

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

May 21, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 21, 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, Libert, and Masters.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **A) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEEETING HELD APRIL 23, 2012.**
B) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD MAY 7, 2012.
ACTION TAKEN: Approved.
6. **CONFIRM MAYOR'S RE-APPOINTMENT TO THE PLANNING COMMISSION.** ACTION TAKEN: Berg/Goerger moved approval of re-appointment Sheila Devine to her second term to commence immediately and expire April 30, 2017. Motion carried unanimously.
7. **CONFIRM MAYOR'S RE-APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Berg/Goerger moved approval of re-appointment of Peter Fandel to his second term to commence immediately and expire April 30, 2015. Motion carried unanimously.
8. **CONFIRM MAYOR'S APPOINTMENT TO THE TRANSPORTATION INFRASTRUCTURE ADVISORY BOARD.** ACTION TAKEN: Berg/Goerger moved

approval of: appointments of Brian Alsaker and Tama Theis to terms to commence immediately and expire June 30, 2013; appointments of Bob Johnson and Hazel Youngmann to terms to commence immediately and expire June 30, 2014; and appointments of Steve Ludwig, Joan Vincent, and Abdi Hassan to terms to commence immediately and expire June 30, 2015. Motion carried unanimously.

9. **APPLICATION FOR (A) ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE; AND (B) AMUSEMENT DEVICE LICENSES FOR CEC ENTERTAINMENT, INC. DBA CHUCK E. CHEESE'S #799, 3318 WEST DIVISION STREET.** ACTION TAKEN: Approved amusement license effective immediately and on-sale 3.2 percent malt liquor license effective July 1, 2012.
10. **APPLICATION FOR (A) TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE; (B) EXEMPTION FROM THE CITY'S NOISE ORDINANCE; AND (C) REQUEST TO CLOSE A PORTION OF 1ST STREET SOUTH FOR ST. MARY'S CATHEDRAL FOR THEIR ANNUAL BLOCK PARTY EVENT TO BE HELD SEPTEMBER 8, 2012 IN THE ST. MARY'S PARKING LOT.** ACTION TAKEN: Approved.
11. **APPLICATION FOR (A) A SPECIAL EVENT OUTDOOR LIQUOR LICENSE; AND (B) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN EVENT TO BE HELD JUNE 28 IN THE GREEN MILL PARKING LOT.** ACTION TAKEN: Approved pending receipt of favorable review from the Health Department and a liquor liability insurance certificate extending coverage to the outdoor area.
12. **RESOLUTION PROVIDING AUTHORIZATION FOR TRANSFERRING \$60,000 FROM THE GENERAL FUND BALANCE AND \$400,000 FROM THE DENTAL SELF INSURANCE FUND TO THE RISK RETENTION FUND.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-5-72.
13. **RESOLUTION AUPPORTING THE ADDITION OF AMTRAK SERVICE TO**

THE CITY OF ST. CLOUD. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-5-73.

14. **900 MHz RADIO SUBSCRIBER AGREEMENTS BETWEEN MNDOT, US DEPARTMENT OF VETERANS AFFAIRS (ST. CLOUD VA), ST. CLOUD STATE UNIVERSITY AND THE CITY OF ST. CLOUD.** ACTION TAKEN: Approved.
15. **ST. CLOUD ARCHER'S ASSOCIATION LEASE RENEWAL FOR SPECIFIC LAND AREAS INSIDE PINEVIEW PARK.** ACTION TAKEN: Approved.
16. **APPROVAL OF CHANGE ORDER #13 FOR THE WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT.** ACTION TAKEN: Johnson/Masters moved approval. Motion carried unanimously.
17. **RESOLUTION SUPPORTING EVERWOOD DEVELOPMENT LLC'S ROSEWOOD ON THE PARK APARTMENT PROJECT AT 1112 WASHINGTON MEMORIAL DRIVE.** ACTION TAKEN: Goerger/Hontos moved approval. There was discussion among the Council including concerns about the lack of communication with the neighborhood and the construction costs per unit of the project. Ryan Sailer, Developer/Owner of Everwood Development, gave a brief overview of the project and what the costs entail. Dr. Terri Sheehan was invited to speak to the City Council on what the neighbors would like to see and about the lack of communication with the neighborhood. Mr. Sailer requested more time to meet with the neighborhood and talk about the project and address their concerns. In addition to concerns, there was also a consensus of the Council that they thought this item should be brought forward as a public hearing. Mayor Kleis spoke on how open the process is for the public whether it shows up on consent agenda or as a public hearing. Because of concerns from the neighborhood and concerns regarding the project as a whole the original motion for approval failed 1-6; Councilmembers Goerger, Gohman, Hontos, Johnson, Libert and Masters voted against.

18. **T.H. 15 DIAMOND INTERCHANGE UTILITY RELOCATION, CONTACT 2012-02A:**
- A) **RESOLUTION ACCEPTING LOW BID FOR T.H. 15 DIAMOND INTERCHANGE UTILITY RELOCATION, CONTRACT 2012-02A.**
- 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 2012-022A.** ACTION TAKEN: Hontos/Goerger moved approval. Motion carried 6-1; Councilmember Hontos voted against. Resolution A was adopted and assigned number 2012-5-74 and Resolution B was adopted and assigned number 2012-5-75.
19. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2012 BITUMINOUS STREET RESURFACING IMPROVEMENTS, CONTRACT 2012-15, S.A.P. 162-145-009.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-5-76.
20. **PROPOSED CHANGES TO MUNICIPAL STATE AID STREET SYSTEM:**
- A) **RESOLUTION REVOKING MUNICIPAL STATE AID STREETS.**
- B) **RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS.**
- ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2012-5-77 and Resolution B was adopted and assigned number 2012-5-78.
21. **APPROVAL OF THE PURCHASE OF ONE EMERGENCY WARNING SIREN FOR THE ST. CLOUD EMERGENCY WARNING SYSTEM AND OF THE CORRESPONDING BUDGET AMENDMENT.** ACTION TAKEN: Approved.

Open Forum:

No one testified.

Public Hearings:

22. **APPLICATION FOR (A) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE; (B) A SPECIAL EVENT OUTDOOR LIQUOR LICENSE; AND (C) REQUEST TO CLOSE A PORTION OF ST. GERMAIN STREET FOR COWBOY JACKS IN ORDER TO HOST A BEANBAG TOURNAMENT TO BE HELD ON ST. GERMAIN STREET IN CONJUNCTION WITH THE CAN-AM GAMES ON JUNE 29, 2012.**

Gregg Engdahl, City Clerk, gave a brief overview and recommended approval pending receipt of favorable reviews from the Health, Legal, Planning, Fire and Building Safety offices. Bill Mund, Fire Chief, addressed the City Council on the upcoming events. Council President Libert opened the public hearing. No one testified. Council President closed the public hearing. Berg/Goerger moved approval pending reviews. Motion carried unanimously.

23. **RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATER, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2012 TO JUNE 30, 2013.**

Gregg Endahl, City Clerk, gave a brief overview and recommended approval pending any contingencies as noted. Council President Libert opened the public hearing. No one testified. Council President closed the public hearing. Masters/Goerger moved approval pending contingencies. Motion carried unanimously.

24. **APPLICATIONS FOR (A) THE TRANSFER OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FROM RAE, LLC DBA CASH WISE LIQUOR 250 33RD AVENUE SOUTH TO RAE, LLC DBA PAYLESS LIQUOR AND (B) THE ISSUANCE OF A TOBACCO LICENSE FOR PAYLESS LIQUOR, 3316 WEST DIVISION STREET, SUITE 200.**

Gregg Endahl, City Clerk, gave a brief overview and recommended approval pending receipt of the following items: Final approval from the Health Department; Issuance of a certificate of occupancy from Building Safety; Proof of Worker's compensation

insurance; and proof of liquor liability coverage. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Johnson/Gohman moved approval with items mentioned. Motion carried unanimously.

25. **AN ORDINANCE AMENDING SECTION 700:15 OF THE 2007 CODE OF ORDINANCES, ENTITLED “PARKING METER ZONE.”**

Steve Foss, City Engineer, presented the ordinance. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Goerger/Masters moved approval. Motion carried unanimously. Ordinance was assigned number 2529.

26. **AN ORDINANCE ADOPTING SECTION 301:00 OF THE 2007 CODE OF ORDINANCES ESTABLISHING A BUILDING APPEALS BOARD.**

Matt Glaesman, Community Development Director, gave an overview of the Ordinance. Council President Libert opened the public hearing. The following individuals testified:

Cara Ruff Executive Director of Independent Lifestyles. She offered suggestions for the Ordinance dealing with accessibility and building code. They are requesting the proposed ordinance reflect the state language.

Amy Diedrich 6248 Savannah Ct. Ms. Diedrich is on the St. Cloud Regional Human Rights board. She requested that accessibility be considered.

John Wertz 816 River Rd. Mr. Wertz has a great concern about the makeup of the board.

Council President Libert closed the public hearing. Hontos/Goerger moved approval. Hontos/Goerger moved friendly amendment that two citizen members with knowledge of building code or accessibility issues be included on the committee. Motion to amend carried unanimously. Original motion as amending carried unanimously. Ordinance was assigned number 2530.

Open Discussion:

- Councilmember Hontos brought forward an item titled 'Build It in St. Cloud' which is in regard to an incentive program for new single family homes. Goerger/Gohman moved to have this brought forward at the June 4, 2012 City Council meeting in Ordinance form setting a public hearing. Motion carried unanimously.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:42 p.m.

City Council President

John Libert

Jennifer Burrows, Recording Council Secretary