

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

April 23, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on April 23, 2012 at 6 p.m. in the City Council Chambers; and a Moment of Silence for our men and women serving in the Armed Forces.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Goerger, Gohman, Hontos, Johnson, and Libert. Councilmember Masters was absent.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEEETING HELD MARCH 26, 2012.** ACTION TAKEN: Approved.
6. **MAYOR'S RE-APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed Mayor's re-appointments of Susanne Barkalow and Ronald Zenzen for second terms to commence May 1, 2012 and expire April 30, 2015.
7. **SETTING A PUBLIC HEARING ON AN APPLICATION FOR THE ISSUANCE AND RENEWAL OF A WINE AND 3.2 PERCENT MALT LIQUOR LICENSE FOR FABER FIELD AT THE MUNICIPAL SPORTS COMPLEX.** ACTION TAKEN: Set public hearing for May 7, 2012.
8. **SETTING A PUBLIC HEARING ON AN APPLICATION FOR THE TRANSFER OF AN ON SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM JOCAR INC. DBA D.B. SEARLES TO STAGE RIGHT, INC. DBA D.B. SEARLES, 18 5TH AVENUE SOUTH.** ACTION TAKEN: Set public hearing for May 7, 2012.

9. **APPLICATION FOR SPECIAL EVENT OUTDOOR LIQUOR PERMIT FOR BEANBAG TOURNAMENTS TO BE HELD AT HOWIE'S SPORTS BAR AND GRILL, 101 9TH AVENUE NORTH.** ACTION TAKEN: Goerger/Berg moved approval. Motion carried unanimously.
10. **APPLICATION FOR A) A SPECIAL EVENT OUTDOOR LIQUOR PERMIT; AND B) EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR OLD CHICAGO BOTH TO BE UTILIZED FOR SUMMER EVETNS FOR "WORLD BEER TOUR" MEMBERS JUNE 3 AND JUNE 27 IN THE RESTAURANT PARKING LOT AT 4040 2ND STREET SOUTH.** ACTION TAKEN: Approved pending receipt of liquor liability insurance for the outdoor area and favorable reviews from the Health, Planning and Fire Departments.
11. **APPLICATION FROM CATHEDRAL HIGH SCHOOL FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR A BLOCK PARTY AND SCHOOL REUNION ON AUGUST 11 FROM 11 A.M. TO 5 P.M.** ACTION TAKEN: Approved.
12. **REQUEST FOR APPROVAL OF A) SUMMERTIME BY GEORGE FESTIVAL; AND B) A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE ST. CLOUD ROTARY CLUB.** ACTION TAKEN: Approved.
13. **A) JOB DESCRIPTION REVISION AND UPGRADE; ELECTRICAL SERVICES ELECTRICIAN.** ACTION TAKEN: Approved.
B) JOB DESCRIPTION RECLASSIFICATION; INFRASTRUCTURE SERVICES ELECTRICIAN. ACTION TAKEN: Approved.
14. **RESOLUTION APPROVING ISSUANCE OF BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF ST. CLOUD.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-4-45.
15. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO**

- EXECUTE AN AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, LOCAL #281, POLICE SERGEANTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-4-46.
16. **RESOLUTION REGARDING CLASSIFICATION OF TAX FORFEITED LAND.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-4-47.
17. **RESOLUTION TO AUTHORIZE THE TRANSFER OF CITY PROPERTY TO THE BOYS & GIRLS CLUB OF CENTRAL MINNESOTA IDENTIFIED AS PARCEL NUMBERS 82457150000 & 82457180001.** ACTION TAKEN: Berg/Johnson moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2012-4-48.
18. **EASTMAN PARK (LAKE GEORGE) 2012-2014 JOINT USE AGREEMENT WITH ST. CLOUD STATE UNIVERSITY.** ACTION TAKEN: Approved.
19. **EASTMAN REGIONAL PARK – SAFETY & SECURITY CAMERA SYSTEM REPLACEMENTS: (A) AUTHORIZE THE USE OF GENERAL FUND RESERVES – RECREATION FUND BALANCE TOTALING \$42,000 AND (B) AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ALL AGREEMENTS.** ACTION TAKEN: Goerger/Berg moved approval. Motion carried unanimously.
20. **CHANGE ORDER #12 FOR THE WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT.** ACTION TAKEN: Approved.
21. **CHANGE ORDE #4 FOR THE WATER TREATMENT FACILITY GENERATOR & REHABILITATION PROJECT.** ACTION TAKEN: Approved.
22. **WATER TREATMENT FACILITY EMERGENCY CHAIN MECHANISM REPAIR APPROVAL.** ACTION TAKEN: Approved.

23. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO FARM LICENSE AGREEMENT FOR CITY OWNED LAND LOCATED IN STEARNS COUNTY, MINNESOTA.** ACTION TAKEN: Approved.
24. **APPROVAL OF NEW MASSAGE FACILITY LICENSE PENDING A SATISFACTORY INSPECTION BY THE HEALTH * INSPECTIONS DEPARTMENT FOR HEIDI INGRID-LAURA LARSON DBA BODY WORKS STUDIO, 4180 THIELMAN LANE SUITE 116.** ACTION TAKEN: Approved.
25. **REQUEST TO PURCHASE BUDGETED AERIAL LIFT FOR ELECTRICAL SERVICES DIVISION.** ACTION TAKEN: Goerger/Berg moved approval. Motion carried unanimously.
26. **REQUEST TO PURCHASE BUDGETED TANDEM TRUCK, DUMP BODY, AND EQUIPMENT FOR STREET DIVISION OF PUBLIC WORKS DEPARTMENT.** ACTION TAKEN: Approved.
27. **25TH AVENUE IMPROVEMENTS – PHASE 2, CONTRACT 2012-04, S.A.P. 162-132-020:**
- A) **RESOLUTION ACCEPTING LOW BID FOR 25TH AVENUE IMPROVEMENTS – PHASE 2, CONTRACT 2012-04, S.A.P. 162-132-020.**
- B) **RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2012-04, S.A.P. 162-132-020.**
- C) **LOW QUOTE FOR CONSTRUCTION MATERIAL TESTING SERVICES FOR 25TH AVENUE IMPROVEMENTS – PHASE 2, CONTRACT 2012-04, S.A.P. 162-132-020.**
- ACTION TAKEN: Goerger/Johnson moved approval. Motion carried 5-1; Councilmember Hontos voted against. Resolution A was adopted and assigned number 2012-4-49. Resolution B was adopted and assigned number 2012-4-50.

28. **SANITARY SEWER LIFT STATION NO. 3 REPLACEMENT PROJECT, CONTRACT 2012-05:**

A) RESOLUTION ACCEPTING LOW BID FOR SANITARY SEWER LIFT STATION NO. 3 REPLACEMENT PROJECT, CONTRACT 2012-05.

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 2012-05.

ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2012-4-51. Resolution B was adopted and assigned number 2012-4-52.

29. **10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS – PHASE 3, CONTRACT 2012-07:**

A) RESOLUTION ACCEPTING LOW BID FOR 10TH AVENUE NORTH AREA IMPROVEMENTS – PHASE 3 IMPROVEMENTS, CONTRACT 2012-07.

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 2012-07.

ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2012-4-53. Resolution B was adopted and assigned number 2012-4-54.

30. **1ST AVENUE SOUTH IMPROVEMENTS, CONTRACT 2012-08:**

A) RESOLUTION ACCEPTING LOW BID FOR 1ST AVENUE SOUTH IMPROVEMENTS, CONTRACT 2012-08.

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 2012-08.

ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2012-4-55. Resolution B was adopted and assigned number 2012-4-56.

31. **LENZMEIER ADDITION IMPROVEMENTS, CONTRACT 2012-11:**
- A) **RESOLUTION ACCEPTING LOW BID FOR LENZMEIER ADDITION IMPROVEMENTS, CONTRACT 2012-11.**
 - B) **RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CIT OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2012-11.**
- ACTION TAKEN: Goerger/Gohman moved approval. Motion carried unanimously. Resolution A was adopted and assigned number 2012-4-57. Resolution B was adopted and assigned number 2012-4-58.
32. **APPLICATION FROM THE DOWNTOWN COUNCIL FOR A) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE; AND B) CLOSING PORTION OF ST. GERMAIN STREET, TO BE USED IN CONJUNCTION WITH A DOWNTOWN WALK ABOUT EVENT TO BE HELD WEDNESDAY, JUNE 6, 2012, FROM 6 TO 9 P.M. ACTION TAKEN: Approved.**
33. **REQUEST FROM THE ST. CLOUD MTC FOR TEMPORARY USE OF PARKING SPACES ON 1ST STREET SOUTH, 6TH AVENUE SOUTH, LADY SLIPPER LOT AND CLOSURE OF ALLEY BY MTC. ACTION TAKEN: Approved.**
34. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR T.H. 15 DIAMOND INTERCHANGE UTILITY RELOCATION, CONTRACT 2012-02A. ACTION TAKEN: Goerger/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2012-4-59.**
35. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING FOR MAY 7, 2012, TO CONSIDER 2012**

BITUMINOUS STREET RESURFACING IMPROVEMENTS. ACTION TAKEN:
Approved. Resolution was adopted and assigned number 2012-4-60.

36. **A) ACCEPTANCE OF LOW QUOTE FROM NORTHWEST ASPHALT MAINTENANCE, INC. FOR CRACK REPAIR AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING STATE FUNDS; AND**
B) RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR MISCELLANEOUS CRACK REPAIR FOR THE ST. CLOUD REGIONAL AIRPORT - MN DOT AGREEMENT NO. 00905. ACTION TAKEN: Approved.
Resolution was adopted and assigned number 2012-4-61.

37. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO STATE OF MN AIR SERVICE MARKETING GRANT AGREEMENT 00303 – GENERAL AIR SERVICE MARKETING FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-4-62.

38. **APPROVAL OF THE AIR SERVICE INCENTIVE (ASI) PROGRAM AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

39. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH NATHAN START TO FARM VARIOUS TRACTS OF LAND AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

Open Forum:

No one testified.

Public Hearings:

40. **APPLICATION FOR WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR THE NOODLE SHOP CO. – COLORADO, INC. FOR A NOODLE'S & COMPANY RESTAURANT TO BE LOCATED AT 211 5TH AVENUE SOUTH, SUITE 200.**

Gregg Engdahl, City Clerk presented the application and recommended approval pending receipt of both a favorable review by the Health Department and receipt of a certificate of occupancy from the Building Safety Department. Council President Libert opened the public hearing. The following individual testified:

Dree Kuechle 32692 695th Ave., Kimball, MN. Ms. Kuechle is the General Manager of the business and was present for any questions.

Council President Libert closed the public hearing. Goerger/Gohman moved approval. Motion carried unanimously.

41. **ORDINANCE AMENDING SECTION 810:05 SUBD (6) OF THE 2007 CODE OF ORDINANCES ENTITLED ‘TEMPORARY ON-SALE LICENSES.’**

Gregg Engdahl, City Clerk gave a brief overview of the ordinance. Council President Libert opened the public hearing. No one testified. Council President closed the public hearing. Hontos/Gohman moved approval. Motion carried unanimously. Ordinance was assigned number 2528.

42. **RESOLUTION APPROVING THE 2012 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN FOR YEAR THREE USE OF FUNDS FOR THE CITY OF ST. CLOUD’S 2012 CDBG PROGRAM YEAR.**

Matt Glaesman, Community Development Director, presented the action plan/funding scenario for 2012 recommended by city staff. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Berg/Gohman moved approval. There was discussion among the Council related to the award for the MTC which can only be awarded if they receive State funding. Berg/Hontos moved to amend the original motion to include that in the case that the MTC doesn’t get State funding then half of the \$75,000 be allocated to HRS SF Housing Rehab and the other half be allocated to the Boys & Girls Club – 345 30th Avenue North. Motion carried unanimously. The original motion for approval carried unanimously. Resolution was adopted and assigned number 2012-4-63.

43. **ORDINANCE REZONING PROPERTY LOCATED AT 712 17TH AVENUE SOUTH AND 1602 7TH STREET SOUTH FROM R2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT, TO PLANNED UNIT DEVELOPMENT (PUD).**

Matt Glaesman, Community Development Director, presented the rezoning request and noted that the Planning Commission conducted a public hearing on March 13 and has recommended denial of the request. Council President Libert opened the public hearing. The following individuals testified:

Dan Brill 1520 Garfield Court. He doesn't feel that there is enough information to make a decision. The neighborhood isn't necessarily opposed to a rezoning; they just would like to know what will be there.

Maria Schroeder 804 17th Ave. S. Ms. Schroeder feels like the application process should have been halted since there isn't a detailed plan.

Gwen Pederson 1531 8th St. S. Ms. Pederson stated some crime facts that he received from the Police Department showing that this area is safer than some and they want to keep it that way.

Paul Klebs 425 Elena Lane, St. Joseph. Mr. Klebs is the realtor that is representing the church. He requested that they receive a 60-day table so they can perhaps put together a more detailed plan to address the concerns that the neighborhood is having.

Donald S. Justin 805 17th Ave. S. Mr. Justin commented on how the traffic is too high already in this location and recommends the city do a traffic study.

Shannon Haws 120 17th Ave. S. Ms. Haws demonstrated the physical characteristics of the neighborhood by showing photos of homes/buildings. She is concerned that whatever this property is rezoned to fit in with the neighborhood. She also mentioned other great attributes of the Lake George neighborhood.

Chip Sauers 1502 13th Ave. S. Mr. Sauers spoke in support of the rezoning.

Todd Brehmer 1622 Garfield Court. He feels that the City Council should wait on a decision until there is a specific plan in place.

David Bowman 122 13th Ave. S. He feels that the property should be kept as it is now.

The public hearing was kept open. Hontos/Berg moved to table the item and directed staff to bring back Findings of Fact to deny to the May 7, 2012 meeting. Motion carried unanimously.

Old Business:

44. **RESOLUTION ESTABLISHING POLLING PLACES FOR 2012.**

Gregg Engdahl, City Clerk, presented the change in polling places. Goerger/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2012-4-64.

Open Discussion:

- Councilmember Hontos requested discussion on printing of the agenda packets and not having repetitive information included for public hearings. There was discussion on just receiving the information when the public hearing is being set and only including any “new” information in the packet in the packet for the meeting date of the public hearing. Hontos/Goerger moved to have that only new information be included in the packet for public hearings beginning May 21. Motion carried unanimously.
- Matt Staehling, City Attorney, noted that a notation should be made to the minutes of March 26, 2012, specifically to the Ordinance (2526) vacating a segment of 5th Ave. N. and 8th St. N. located between 506 and 507 8th St. N. This was approved by a vote of 5-2. The Mayor vetoed this Ordinance.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:35 p.m.

City Council President

John Libert

Jennifer Burrows, Recording Council Secretary