

## CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

SEPTEMBER 24, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September, 24, 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 with inclusion of two items under Open Discussion: Dave Masters added a topic regarding an appeal of a ZBA decision and George Hontos added a request pertaining to the new police chief.

5. **RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY, CASUALTY, AUTOMOBILE AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD OF OCTOBER 1, 2012 TO SEPTEMBER 30, 2013.** ACTION TAKEN: Hontos/Berg moved approval of the resolution. Bob Mahowald of Mahowald Insurance gave a brief overview regarding the insurance renewals and spoke to reasons for the League of Minnesota Cities' premium increases. The motion unanimously carried. Resolution adopted and assigned number 2012-9-133.

6. **APPLICATION FOR AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR WAL-MART, INC. DBA WAL-MART STORE #3088, 3601 2ND STREET SOUTH.** ACTION TAKEN: Approved.

7. **APPLICATIONS FOR LICENSE TO SELL TOBACCO FOR WAL-MART STORES, INC. FOR THE MAIN STORE #3088 AND OFF-SALE LIQUOR STORE BOTH LOCATED AT 3601 2ND STREET SOUTH.** ACTION TAKEN: Approved.

8. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR TRI-COUNTY ABSTRACT AND TITLE GUARANTY, INC. FOR A CUSTOMER APPRECIATION PARTY TO BE HELD ON OCTOBER 11TH AT 122 12TH AVENUE NORTH.** ACTION TAKEN: Approved.

9. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF \$740,000 GENERAL OBLIGATION REFUNDING TAX INCREMENT BONDS, SERIES 2012A.** ACTION TAKEN: Resolution adopted and assigned number 2012-9-134.

**10. RESOLUTION AUTHORIZING ISSUANCE AND SALE OF \$4,565,000 GENERAL OBLIGATION INFRASTRUCTURE MANAGEMENT FUND REFUNDING BONDS, SERIES 2012B.** ACTION TAKEN: Resolution adopted and assigned number 2012-0-135.

**11. AUTHORIZATION TO PURCHASE EMERGENCY MEDICAL SERVICES (EMS) RESPONSE EQUIPMENT.** ACTION TAKEN: Approved.

**12. RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF RELEASES AND RELATED DOCUMENTS CONCERNING THE DONLIN COMPANY.** ACTION TAKEN: Resolution adopted and assigned 2012-9-136.

**13A. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH ST. CLOUD FIREFIGHTER'S ASSOCIATION, LOCAL 1712.** ACTION TAKEN: Resolution adopted and assigned number 2012-9-137.

**13B. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH AFSCME COUNCIL 65, LOCAL 748 "GENERAL UNIT."** ACTION TAKEN: Resolution adopted and assigned number 2012-9-138.

**14. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MOSS AND BARNETT FOR LEGAL SERVICES RELATING TO THE CHARTER COMMUNICATIONS CABLE FRANCHISE RENEWAL PROCESS.** ACTION TAKEN: Hontos/Goerger moved approval of the resolution as submitted. Hontos referenced the September Study Session when discussion was held about completing the "scope of work" and conducting a customer survey. City Attorney Matt Staehling reported that audit reports and other results would be available within the next few months. The motion unanimously carried. Resolution adopted and assigned number 2012-9-139.

**15. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH DISTRICT 165 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS.** ACTION TAKEN: Resolution adopted and assigned number 2012-9-140.

**16. RESOLUTION AUTHORIZING A COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN THE CITIES OF ST. CLOUD AND ST. AUGUSTA FOR WATER SERVICE CONNECTION IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2012-9-141.

17. **RESOLUTION APPROVING TEMPORARY EXCAVATION PERMIT FOR THE EXTRACTION OF GRANULAR MATERIAL AND PROCESSING OF RECLAIMED CONCRETE AT 23735 COUNTY ROAD 75. (TEP-2012-01) ACTION TAKEN:** Resolution adopted and assigned number 2012-9-142.

18. **RESOLUTION ACCEPTING THE HIGH BID RECEIVED FROM TED PROM FOR A FIVE-YEAR RENTAL OF CROPLAND ON ST CLOUD REGIONAL AIRPORT PROPERTY. ACTION TAKEN:** Resolution adopted and assigned number 2012-9-143.

**OPEN FORUM:**

No one spoke.

**PUBLIC HEARINGS:**

19. **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.** Council City Clerk Gregg Engdahl reported that all department reviews were received and favorable for the off-sale liquor license. Council President Libert opened the public hearing. The following person spoke:

**Sarah Klein**, 3600 W. St. Germain, #315 She introduced herself as the General Manager of the new Wal-Mart establishment.

There being no one else wishing to speak, the public hearing was closed. Councilmember Goerger noted that the Council received one email from a neighboring business (Main Prairie Auto) concerned that the Wal-Mart Liquor store could have a negative effect on the other liquor stores in the immediate area. Goerger/Masters moved approval of the Off-Sale Intoxicating Liquor License for Wal-Mart Store #3088 located at 3601 2<sup>nd</sup> Street South. The motion unanimously carried.

20. **RESOLUTION APPROVING THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2011 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER).** Community Development Director Matt Glaesman expressed kudos to City staff members Tammy Campion and DeAnna Fah for their good work on the CDBG program. Senior Planner Tammy Campion gave a brief overview of the activities/projects that are receiving

PY2011 CDBG funding for the PY2011 CAPER reporting period of July 30, 2011 to June 30, 2012. She also spoke to the use of 2010 carryover funds. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Berg/Goerger moved approval of the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-144.

**21. 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).**

Community Development Director Matt Glaesman explained that the applicant's request is to construct a 13,350 sq.ft. building that could house up to 25 children/adolescents who were receiving treatment at Clara's House. The clients would be limited to a maximum stay of up to three months. The Planning Commission recommended approval. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Goerger/Berg moved approval of the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-145.

**22. 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)**

Community Development Director Matt Glaesman explained that the applicant (Catholic Charities on behalf of the Diocese of St. Cloud) requested to construct a new building at the St. Cloud Children's Home. Currently there are six cottages on site, one being the Residential Intensive Treatment Cottage that is a secure mental health treatment program for at-risk adolescents. That cottage now houses 9 children. The applicant intends to construct a new building on site that would include 16 beds in the secured mental health treatment program. The change to the PUD site plan is limited to the building addition. The Planning Commission recommended approval. Council President Libert opened the public hearing. The following individuals spoke:

**Steven P. Bresnahan**, Executive Director of Catholic Charities, 911 18<sup>th</sup> Street N.; spoke in support of the request. He gave a brief history of the St. Cloud Children's Home, which has been in existence since 1924. Catholic Charities has operated secure programming at the St. Cloud Children's Home and also in Fergus Falls for many years. In 2006 Fergus Falls built a new state-of-the-art facility for secure programming and it has been successful. The St. Cloud building will be modeled after the Fergus Falls facility. He explained that all of the clients served have a diagnosed mental illness and the secure program provides a safe environment for the student and provides for 24-hour staff on site.

**Tim Lieser**, Catholic Charities Director of Residential and Day Services; spoke in support of the conditional use permit to allow the Children's Home Residential Planned Unit Development (PUD) to construct the new building for the secure mental health based treatment program for at-risk adolescents at the St. Cloud Children's Home. He explained the types of mental disorders the adolescents may have and said that this new cottage would house boys and girls ages 12-18 with 16 single-occupancy rooms. The 9 children currently housed in a similar cottage would be transferred into this new facility. The location of the new building will be within the boundaries of the PUD. He further spoke to the successful therapy and education provided to the students.

**Terri Bixby**, 2012 7<sup>th</sup> Avenue South; explained that the Children's Home is in her backyard. She suggested that the clients have severe problems and are runaway children. She also spoke to the area where the parking lot was repaved and now she gets the melted snow runoff on her yard. She spoke in opposition to the request.

**Dr. Jon Meier**, 2000 7<sup>th</sup> Avenue South; read into the record a petition signed by 14 residents/neighbors that states, "We Petition that the St. Cloud Children's Home not be allowed to establish or enlarge a "locked ward" in our neighborhood." (Said document was submitted and is on file in the Planning office.)

**Carisa Bordthausen**, 824 Hawthorn Street, Red Wing; spoke about her positive experience as a past resident of the Children's Home. She spent 14 months at the facility in a locked unit and said she found comfort and hope through the program. She enjoyed the outdoor setting at the Home---the peacefulness, the horses, the walks in the woods. She was proud that she was able to gain mental strength and move into an open unit and eventually return to her home and family in June 2010.

**Walter Bordthausen**, 824 Hawthorn Street, Red Wing; stated that as Carissa's father and a family man, he wanted to express his sincere gratitude and appreciation for the program at the Children's home. While Carisa spent 14 months in a locked unit in 2008/2009, he was able to visit her along with his younger son, and as a family they successfully healed together.

There being no one else wishing to speak, Council President Libert closed the public hearing. Ex. Director Bresnahan displayed the schematic site plan/design of the new building that was

designed by Hagemeister Mack Architects. He also confirmed that in the past five years only one male resident had fled the facility and it was simply to climb a tree. Once the boy accomplished that feat, he returned to the Home. It was also noted that Bishop John F. Kinney, Diocese of St. Cloud, resides at the site. A brief Council discussion followed with positive comments about the Home and its successful programs. It was moved by Masters, seconded by Goerger, to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-146.

**22A. 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).**

Community Development Director Matt Glaesman reported that the request is straight forward, although unique. A home was built 40 years ago in the township across a platted lot line that was lined by public drainage and utility easements. The bank that owns the property is looking to clear the title. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Gohman, seconded by Johnson, to adopt the ordinance as submitted. The motion unanimously carried. The adopted resolution was assigned number 2538.

**OLD BUSINESS:**

**23. RESOLUTION CERTIFYING DELINQUENT UTILITY BILLS TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2013.**

City Clerk Gregg Engdahl stated that of the 795 delinquent accounts submitted at the public hearing on August 20, 2012, fourteen accounts were paid current leaving the delinquent accounts certification totaling \$414,195.52. Gohman inquired about linking delinquent utility accounts to issuance of rental licenses. Hontos said he has spoke to the subject of linkage for six years. Health Director Lisa Schreifels responded that currently the two are not linked. City Administrator Mike Williams said the topic of Rental Licenses will be addressed at the October 15 Study Session. In the interim staff will check on the legality and computer capability of linking utility billing with the rental license application process. It was moved by Berg, seconded by Goerger, to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-147.

**24. RESOLUTION CERTIFYING DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.** City Engineer

Steve Foss said that six delinquent accounts representing \$810.00 remain unpaid and no one has contested the snow removal charges. It was moved by Berg, seconded by Masters, to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-148.

25. **RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL 2 FOR 2011 PUBLIC IMPROVEMENTS.** City Engineer Steve Foss reported that the one contested parcel - Lot 2, Block 3, Oakwood Heights Plat 6, has been removed from the list. The 11 remaining parcels are not being contested. It was moved by Goerger, seconded by Masters, to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-149.

26. **RESOLUTION CERTIFYING DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.** Health Director Lisa Schreifels said that 57 citation charges totaling \$13,350 remain unpaid. Staff provided correspondence regarding the two accounts that were contested. Goerger felt the citation charges were fair. Health Director Schreifels said that the citation process has been a successful tool to bring property owners into compliance. It was moved by Masters, seconded by Johnson, to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-150.

27. **RESOLUTION CERTIFYING DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.** Health Director Lisa Schreifels said that 18 accounts totaling \$2,442.95 remain unpaid on weed removal and grass mowing. It was moved by Masters, seconded by Goerger, to approve the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-151.

28. **RESOLUTION CERTIFYING DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2013.** Health Director Lisa Schreifels said that 22 accounts totaling \$9,589.92 remain unpaid. She noted that staff did provide updated correspondence regarding one contested nuisance abatement charge for property at 4300 Clearwater Road. She confirmed all nuisance abatements are health and safety related. It was moved by Goerger, seconded by Masters, to approve the

resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-9-152.

**NEW BUSINESS:**

29. **RESOLUTION REVOKING PARKING RESTRICTIONS ALONG THE WEST SIDE OF 30TH AVENUE NORTH FROM 1ST STREET NORTH SOUTH TO ALLEY ENTRANCE.** City Engineer Steve Foss said the City received a petition to remove the parking restrictions along the west side of 30<sup>th</sup> Avenue North from 1<sup>st</sup> Street North south to the alley entrance. Currently there is no parking 8 a.m. to 5 p.m. Monday thru Friday posted in that area. It was moved by Goerger, seconded by Johnson, to approve the resolution to revoke the parking restrictions. The motion unanimously carried. The adopted resolution was assigned number 2012-9-153.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Masters reported that the St. Cloud Historic & Neighborhood Preservation Association (SCH&NPA) is asking the City Council to reconsider the September 18th ZBA decision that approved David Gaida's request for 8 variances to change the use of his property into an eight bedroom lodging house on the South Side of St. Cloud (520 8<sup>th</sup> Avenue S.). Community Development Director Matt Glaesman reviewed the proper procedure to follow should the Council decide to reconsider the ZBA's decision. It was then moved by Masters, seconded by Goerger, to reconsider the Zoning Board of Appeals' decision of September 18<sup>th</sup> and place the issue on the October 8, 2012 City Council agenda. The motion unanimously carried.

Councilmember Hontos suggested it would be beneficial for the Council to meet and confer with new Police Chief Blair Anderson on current public safety issues. It was moved by Hontos, seconded by Gohman, that administration invite Chief Anderson to an upcoming Study Session. The motion unanimously carried.

Mayor Kleis announced that the League of Women Voters will be conducting a legislative forum on September 25 at 7 p.m. in the Council Chambers for the State legislature candidates of Senate District 14 and House Districts 14A and 14B. He also encouraged attendance at the



*Conversation on Race* event October 3, 2012 at the Rivers Edge Convention Center. The featured speaker will be Susan Brower, the new state demographer.

**ADJOURNMENT:**

There being no further business to discuss, Council President Libert adjourned the meeting at 7:35 p.m.

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City Council President John Libert

Respectfully submitted by

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Sandy Hilsgen  
Recording Council Secretary