

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

JANUARY 7, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on January 7, 2013, 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: Jeff Goerger, Nancy Gohman, George Hontos, Jeff Johnson, John Libert, Dave Masters, and newly-elected Council member Carol Lewis.

4. OATH OF OFFICE.

Finance Director John Norman administered the Oath of Office to Mayor Dave Kleis. Mayor Dave Kleis then administered the Oath of Office to At-Large Council members Jeff Goerger, George Hontos, and Carol Lewis.

5. ELECTION OF CITY COUNCIL PRESIDENT AND VICE PRESIDENT.

Councilmember Johnson nominated Jeff Goerger to serve as President. Councilmember Lewis nominated Dave Masters to serve as President. Both nominees accepted the nomination. The ballots were cast and Jeff Goerger was elected City Council President by a vote of 4 – 1 with Gohman, Hontos, Johnson and Libert voting for Jeff Goerger and Carol Lewis voting for Dave Masters. Both Goerger and Masters abstained.

Councilmember Hontos nominated John Libert to serve as Vice President. Councilmember Lewis nominated Dave Masters to serve as Vice President. Both nominees accepted the nomination. The ballots were cast and John Libert was elected City Council Vice President by a vote of 4 -1 with Goerger, Gohman, Hontos, and Johnson voting for John Libert and Carol Lewis voting for Dave Masters. Both Libert and Masters abstained.

6. APPOINTMENT OF CITY COUNCIL RECORDING SECRETARIES.

It was moved by Councilmember Gohman, seconded by Councilmember Hontos, to appoint Jennifer Burrows and Sandy Hilsgen to serve as the City Council Recording secretaries. The motion unanimously carried.

SPECIAL RECOGNITION:

7. Mayor Dave Kleis presented the **2012 Reflection of the Year Award** to the “CAN-AM POLICE-FIRE GAMES – St. Cloud Organizers, Volunteers, and Participants.” The Executive Board members who were in attendance accepted the award.

CONSENT AGENDA:

8. **APPROVAL OF AGENDA.** ACTION TAKEN: Councilmember Lewis suggested a formal vote be taken to approve the consent agenda. It was moved by Lewis, seconded by Masters, to approve the consent agenda by a formal vote. The motion failed by a 2-5 vote with Goerger, Gohman, Hontos, Johnson and Libert voting against. The following two items were added under Open Discussion: An update on the 33rd Street/CSAH 75 project requested by Hontos and discussion on the starting time of City Council meetings requested by Lewis.

9. **APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 3, 2012.** ACTION TAKEN: Approved.

10. **RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 28, 2013, ON THE ISSUANCE OF HEALTH CARE FACILITIES REVENUE REFUNDING OBLIGATIONS AND AUTHORIZING THE PUBLICATION OF A NOTICE OF THE HEARING (OPPORTUNITY MATTERS PROJECT).** ACTION TAKEN: Gohman removed this item for separate discussion. Finance Director John Norman explained that he was notified that the borrowers decided to pull two of the project cities (Sauk Centre and Minden Township) from the refunding, which necessitated revisions to the Notice of Hearing and the resolution. The documents were updated accordingly. It was moved by Gohman, seconded by Libert, to adopt the resolution calling for a public hearing on January 28, 2012. The motion unanimously carried.

11. **APPLICATION FOR A TOBACCO LICENSE FOR JAMEN LLC DBA SCHMIDTY'S BK, 4325 CLEARWATER ROAD.** ACTION TAKEN: Approved.

12. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE AGING SERVICES DEPARTMENT AT THE WHITNEY SENIOR CENTER FOR A DINNER TO BE HELD ON FEBRUARY 1, 2013.** ACTION TAKEN: Approved .

13. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF SARTELL FOR LEGAL SERVICES IN 2013; AND A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF ST. JOSEPH FOR LEGAL SERVICES IN 2013.** ACTION TAKEN: Resolutions adopted and assigned number 2013-01-02 and 2012-01-03 respectively.

14. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, LOCAL #33, PATROL OFFICERS.** ACTION TAKEN: Resolution adopted and assigned number 2012-01-04.

15. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE ST. CLOUD FIRE OFFICER'S ASSOCIATION, LOCAL 1712-S, FIRE SUPERVISORS. ACTION TAKEN: Resolution adopted and assigned number 2013-01-05.

16. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH AFSCME COUNCIL 65, ASSISTANT CITY ATTORNEYS. ACTION TAKEN: Resolution adopted and assigned number 2013-01-06.

17. REGIONAL LOGGER PARTICIPATION AGREEMENT WITH THE CENTRAL MINNESOTA EMERGENCY SERVICES BOARD AND THE CITY OF ST. CLOUD. ACTION TAKEN: Approved.

18. APPLICATIONS FOR RENEWAL OF SPECIAL PARKING ZONE PERMITS FOR 2013. ACTION TAKEN: Approved.

19. RESOLUTION SETTING PUBLIC HEARING FOR JANUARY 28, 2013, TO CONSIDER SPECIAL ASSESSMENT ROLL 1 FOR 2012 PUBLIC IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2013-01-07.

20. RESOLUTION ADOPTING THE NATIONAL BIOSOLIDS PARTNERSHIP'S CODE OF GOOD PRACTICES FOR THE CITY'S BIOSOLIDS MANAGEMENT PROGRAM. ACTION TAKEN: Councilmember Hontos pulled item for a separate discussion. Public Services Director Pat Shea gave a brief overview of the program. The City of St. Cloud's program will be the second program certified in Minnesota. It was moved by Hontos, seconded by Johnson, to adopt the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2013-01-08.

21. PROFESSIONAL SERVICES AGREEMENT TO COMPLETE A HYDROELECTRIC GENERATION FACILITY ENERGY IMPROVEMENT STUDY. ACTION TAKEN: Approved.

22. AN ORDINANCE AMENDING SECTION 553:40 OF THE 2007 CODE OF ORDINANCES ESTABLISHING A TEMPORARY REDUCTION IN BUILDING FEES FOR SINGLE-FAMILY HOME CONSTRUCTION. ACTION TAKEN: A reading and public hearing was set for January 28, 2013. (Proposed Ordinance 2013-1)

23. APPROVAL OF THE STATEMENT OF JOINT OBJECTIVES BETWEEN THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) AND THE CITY OF ST. CLOUD FOR LAW ENFORCEMENT AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Councilmember Hontos pulled this item for separate discussion. St. Cloud Regional Airport Director Bill Towle commented on the TSA requirements and confirmed that "overtime costs" incurred by city staff would be paid for by the city. It was moved by Hontos,

seconded by Gohman, to approve the Joint Objectives Agreement as submitted. The motion unanimously carried.

24. **RESOLUTION CALLING FOR PUBLIC HEARINGS ON JANUARY 28, 2013, RELATING TO AN APPLICATION TO THE MINNESOTA INVESTMENT FUND AND RELATED LOAN AND RELATING TO BUSINESS SUBSIDIES; ALL REGARDING A PROPOSED PROJECT BY GERINGHOFF MANUFACTURING, LLC AND RELATED COMPANIES.** ACTION TAKEN: Resolution adopted and assigned number 2013-01-09.

24A. **AMENDMENT TO THE JOINT RESOLUTION OF THE CENTRAL MINNESOTA CITIES OF ST. CLOUD, SARTELL, SAUK RAPIDS, WAITE PARK, ST. JOSEPH, AND ST. AUGUSTA ADVOCATING SUPPORT FOR CERTAIN LEGISLATIVE ISSUES AND PROPOSALS OF COMMON INTEREST OR CONCERN (RESOLUTION 2012-12-175 ADOPTED ON DECEMBER 3, 2012).** ACTION TAKEN: Approved an Amendment to Resolution 2012-12-175 by adding: ITEM 17. Amendment to the MN Statute 429 – support legislation to modify MN Statute 429 requiring assessing 20% of the cost to utilize bonding without referendum and adding language to provide a meaningful method to determine benefit from replacing underground infrastructure.

OPEN FORUM: GARY MARKFORT, 728 - 8TH AVENUE SE; suggested that when notification of public hearings are mailed out, the city should include the website link for the agenda item so that the public can go directly to the link to view all the documents, etc. pertaining to the public hearing.

PUBLIC HEARINGS:

25. **RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN TO CHANGE THE PROPERTIES AT 3153, 3163, & 3225 COUNTY ROAD 74 FROM OFFICE/BUSINESS PARK AND HIGH DENSITY MIXED RESIDENTIAL TO COMMERCIAL. (LOCATION: 3153, 3163, & 3225 COUNTY ROAD 74) (CPA-2012-02)** Community Development Director Matt Glaesman gave a brief overview of the proposed amendment to the Comprehensive Plan for the property owned by Jubilee Worship Center and in response to a future 33rd Street S. and TH 15 interchange. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Gohman, seconded by Libert, to adopt the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2013-01-10.

26. **ORDINANCE VACATING A 10' WIDE BY 50' LONG SEGMENT OF A 15' WIDE UTILITY EASEMENT THAT RUNS PARALLEL TO WESTERN PROPERTY LINE OF LOT 2, BLOCK 1, KAPS ADDITION, LOCATED AT 2109 PLEASANT AVENUE. (VAC-**

2012-06) Community Development Director Glaesman gave a brief overview of the applicant's (John Pfeffer) request to construct a detached garage adjacent to his rear property line. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Masters, seconded by Johnson, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2545.

27. **RESOLUTION ORDERING 8TH AVENUE S.E. AREA IMPROVEMENTS.** City Engineer Steve Foss gave an overview of the proposed neighborhood revitalization project for 8th Avenue S.E. from 7th Street S.E. to University Drive S.E. He stated that the total project cost is \$2,323,369 with assessments being \$656,443, leaving a net City cost of \$1,666,926. He noted that a petition was signed by the majority of the neighborhood to remove the sidewalk from the project. He said that although the sidewalk is not desirable, it is practicable and feasible, and it should be determined which side it fits best (east side would be 7th Street to 11th Street and the west side would be 11th Street to 15th Street) or portions of sidewalk on both sides. No assessments will be charged to the property owners for new sidewalk installation; however, property owners must maintain the sidewalk. There would be assessment costs to those property owners who have existing sidewalk replaced. Council President Goerger opened the public hearing. The following people spoke:

Gil Otto, 1217 8th Avenue SE; spearheaded the neighborhood petition against the sidewalk installation. He listed his reasons for being against sidewalk installation as follows: very limited traffic on this street because it is a dead end; sidewalk cleaning falls on residents and would be a hardship; possible need to remove trees, bushes, flower beds, all that have beautified the boulevard for many years; existing underground water sprinklers; walkers usually go to Kilian Blvd to walk because they look at the flower gardens.

Connie Pelzer, 1311 8th Avenue SE; city staff surveyed the area in December during a snowstorm and those photos don't show the beautiful bushes and flower beds of summertime. She was concerned about the proposed assessment costs and spoke against the entire improvement project.

James LeTendre, 1427 8th Avenue SE; stated that he agreed with both previous speakers.

Roy Wendland, 802 8th Avenue SE; stated that he agreed with all previous speakers.

Jodi Gertken, 1272 Huntington Drive, Sartell; BLEND Coordinator at CentraCare Health Foundation; spoke in favor of the sidewalk installation as it follows the Complete Streets Policy adopted by the City of St. Cloud in November 2011 and promotes safety in neighborhoods for future generations.

Gary Markfort 728 8th Avenue SE; agree with the previous speakers and suggested that if sidewalks go in, to put them on the west side as there are only six homes on that side. **His wife Anne spoke:** she disagreed with her husband and said there should be no sidewalks on either side. The trees in the area are drought-stricken and the root system has been stressed for five years. She spoke in opposition to the whole project.

Scott Polesak, 912 8th Avenue SE, has existing sidewalk and felt it wasn't fair to be charged for new sidewalk when the other residents wouldn't be charged for new sidewalk. He asked for fairness by not being assessed for such sidewalk improvements.

Bill Molitor, 1002 8th Avenue SE, said that there is no need for sidewalk in the area.

Lori Russell, 901 8th Avenue SE; asked for an addition to the project to include surfacing the alley between 8th and 9th Street SE between Kilan Blvd and 8th Avenue as it is in poor condition.

Nicholas Snavely, 805 17th Street SE; stated that he prefers to bike rather than drive to work. His son was recently hit by a vehicle while he was walking on a sidewalk. He spoke to the importance of safe routes for all. He suggested that a citizen advisory committee be formed to help the Complete Streets/Safe Routes move forward and to have necessary signage placed throughout the city.

Connie Pelzer, 1311 8th Avenue SE; asked if the dirt alleys were listed within the improvement project. (City Engineer Steve Foss responded in the affirmative.) She asked that her alley be left alone as it is in good condition. She noted that there is only one alley that is in poor condition.

LaVonna Sherarts, 20 17th Avenue S.; she said that alleys aren't safe as the public use them as streets.

Richard Studer, 718 15th Street SE; said he didn't want to offend anyone, but felt his neighbors were wrong in refusing the sidewalk. He said sidewalks are important for safety reasons and for future resale value of the neighborhood homes.

There being no one else wishing to speak, the public hearing was closed. Council discussion ensued. Councilmember Lewis supported sidewalk installation but suggested installation on one side of the street only. She also suggested that snow removal assistance for residents is available by contacting churches and local volunteer services. She asked staff to look at minimal tree removal and to look into not charging residents for new sidewalk if they have existing sidewalk.

City Engineer Foss confirmed that sidewalk could be installed on just one side and spoke to the importance of having sidewalks in the community. Councilmember Hontos asked which side city staff would choose to install the sidewalk. City Engineer Foss said he'd review the area, but felt the east side might be the best fit. Staff, however, would report back to the Council with the final layout. A brief discussion was held regarding the dirt alleyways with regard to proposed costs for paving. After discussion, Councilmember Lewis moved to amend the original motion to include that sidewalk be installed on only one side of the street. Masters seconded the amendment motion. The Council asked that dialogue continue with the neighborhood as design plans progress. The amendment motion then carried by a vote of 4-3 with Gohman, Hontos and Johnson voting against. The original motion as amended failed by a roll call vote of 4-3 with Gohman, Hontos, and Johnson voting against. (Six affirmative votes needed per MN Statutes Chapter 429.031).

28. **AN ORDINANCE TO CREATE A CONVENTION CENTER ADVISORY COMMITTEE**. City Administrator Mike Williams explained that Venue Works completed its assessment of the convention center and one of its recommendations was to create a seven-member advisory board with duties to review the financial reports, the operations, and the marketing plan with the St. Cloud Convention and Visitor's Bureau for the River's Edge Convention Center. Council President Goerger opened the public hearing. The following person spoke:

Teresa Bohnen, President of the St. Cloud Chamber of Commerce, 110 6th Avenue S.; she stated that the Chamber and the CVB Advisory Boards support the proposed ordinance. She asked for two additions to the document for clarification/legal purposes. In Section 280:05. Composition of the Board, Subd. 2, she asked that the last sentence read: *The Mayor may assign a member of the City Administration and a member of the St. Cloud Area Chamber of Commerce Convention and Visitors Bureau as an ex-officio, non-voting members of the Board.* And, under Section 280:10. Duties., Subd. 3, Marketing, she asked that the sentence read: *The Board shall study and review the annual marketing plan with the St. Cloud Area Chamber of Commerce Convention and Visitor's Bureau and advise the Mayor on marketing strategies.* She felt the changes were necessary as the CVB works under the corporation of the Chamber of Commerce.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Masters, to approve the ordinance as submitted.

Councilmember Hontos encouraged administration to find qualified, experienced people to serve on the committee. Mayor Kleis asked that the Council consider adding a Sunset Provision of two years so that there is an opportunity to review the effectiveness of the ordinance. It was moved by Libert, seconded by Masters, to amend the motion to include a 24-month sunset provision to the ordinance (from the date of adoption). The amendment motion unanimously carried. Then the original motion as amended unanimously carried. The adopted Ordinance was assigned number 2546.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos asked about the status of the 33rd Street S./CSAH 75 project. City Engineer Foss responded that an Open House Informational meeting is scheduled for Tuesday, January 8, 2013, from 3:30 p.m.- 6:00 p.m. in the City Council Chambers. A report will be provided to the City Council at the next regular meeting scheduled for January 28, 2013.

Councilmember Lewis requested discussion at a future Study Session about changing the start time of the City Council meetings from 6 p.m. to 7 p.m. and made a motion accordingly. The motion died for a lack of a second.

Mayor Kleis announced that the Minnesota legislative session in St. Paul begins Tuesday, January 8, 2013. He intends to travel to Washington D.C. to lobby our federal legislators on January 14 & 15.

Mayor Kleis announced that City Administrator Michael Williams has received his doctorate degree. Kudos were extended to Michael Williams Ph.D.

ADJOURNMENT:

There being no further business to discuss, Council President adjourned the meeting at 8:06 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary