

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM:

JUNE 6, 2011

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on June 6, 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.
- 5A. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF CITY COUNCIL MEETING HELD MAY 9, 2011.** ACTION TAKEN: Approved.
- 5B. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING HELD MAY 23, 2011.** ACTION TAKEN: Approved.
6. **RENEWAL OF ON-SALE AND OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD JULY 1, 2011 TO JUNE 30, 2012.** ACTION: TAKEN Approved.
7. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE TO FACILITATE A WINE TASTING FOR THE ST. CLOUD SOUTHSIDE NEIGHBORHOOD COALITION. THE TASTING WILL BE HELD IN CONJUNCTION WITH THE "BETTER WITH AGE" HOME TOUR FROM 1-3 PM, SATURDAY JUNE 11, 2011.** ACTION TAKEN: Councilmember Berg reminded the public of the upcoming 13<sup>th</sup> Annual Historic Southside Home Tour event on Saturday, June 11, 2011, from 10 a.m. to 3 p.m. Masters/Berg moved approval of the temporary on-sale liquor license as requested. The motion unanimously carried.
8. **RESOLUTION AUTHORIZING MINNESOTA INVESTMENT FUND APPLICATION FROM MICROBIOLOGICS.** ACTION TAKEN: Resolution adopted and assigned number 2011-6-67.
9. **RESOLUTION BY THE CITY OF ST. CLOUD, MINNESOTA, CALLING FOR A PUBLIC HEARING ON JUNE 20, 2011, ON A TAX ABATEMENT UNDER MINNESOTA STATUTES, SECTIONS 469.1813 THROUGH 469.1815 AND RELATED BUSINESS SUBSIDY (MARCO, INC. PROJECT).** ACTION TAKEN: Hontos/Goerger moved approval of setting the public hearing for June 20, 2011. Councilmembers noted that they had questions on this item that they would like answered before the public hearing and wanted to know the most appropriate way of getting this completed. Matt Glaesman stated that questions can be sent to staff and they will be addressed before the public hearing. The motion unanimously carried. The adopted resolution was assigned number 2011-6-68.

10. **RESOLUTION APPROVING MN/DOT AGENCY AGREEMENT FOR UNIVERSITY DRIVE FROM 1ST TO 5TH AVENUE SOUTH.** ACTION TAKEN: Resolution adopted and assigned number 2011-6-69.

11. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JUNE 20, 2011, TO CONSIDER 2011 BITUMINOUS STREET RESURFACING IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2011-6-70.

12. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR THE EMERGENCY REPLACEMENT OF THE ELECTRICAL TRANSFORMER FOR RUNWAY 31 MALSRL LIGHTS FOR THE ST. CLOUD REGIONAL AIRPORT – MN DOT AGREEMENT NO. 99028.** ACTION TAKEN: Resolution adopted and assigned number 2011-6-71.

**OPEN FORUM:**

Brad Barz, St. Cloud Miracle League co-founder and Board member, thanked all who attended the opening ceremonies of the Miracle Field on Saturday, June 4, 2011, at Whitney Park. Local civic groups and businesses partnered with the City of St. Cloud to construct this field. A couple of these included the Metro Lions and Northwestern Mutual. The total cost of the project is approximately \$600,000.

**PUBLIC HEARINGS:**

13. **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.** City Clerk Gregg Engdahl gave a brief overview of the application. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Goerger/Gohman to approve the renewal liquor license application as requested. The motion unanimously carried.

14. **(A) ORDINANCE AMENDING SECTION 300:40 ENTITLED "RENTAL DWELLING LICENSING"; (B) ORDINANCE AMENDING SECTION 555 "MISCELLANEOUS LICENSES AND PERMIT CHARGES"; AND (C) ORDINANCE REPEALING SECTION 1055 "CRIME FREE MULTI-HOUSING PROGRAM".**

Police Chief Ballantine gave a brief overview and history of the program and the amendments. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Councilmember Hontos had a question on the length of the program – going from 8 hrs to 4 hrs. He wondered what happened to the material from the last four hours. Police Chief

Ballantine noted that the information in that portion of the training isn't directly City related and is now not a part of the required training. However, Community Service Officer John Justin will meet with property owners at their request to go over this additional information/training. It was moved by Berg/Masters to approve the Ordinance amending Section 300:40 (Item A) as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2498. It was moved by Goerger/Berg to approve the Ordinance amending Section 555 (Item B) as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2499. It was moved by Berg/Masters to approve the Ordinance repealing Section 1055 (Item C) as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2500.

15. **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) Matt Glaesman, Community Development Director, presented the ordinance and noted that the Planning Commission recommended approval. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Hontos/Goerger moved approval of the Ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2501.

16. **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)** Matt Glaesman, Community Development Director, gave a brief overview of the ordinance and noted that the Planning Commission recommended approval. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Masters/Gohman moved approval of the Ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2502.

17. **(A) ORDINANCE REZONING PROPERTY LOCATED AT 4055 COUNTY ROAD 74 FROM C2, NEIGHBORHOOD COMMERCIAL DISTRICT TO C5, HIGHWAY COMMERCIAL DISTRICT. (LOCATION: 4055 COUNTY ROAD 74) (REZ-2011-05);** Matt Glaesman, Community Development Director, presented the ordinance. Council President Libert opened the public hearing. No one spoke. The public hearing was closed.

Goerger/Berg moved approval of the Ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2503.

**(B) 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)** Matt Glaesman, Community Development Director, gave an overview of the request and noted that the Planning Commission conducted a public hearing and recommended approval of the rezoning and Comprehensive Plan amendment. It was moved by Goerger/Masters to approve the request. Motion unanimously carried.

**OLD BUSINESS:**

**18. RESOLUTION REMOVING THE MORATORIUM ON THE NUMBER OF ON-SALE INTOXICATING LIQUOR LICENSES PURSUANT TO SECTION 810:05 OF THE 2007 CODE OF ORDINANCES.** City Attorney, Matt Staehling, gave a brief overview of the resolution. Goerger/Gohman moved approval of the resolution removing the moratorium. The motion carried by a vote of 6-1 with Berg voting against. The adopted resolution was assigned number 2011-6-72.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

- The Study session set for June 13, 2011 has been cancelled.
- Councilmember Hontos asked for clarification on the level of authority as it relates to the roles of the EDA and City Council. City Administrator Mike Williams noted that he will provide the Council with a detailed chart of the EDA's authority.

**ADJOURNMENT:** There being no further business to discuss, Council President Libert adjourned the meeting at 6:52 p.m.

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City Council President John Libert

Respectfully submitted by

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Jennifer Burrows  
Recording Council Secretary