

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

September 10, 2012

1. Following the Pledge of Allegiance, a Special meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 10, 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 (arrived at 6:05 p.m.), Goerger, Gohman, Hontos, Johnson, Libert, and Masters.

Special Recognition:

4. **INTRODUCTION OF JARROD WIGGINS, PRESIDENT OF SCSU STUDENT GOVERNMENT.**

Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **A) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 6, 2012.** ACTION TAKEN: Approved.
B) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 20, 2012. ACTION TAKEN: Approved.
7. **CONFIRM MAYOR'S APPOINTMENTS AND RE-APPOINTMENT TO THE WHITNEY SENIOR CENTER ADVISORY BOARD.** ACTION TAKEN: Approved the appointments of Doris Deml, Perry Rollings, Jean Weitzel, Halima Hussein and John Moline to their first terms to commence immediately and expire March 31, 2014; and approved the reappointment of Joan Thralow to her second term to commence immediately and expire March 31, 2015.

8. **RESOLUTION SETTING DECEMBER 3 FOR THE PUBLIC HEARING ON THE 2013 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY. ACTION TAKEN:** Approved. Resolution was adopted and assigned number 2012-9-123.
9. **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF ITS HEALTH CARE REFUNDING REVENUE BONDS, SERIES 2012 ON BEHALF OF CENTRACARE HEALTH SYSTEM, AUTHORIZING AN INDENTURE OF TRUST, LOAN AGREEMENT AND ANCILLARY DOCUMENTS RELATING TO SAID BONDS AND CITY'S HEALTH CARE REVENUE BONDS, 2008D (CENTRACARE HEALTH SYSTEM PROJECT), AND AUTHORIZING OTHER ACTION TO BE TAKEN WITH RESPECT TO THE ISSUANCE, SALE AND DELIVERY OF THE SERIES 2012 BONDS. ACTION TAKEN:** Approved. Resolution was adopted and assigned number 2012-9-124.
10. **APPLICATION FOR AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR WAL-MART STORES, INC. DBA WAL-MART STORE #3088 FOR AN ESTABLISHMENT TO BE LOCATED AT 3601 2ND STREET SOUTH. ACTION TAKEN:** Public hearing was set for September 24, 2012.
11. **APPLICATION FROM BIOLOGY 701, LLC FOR THE FOLLOWING ITEMS TO BE USED IN CONJUNCTION WITH A BLOCK PARTY ON SEPTEMBER 23, 2012 FROM 4 P.M. TO MIDNIGHT AT 701 ST. GERMAIN STREET:**
 - A) **EXEMPTION FROM THE CITY'S NOISE ORDINANCE.**
 - B) **REQUEST FOR STREET CLOSING.**
 - C) **SPECIAL EVENT OUTDOOR LIQUOR SALES PERMIT.****ACTION TAKEN:** Approved with conditions as noted.
12. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE PENDING A SATISFACTORY INSPECTION BY THE HEALTH & INSPECTIONS DEPARTMENT FOR RACHEL JEANNE BREHMER DBA HANDS OF LIFE, 13**

21ST AVENUE SOUTH, ST. CLOUD. ACTION TAKEN: Approved.

13. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE PENDING A SATISFACTORY INSPECTION BY THE HEALTH & INSPECTIONS DEPARTMENT FOR HEATHER CAPRICE HARTNECK, 2019 1ST STREET NORTH, ST. CLOUD.** ACTION TAKEN: Approved.
14. **RESOLUTION APPROVING THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2011 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER).** ACTION TAKEN: Public hearing was set for September 24, 2012.
15. **RESOLUTION ACCEPTING BID FOR THE RIVERSIDE SANITARY SEWER SIPHON REHABILITATION PROJECT AND 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 2012-17.** ACTION TAKEN: Approved. Resolutions were adopted and assigned numbers 2012-9-125 and 2012-9-126.
16. **A RESOLUTION AMENDING THE HIGHWAY 15 PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO PERMIT CONSTRUCTION OF A 13,350 SQ. FT. STRUCTURE OFFERING RESIDENTIAL SERVICES FOR THE CHILD AND ADOLESCENT SERVICES BUILDING. (LOCATION: 1900 CENTRACARE CIRCLE, 1564 & 1586 COUNTY ROAD 134, 3820 COUNTY ROAD 120, AND 4200 WHITE DRIVE) (DPA-2012-01).** ACTION TAKEN: Public hearing was set for September 24, 2012.
17. **A RESOLUTION AMENDING THE CHILDREN'S HOME RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO CONSTRUCT A NEW BUILDING REPLACING THE EXISTING SECURE MENTAL HEALTH TREATMENT PROGRAM FOR AT-RISK ADOLESCENTS**

AT 1726 7TH AVENUE SOUTH AND 375 16TH STREET SOUTH (DPA-2012-02).
ACTION TAKEN: Public hearing was set for September 24, 2012.

18. **AN ORDINANCE VACATING A SEGMENT OF A 12' WIDE UTILITY EASEMENT CENTERED ON THE LOT LINE BETWEEN LOTS 5 AND 6, BLOCK 1, J.R. ACRES, LOCATED AT 1815 38TH STREET SOUTH. (VAC-2012-04).** ACTION TAKEN: Reading and public hearing were set for September 24, 2012. Assigned proposed ordinance number 2012-17.
19. **RESOLUTION APPROVING THE REQUEST TO REVOKE THE CONDITIONAL USE PERMIT ASSOCIATED WITH PROPERTY PURCHASED FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-9-127.
20. **RESOLUTION APPROVING THE HIGH BID RECEIVED FROM TED PROM FOR A FIVE YEAR RENTAL OF CROPLAND PARCELS ON ST. CLOUD REGIONAL AIRPORT PROPERTY.** ACTION TAKEN: Item was withdrawn by Administration.
21. **APPROVE AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) WILDLIFE SERVICES (WS) RELATING TO THE WILDLIFE HAZARD ASSESSMENT AND MANAGEMENT PLAN FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Hontos/Masters moved approval. Motion carried unanimously.
22. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT BETWEEN THE STATE OF MINNESOTA AND THE CITY OF ST. CLOUD FOR FINANCIAL ASSISTANCE RELATED TO THE RUNWAY GUARD LIGHTS – CONSTRUCTION, MASTER PLAN UPDATE – PHASE 2, RUNWAY 5/23 RECONSTRUCTION – DESIGN AND WILDLIFE HAZARD ASSESSMENT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2012-9-128.

The item was brought forward by Gerald Kaeter, Assistant Director of Operation and Maintenance. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Goerger/Johnson moved to table item to the September 24, 2012 City Council meeting to allow for accounts to be paid and the updated list presented. Motion to table carried unanimously.

25. **CONSIDERATION OF CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2013.**

Item was withdrawn by Administration.

26. **CONSIDERATION OF CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.**

Lisa Schreifels, Health Director, presenting the charges to the Council. Council President Libert opened the public hearing. The following individual testified:

Curtis Wood

927 8th Ave. N. Mr. Wood received a citation for not attending rental class. He owns a rental but he does not rent it out and feels he should not have to attend class for this reason.

Council President Libert closed the public hearing. Ms. Schreifels noted a letter on the dais from a Carrie Schreier asking that her citations be dismissed. Hontos/Berg moved to table the item to the September 24, 2012 City Council meeting to allow for accounts to be paid and the updated list presented. Motion to table carried unanimously.

27. **CONSIDERATION OF CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.**

Lisa Schreifels, Health Director, presented the charges. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Berg/Johnson moved to table the item to the September 24, 2012 City Council meeting to allow for accounts to be paid and the updated list presented. Motion to table carried

unanimously.

28. **CONSIDERATION OF CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.**

Lisa Schreifels, Health Director, presented the charges to the council. Council President Libert opened the public hearing. No one testified. Council President Libert closed the public hearing. Goerger/Masters moved to table the item to the September 24, 2012 City Council meeting to allow for accounts to be paid and the updated list presented. Motion to table carried unanimously.

29. **CONSIDERATION OF RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 2 FOR 2011 PUBLIC IMPROVEMENTS.**

John Norman, Finance Director, presented the improvements. Council President Libert opened the public hearing. The following individual testified:

Dennis Beattie 1821 Maple Lane; Mr. Beattie has a question about property he purchased that had been re-assessed. He doesn't feel he should be held responsible for these.

The Administration is in the process of looking into Mr. Beattie's request. Council President Libert closed the public hearing. Hontos/Goerger moved to table the item to the September 24, 2012 City Council Meeting. Motion carried unanimously.

30. **A) AN ORDINANCE AMENDING CHAPTER 1005 OF THE 2007 CODE OF ORDINANCE ENTITLED "PUBLIC NUISANCES AFFECTING HEALTH AND SAFETY" BY AMENDING SECTION 1005:60 ENTITLED "ENFORCEMENT." AND B) AN ORDINANCE AMENDING CHAPTER 1100 OF THE 2007 CODE OF ORDINANCES ENTITLED "ADMINISTRATIVE ENFORCEMENT BY THE SCHEDULE OF CIVIL FINES FOR VIOLATIONS OF SECTION 1005."**

Matt Glaesman, Community Development Director, gave a brief overview of the ordinances. Council President Libert opened the public hearing. No one testified.

Council President Libert closed the public hearing. Gohman/Berg moved approval of both Items A and B. Motion carried unanimously. Item A was assigned Ordinance number 2536. Item B was assigned Ordinance number 2537.

New Business:

31. **RESOLUTION ADOPTING THE PRELIMINARY TAX LEVY AND BUDGET FOR THE 2013 GOVERNMENTAL FUNDS.**

Mayor Kleis gave a brief overview. Berg/Goerger moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2012-9-132.

32. **RESOLUTION AUTHORIZING A TAX LEVY FOR THE ST. CLOUD ECONOMIC DEVELOPMENT AUTHORITY FOR PAYMENT IN 2013.**

Goerger/Hontos moved approval of the item. Motion carried unanimously. Resolution was adopted and assigned number 2012-9-129.

33. **RESOLUTION AUTHORIZING A TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PAYMENT IN 2013.**

Goerger/Gohman moved approval of the item. Motion carried unanimously. Resolution was adopted and assigned number 2012-9-130.

New Business:

34. **RESOLUTION ESTABLISHING PARKING RESTRICTIONS ALONG THE CSAH 75 WEST FRONTAGE ROAD.**

Steve Foss, City Engineer, presented the parking restrictions. Hontos/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2012-9-131.

Open Discussion:

- Mayor Kleis announced that there will be a 9/11 event at the Police Station at 4:30 p.m.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:36 p.m.

City Council President
John Libert

Jennifer Burrows, Recording Council Secretary