

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

JANUARY 30, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City of St. Cloud, Minnesota, was held on January 30, 2012, at 6:00 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. All Council members were present: Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MEETING MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR MEETING HELD DECEMBER 19, 2011.** ACTION TAKEN: Approved.
6. **CONFIRM MAYOR'S REAPPOINTMENT TO THE ST. CLOUD PUBLIC LIBRARY BOARD.** ACTION TAKEN: Berg/Masters moved approval of the reappointment of Danny Harris to his third term to commence immediately and expire on December 31, 2014. Berg expressed appreciation for Mr. Harris's continued willingness to serve in this capacity. The motion unanimously carried.
7. **APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY FOR THE HOSTING OF THE ADDY AWARDS ON FEBRUARY 17, 2012, IN THE RITSCHKE AUDITORIUM.** ACTION TAKEN: Approved.
8. **APPLICATION FOR AMUSEMENT DEVICE LICENSES FOR DEAN SCOTT THOMAS DBA DEAN SUPERIOR VENDING, CO. 2323 E. 25TH ST., MINNEAPOLIS MN, 55406 .** ACTION TAKEN: Approved.
9. **RESOLUTIONS ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND TWO LIQUOR LICENSE ESTABLISHMENTS REGARDING INTOXICATING LIQUOR LICENSE VIOLATIONS OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES: (A) VFW GRANITE POST #428; and (B) T.G.I. FRIDAY'S RESTAURANT.** ACTION TAKEN: Resolutions adopted and assigned numbers 2012-1-05 and 2012-01-06 respectively.

10. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF SARTELL FOR LEGAL SERVICES IN 2012. ACTION TAKEN: Resolution adopted and assigned number 2012-01-07.

11. AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO LEASE AND OPERATE THE GARDENS GIFT SHOP FOR THE YEARS 2012-2014. ACTION TAKEN: Approved.

12. RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MNDNR UNDER THE REGIONAL TRAIL GRANT PROGRAM - BEAVER ISLAND TRAIL PHASE #4 PROJECT. ACTION TAKEN: Berg/Masters moved approval of the resolution. Park Director Scott Zlotnik gave a brief overview of the Phase #4 Beaver Island Trail project. The motion unanimously carried. Resolution was adopted and assigned number 2011-1-08.

13. RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MNDNR UNDER THE FEDERAL RECREATIONAL TRAIL GRANT PROGRAM - BEAVER ISLAND TRAIL PHASE #4 PROJECT. ACTION TAKEN: Berg/Masters moved approval of resolution. The motion unanimously carried. Resolution was adopted and assigned number 2011-1-09.

14. AMEND SUBDIVISION AGREEMENT AND REAFFIRM FINAL PLAT FOR LENZMEIER ADDITION. ACTION TAKEN: Approved.

15. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR FEBRUARY 13, 2012, TO CONSIDER LENZMEIER ADDITION IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2011-1-10.

16. CITY COST PARTICIPATION FOR HYDRANT RELOCATION IN CONJUNCTION WITH MNDOT RECONSTRUCTION OF T.H. 23 BETWEEN COOPER AVENUE AND T.H. 15. ACTION TAKEN: Approved.

17. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR THE REMODEL OF THE GENERAL AVIATION BUILDING AT THE ST. CLOUD

REGIONAL AIRPORT – MN DOT AGREEMENT NO. 00411. ACTION TAKEN: Resolution adopted and assigned number 2012-1-11.

18. APPROVAL OF AGREEMENT BETWEEN SHINGOBEE BUILDERS AND THE CITY OF ST. CLOUD FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE GENERAL AVIATION BUILDING REMODELING PROJECT AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

19. APPLICATION FOR AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR VINO REGALE, INC. DBA THE WINE SHOP BY NICHOLAS BARTH, 218 6TH AVENUE SOUTH. City Clerk Gregg Engdahl confirmed that the application has been approved by the Planning, Police, Legal and Health Departments. He recommended approval pending the receipt of a favorable review from the Building Safety office. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Goerger, to approve the off-sale liquor license application as presented. The motion unanimously carried. Councilmember Gohman expressed kudos to Nick Barth for his successful business relationships within our community.

20. RESOLUTION APPROVING A SPENDING PLAN BY THE ECONOMIC DEVELOPMENT AUTHORITY. Opening remarks were provided by Cathy Mehelich, Economic Development Director, regarding the 2010 Jobs Bill established into law in April 2010. The objective of the Jobs Bill is to stimulate economic development and job creation in Minnesota. It allows St. Cloud (and other cities) to use its cash balances in its existing TIF districts to provide improvements, loans, interest rate subsidies, or assistance for construction or substantial rehabilitation of private buildings for job creation and retention. As the City of St. Cloud recently approved a “Tax Increment Finance Spending Plan,” a corresponding Construction Assistance Program Policy was prepared by staff and recently approved by the City’s EDA. Economic Development Director Mehelich explained that construction projects would need to commence by July 1, 2012 with substantial completion by December 31, 2012. City Council Libert opened the public hearing. No one spoke. The public hearing was closed. Councilmember Hontos moved approval of the resolution as submitted; Councilmember Berg

seconded the motion. Council discussion ensued. Economic Development Director Mehelich responded to questions and concerns from council members regarding the proposed program, specifically loan terms and funds availability. Following a brief discussion, the motion unanimously carried. The adopted resolution was assigned number 2012-1-12.

21. **RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 1 FOR 2011 PUBLIC IMPROVEMENTS.** City Engineer Steve Foss presented the assessment roll one improvement at a time, noting there were four components to the resolution:

◇ **Project 2011-01 - 10th Avenue North Area Improvements – Phase 2.** Councilmember Goerger recused himself from discussion on the “10th Avenue North Area Improvements – Phase 2” as he resides in that neighborhood. After City Engineer Foss described the improvement, City Council President Libert opened the public hearing. The following person spoke:

Terry Yurczyk, 815 9th Avenue N.; reported that his assessment would be \$445.50, and had concern about payment as he is unemployed and his wife has cancer. He also asked who is responsible for clearing sidewalks. *(Engineer Foss spoke to the City’s Stabilization program and encouraged Mr. Yourczyk to contact the Engineering office for further information. Foss also explained that property owners are generally responsible for keeping sidewalks cleared.)*

City Council Libert closed this portion of the public hearing. Councilmember Hontos moved approval of the “10th Avenue North Area Improvements – Phase 2” portion of the resolution. Councilmember Masters seconded the motion. The motion carried by a roll call vote of 6-0 with Councilmember Goerger recording an abstention.

◇ **Project 2011 -01 - 14th Street North Sanitary Sewer and Water Main Improvements.**

City Engineer Steve Foss gave a brief overview of the improvement project. Council President Libert opened this portion of the public hearing to anyone wishing to speak. No one spoke. The hearing moved on to the next project.

◇ **Project 2001-06 – 25th Avenue from T.H. 23 to 3rd Street North Improvements.**

City Engineer Steve Foss gave a brief overview of the improvement project. Council President Libert opened this portion of the public hearing to anyone wishing to speak. No one spoke. The hearing moved on to the next project.

◇ **Project 2011-08 – 41st Avenue South Improvements and Project 2011-50 – Miscellaneous Assessment Agreements.**

City Engineer Steve Foss gave a brief overview of the improvement projects. Council President Libert opened the final portion of the public hearing to anyone wishing to speak. The following individual spoke:

Dan VanHale, Pearle Vision property owner; reviewed the details of his written statement (said document dated January 16, 2012, provided within the City Council packet, pgs 21-9 to 21-11 and on file in the Engineering office). He explained his opposition to his proposed assessments for Pearle Vision property. Following his comments he requested that his assessment be reduced to \$5,000.

There being no one else wishing to speak, the public hearing was closed. Councilmember Berg moved approval of the remaining projects within the resolution. Councilmember Goerger seconded the motion. Council discussion ensued. Council members spoke to the various appraisals that had been completed on this project and assessment fairness. Councilmember Hontos moved to amend the motion to reduce the proposed \$15,000 assessment for Dan VanHale, Pearle Vision property owner, to a \$10,000 assessment. Councilmember Johnson seconded the motion. The amendment motion carried by a 4-3 vote (Gohman, Hontos, Libert, and Johnson voted in favor and Berg, Goerger, and Masters voted against). The motion to approve the resolution as amended carried by a roll call vote with all seven members voting in favor. The adopted resolution was assigned number 2012-1-13.

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

City Council President John Libert

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary