARTMENT TO AMEND THE 2003 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM HIGH DENSITY MIXED RESIDENTIAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT 4055 COUNTY ROAD 74. (CPA-2011-03) ACTION TAKEN: A reading and public hearing was set for June 6, 2011. (Proposed Ordinance 2011-13)

19. **ORDINANCE VACATING THE ALLEY LOCATED TO THE WEST OF LOTS 4 - 12, BLOCK 3, THIELMAN'S ADDITION AND THE ALLEY LOCATED NORTH OF LOTS 1 - 4, BLOCK 4, BROMMENSCHENKEL'S ADDITION. (VAC-2011-02)** ACTION TAKEN: A reading and public hearing was set for June 6, 2011. (Proposed Ordinance 2011-14)

20. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE PROPERTY LINE BETWEEN LOTS 4 AND 5, BLOCK 2, MUELLER GARDENS. (LOCATION: 6663 AND 6655 NORTHWOOD LANE)** ACTION TAKEN: A reading and public hearing was set for June 6, 2011. (Proposed Ordinance 2011-15)

21. **RESOLUTION OF SUPPORT FOR DEED BUSINESS DEVELOPMENT PUBLIC INFRASTRUCTURE GRANT APPLICATION REGARDING TH15 AND 33RD STREET SOUTH INFRASTRUCTURE EXTENSION.** ACTION TAKEN: Resolution adopted and assigned number 2011-5-61.

22. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ARCHITECT/ENGINEERING AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND MEAD & HUNT, INC., FOR PROFESSIONAL AVIATION CONSULTING SERVICES.** ACTION TAKEN: Resolution adopted and assigned number 2011-5-62.

23A. **APPROVAL OF LOW BIDS FOR THE CITY HALL RENOVATION AND IMPROVEMENTS FROM BOSER CONSTRUCTION; APPROVAL OF PROFESSIONAL SERVICES CONTRACTS WITH MARCO, NISCAYA, AND TOUCHPOINT LODGE; AND APPROVAL OF THE PROJECT BUDGET.** ACTION TAKEN: Approved.

23B. **ADD-ON ITEM: RESOLUTION RELATING TO PARKING ON 25TH AVENUE NORTH FROM 125 FEET NORTH OF 1ST STREET NORTH TO 3RD STREET NORTH.** ACTION TAKEN: Councilmember Goerger removed this item for discussion. Mayor Kleis explained that a parallel parking plan must be approved to secure Minnesota State Aid (MSA) funding. He further explained that this project will be done in two phases. Phase 1 construction will begin at Walgreens and head north to 3rd Street. Phase 2 construction is scheduled for May 2012 and will include the intersection and the roadway heading south. Goerger/Gohman moved approval of the resolution as presented. The motion unanimously carried. Resolution adopted and assigned number 2011-5-63.

OPEN FORUM:

Cheney Heiniemi, 1485 12th Avenue N., #2; encouraged the general public to seek area legislators support for a better recycling program for Minnesota.

David Warne, 848 15th Avenue S., representing the Central Minnesota Task Force for Battered Women (a.k.a. Anna Marie's Alliance); stated that the organization will be asking for the City Council's reaffirmation (in the near future) on a previously adopted resolution of support for MN

Housing Tax Credits and the use of Tax Increment Financing to purchase land from the HRA in the Westwood PUD area.

PUBLIC HEARINGS:

24. **(A) RESOLUTION OF THE CITY OF ST. CLOUD, MINNESOTA APPROVING THE MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NUMBER FORTY-TWO (WESTWOOD PLANNED UNIT DEVELOPMENT), AS PROPOSED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF ST. CLOUD, MINNESOTA; and (B) RESOLUTION OF THE CITY OF ST. CLOUD, MINNESOTA APPROVING THE MODIFICATION OF THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NUMBER FORTY-THREE (WESTWOOD PLANNED UNIT DEVELOPMENT), AS PROPOSED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF ST. CLOUD, MINNESOTA.** Finance

Director John Norman gave a brief overview of the two bonds that were issued for the Westwood Housing Development Phase I and II for street construction cost, water and sewer lines, and storm water. There is an ongoing cash flow surplus in the Westwood Phase I TIF District; however, in the Phase II Westwood Project the current tax increment collections are not sufficient to pay the annual debt service on the bonds. By modifying TIF districts Forty-Two and Forty-Three (by resolutions), it would allow the EDA to pool the surplus from the Westwood Phase I TIF district and transfer an appropriate amount to the Phase II TIF district to eliminate the deficit. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Hontos/Goerger to approve Resolution A. entitled Resolution of the City of St. Cloud, Minnesota approving the Modification to the Tax Increment Financing Plan for Tax Increment Financing District Number Forty-Two -Westwood Planned Unit Development, as proposed by the Economic Development authority of the City of St. Cloud, Minnesota. The motion unanimously carried. The adopted resolution was assigned number 2011-5-64. It was moved by Masters/Goerger to approve Resolution B. entitled Resolution of the City of St. Cloud, Minnesota Approving the Modification of the Tax Increment Financing Plan for Tax Increment Financing District Number Forty-Three, Westwood Planned Unit Development, As Proposed by the Economic Development Authority of the City

Of St. Cloud, Minnesota. The motion unanimously carried. The adopted resolution was assigned number 2011-5-65.

25. **RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE AND WINE/3.2 COMBINATION LICENSES FOR THE PERIOD JULY 1, 2011 TO JUNE 30, 2012.** City Clerk Gregg Engdahl confirmed that each license submitted for renewal had been reviewed by staff of the Police, Legal, Planning, Health, Building Safety, and Fire Departments. He recommended approval of the licenses subject to the conditions noted and provided in the Council packet. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Berg/Goerger moved approval of the “On-Sale Intoxicating, Off-Sale Intoxicating, Special Sunday, Club, Theatre, and Wine/3.2 combination licenses” for the period of July 1, 2011 to June 30, 2012, subject to the conditions listed. The motion unanimously carried. Councilmember Hontos suggested having future discussions regarding lifting the moratorium and/or re-introducing the idea of a tiered licensing system. Mayor Kleis asked the Council members to propose suggestions and ideas to administration. This issue was suggested as a topic for the June Study Session.

26. **APPLICATION FOR THE SEASONAL OUTDOOR SALES OF LIQUOR FOR BUFFALO WILD WINGS, 3701 WEST DIVISION, #111.** City Clerk Gregg Engdahl confirmed that the application had been reviewed by all of the City departments and recommended Council approval pending the final inspection and issuance of completion by the Building Safety department. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Gohman/Masters moved approval of granting the Seasonal Outdoor Sales liquor license to Buffalo Wild Wings, 3701 West Division, #111. The motion unanimously carried.

27. **ORDINANCE REPEALING SECTION 955 - THROWING, DROPPING, PLACING, ETC. OF FRUIT OR VEGETABLE MATTER UPON SIDEWALKS OF THE 2007 CODE OF ORDINANCES.** Health Director Lisa Schreifels explained that this ordinance duplicates existing language covered under City Nuisance Ordinance Section 1005:40 pertaining to littering and citing violations of such acts. Goerger/Hontos moved approval of the Ordinance that repeals Section 955. The motion unanimously carried. The adopted Ordinance was assigned #2496.

Councilmember Hontos encouraged city staff to continue search for duplication of ordinances in order to streamline the Code of Ordinances.

28A. **(A) ORDINANCE AMENDING SECTION 236 OF THE 2007 CODE OF ORDINANCES ESTABLISHING RULES FOR THE PARK & RECREATION DEPARTMENT.** Park & Recreation Director Scott Zlotnik reviewed the current ordinance and the proposed new language to allow for alcohol use at Lake George (Eastman Park). The language would read in Section 236:55, Subd. 5. “Alcoholic beverages may not be consumed, possessed or dispensed in the Lake George Complex or anywhere on Eastman Park grounds except as pursuant to a temporary on-sale liquor license that has been granted pursuant to Section 810:05, Subd. 7 or Section 800:05, Subd. 5. Alcoholic beverages served pursuant to a temporary license may not be consumed or possessed outside of a service area as defined by the Parks & Recreation Director.” City Council President Libert opened up the public hearing. The following people spoke:

Dave Tripp, Executive Director of MetroBus and President of St. Cloud Rotary Club; expressed his appreciation for the Council’s consideration to allow a temporary liquor license at future Lake George events. The Rotary Club of St. Cloud will be sponsoring a free, community wide, top-notch, fun for all ages festival known as “Summertime by George.” This event will be held every Wednesday night during the summer from 5:00-9:00, June 8-August 31, at Lake George at Eastman Park.

Terri Sheehan, 1040 McKinley Place South, expressed her approval for the weekly festival, but shared concern about safety and the need to have alcohol served at this family event. She was aware that not all the neighborhood supported a temporary liquor license for these Wednesday evening events.

Donald Steven Justin, 805 17th Avenue S., as a south side resident, he did not approve of liquor being served at Lake George.

Councilmember Sonja Berg asked if the license request was for a 3.2/wine license. **City Clerk Gregg Engdahl** responded that the liquor license request by the St. Cloud Rotary Club was for a temporary full On-Sale Intoxicating Liquor License.

Cheney Heiniemi, 1485 12th Avenue N., #2; suggested monitoring the sale of alcohol thru pre-purchased ticket sales.

Pegg Gustafson, President of the Downtown Council and Rotary Club member; reiterated Rotary President Tripp’s promise that the Rotary Club will maintain a top-notch, well run event. The club will monitor the sale of liquor very closely.

Bob Feuling, owner of Westside Liquor, 45 Waite Park Avenue North; his business would be providing the liquor service at the “Summertime by George” events. He

assured the Council that he runs a reputable business, and that he and his wife, Linda, have contributed and supported community wide events for years.

There being no one else wishing to speak, City Council President Libert closed the public hearing. Berg/Goerger moved approval of the Ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2497.

28B. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE ST. CLOUD ROTARY CLUB TO BE USED IN CONJUNCTION WITH THE "SUMMERTIME BY GEORGE" FESTIVAL.** It was moved by Hontos/Berg to grant the temporary liquor license for each of the scheduled "Summertime by George" festival events. The motion unanimously carried.

28C. **RESOLUTION DESIGNATING "SUMMERTIME BY GEORGE" AS AN OFFICIAL CITY FESTIVAL.** It was moved by Berg/Masters to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2011-5-66.

29. **(PUBLIC HEARING POSTPONED UNTIL JUNE 6, 2011 MEETING)**
(A) ORDINANCE VACATING 42ND AVENUE SOUTH, EAST OF 41ST AVENUE SOUTH AND 25TH STREET SOUTH, SOUTH OF 42ND AVENUE SOUTH, ADJACENT TO OUTLOT A SUN VILLA ESTATES AND LOT 1, BLOCK 2, BURNS ESTATES. (VAC-2011-01); AND (B) PRELIMINARY AND FINAL PLAT OF SUN VILLA PLAT THREE.

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Kleis referenced an article in the past Sunday issue of the St. Cloud Times (May 22, 2011) entitled "Airport's Future in Air." He said that based on the current operations at the airport there is not an immediate concern about the air-traffic control tower; however, administration will continue to monitor the situation and update the Council accordingly.

ADJOURNMENT: There being no further business to discuss, City Council President Libert adjourned the meeting at 7:13 p.m.

City Council President John Libert

Respectfully submitted by
Sandy Hilsgen, Recording Council Secretary

