

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

January 28, 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 28, 2013 at 6 p.m. in the City Council Chambers.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Goerger, Gohman, Hontos, Johnson, Lewis, Libert, and Masters.

Consent Agenda: (Lewis/Libert moved approval of the Consent Agenda. Motion carried unanimously.)

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.

5. **APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 17, 2012.** ACTION TAKEN: Approved.

6. **APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON JANUARY 7, 2013.** ACTION TAKEN: Approved.

7. **CONFIRM MAYOR’S APPOINTMENT TO THE PLANNING COMMISSION.** ACTION TAKEN: Confirmed Mayor’s appointment of Dennis Ballantine to a term to commence immediately and expire April 30, 2014.

8. **CONFIRM MAYOR’S APPOINTMENT TO THE PARK AND RECREATION BOARD.** ACTION TAKEN: Confirmed Mayor’s appointment of Jennifer Foley to her first term to commence immediately and expire June 30, 2015.

9. **RENEWAL OF AMUSEMENT CENTER, AMUSEMENT DEVICE, BOWLING ALLEY, PAWN SHOP, POOL TABLE, PREMISE GAMBLING PERMITS, SKATING AND TOBACCO LICENSES FOR THE PERIOD 1-1-13 TO 12-31-2013.** ACTION TAKEN: Gohman/Libert moved approval. Motion carried unanimously.

10. **A) RESOLUTION ADOPTING THE STIPLUATION BETWEEN THE CITY OF ST. CLOUD AND THE T. CLOUD TOBACCO SHOP REGARDING A TOBACCO VIOLATION OF SECTION 424 OF THE ST. CLOUD CODE OF ORDINANCES. ACTION TAKEN: Approved. Resolution adopted and assigned number 2013-1-11.**
- B) RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND THE ELECTRIC FETUS REGARDING A TOBACCO VIOLATION OF SECTION 424 OF THE ST. CLOUD CODE OF ORDINANCES. ACTION TAKEN: Approved. Resolution adopted and assigned number 2013-1-12.**
11. **A) RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND BIOLOGY 701 REGARDING INTOXICATION LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-1-13.**
- B) RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND MT'S ON 8TH REGARDING INTOXICATION LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-1-14.**
- C) RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND SOUTHWAY BOWL REGARDING INTOXICATION LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-1-15.**
- D) RESOLUTOIN ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND THE MUNICIPAL ATHLETIC COMPLEX REGARDING INTOXICATION LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES. ACTION TAKEN: Goerger/Lewis moved approval.**

Motion carried unanimously. Resolution was adopted and assigned number 2013-1-16.

E) RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND SHOOTER'S SALOON AND EATERY REGARDING INTOXICATION LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-1-17.

F) RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND RJ'S AMERICAN GRILL REGARDING INTOXICATION LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-1-18.

12. **RESOLUTION ADOPTING THE STEARNS COUNTY ALL HAZARD MITIGATION PLAN.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-1-19.

13. **BEAVER ISLAND TRAIL PHASE 3 PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENT.** ACTION TAKEN: Hontos/Masters moved approval. Councilmember Hontos expressed concern that the final design was never approved. Scott Zlotnik noted that the design was approved on February 2009. After some discussion the motion was approved 5-2; Councilmembers Hontos and Johnson voted against.

14. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE TASERS FROM TASER INTERNATIONAL FOR THE ST. CLOUD POLICE DEPARTMENT.** ACTION TAKEN: Johnson/Lewis moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2013-1-20.

15. **REQUEST TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH CAVANMOR, LLP TO PERMIT PRIVATE PARKING ON A PORTION OF EXCESS 1ST STREET SOUTH RIGHT-OF-WAY.** ACTION TAKEN: Approved.

16. **SET A PUBLIC HEARING TO CONSIDER THE BEAVER ISLAND TRAIL PHASE 4 IMPROVEMENTS.** ACTION TAKEN: Public hearing was set for February 25, 2013.
17. **RESOLUTION AUTHORIZING THE SUBMITTAL OF A SAFE ROUTES TO SCHOOL GRANT APPLICATION FOR THE OAK HILL COMMUNITY SCHOOL. AREA SIDEWALK/TRAIL IMPROVEMENTS.** ACTION TAKEN: Masters/Lewis moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2013-1-21.

Open Forum:

No one testified.

Public Hearings:

18. **RESOLUTION GIVING HOST APPROVAL TO THE ISSUANCE OF A SERIES 2013 HEALTH CARE FACILITIES REVENUE REFUNDING NOTE UNDER MINNESOTA STATUTES, SECTION 469.152 THROUGH 469.1651.**
John Norman, gave a brief overview of the resolution. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed the public hearing. Gohman/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2013-1-22.
19. **A) RESOLUTION REGARDING THE AUTHORIZATION AND APPROVAL FOR AN ECONOMIC DEVELOPMENT PROGRAM INCLUDING A MN INVESTMENT FUND APPLICATION, GRANT AGREEMENT AND FORGIVABLE LOAN IN CONNECTION WITH GERINGHOFF MANUFACTURING LLC PROJECT; AND
B) RESOLUTION SUPPORTING THE USE OF TAX EXEMPTIONS AND TAX CREDITS WITHIN THE DONLIN COMPANY SUBZONE FOR GERINGHOFF MANUFACTURING LLC AND GERINGHOFF DISTRIBUTION LLC.**

Mike Williams, City Administrator, presented the items. Council President Goerger opened the public hearing on both items. No one testified. Council President Goerger closed the public hearing. Libert/Masters moved approval of item A. Motion carried unanimously. Resolution was adopted and assigned number 2013-1-23. Masters/Gohman moved approval of item B. Motion carried unanimously. Resolution was adopted and assigned number 2013-1-24.

20. **CONSIDERATION OF RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 1 FOR 2012 PUBLIC IMPROVEMENTS.**

Steve Foss, City Engineer presented the improvements for approval. Council President Goerger opened the public hearing on following improvements:

- **2011-18 Central Business District Sidewalk Condemnation** – no one testified.
- **Project 2012-04 – 25th Avenue from T.H. 23 to 2nd Street South Improvements – Phase 2** – no one testified.
- **Project 2012-07 – 10th Avenue North Area Improvements – Phase 3** – no one testified, however, there were two letters on the dais. The first letter from Harry E. Burns spoke in opposition to the assessment and notification that he is appealing the assessment. The second letter from a Steve Buklovich which requested a reduction in his assessment.
- **Project 2012-11 – Lenzmeier Addition Improvements** – no one testified.
- **Project 2012-49 – Recertified Assessments** – no one testified.
- **Project 2012-50 – Miscellaneous Assessment Agreements** – no one testified.

Council President Goerger closed the public hearing. Libert/Lewis moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2013-1-25.

21. **AN ORDINANCE AMENDING SECTION 553:40 OF THE 2007 CODE OF ORDINANCES ESTABLISHING A TEMPORARY REDUCTION IN BUILDING FEES FOR SINGLE FAMILY HOME CONSTRUCTION.**

Mike Williams, City Administrator, gave a brief overview of the ordinance. Council President Goerger opened the public hearing. The following individual testified:

Matt Hall Representative from Mathew Hall Lumber spoke in support noting that the program helps builder and the businesses that work for them.

Council President Goerger closed the public hearing. Hontos/Gohman moved approval to extend the program for six months, beginning March 1, 2013 and last for six month and be limited to 30 permits, with 15 of those permits reserved for foreclosed lots. In addition, the ordinance will be revisited before 6 months expire in the event that the 30 permits are absorbed beforehand. Councilmember Libert expressed his concerns about the limitations of this program. After lengthy discussion the motion carried 5-2; Councilmembers Libert and Masters voted against. Ordinance was assigned number 2547.

Old Business:

22. **REPORT REGARDING 33RD STREET SOUTH RECONSTRUCTION PROJECT (CSAH 75 TO SOUTHWAY DRIVE).**

Steve Foss, City Engineer, gave a brief report on the project. There was no Council action taken.

23. **ADD ON BY COUNCILMEMBER HONTOS - RECONSIDERATION OF THE 8TH AVENUE SE NEIGHBORHOOD IMPROVEMENTS.** Hontos/Lewis moved to reconsider the 8th Avenue SE Neighborhood Improvements what were denied at the January 7, 2013 meeting. Motion to reconsider carried unanimously. Councilmember Hontos met with some of the neighborhood and feels that the Council should revisit the improvements as presented by staff on 1/7/13. Hontos/Johnson moved approval of the original proposal as presented on January 7, 2013 including the sidewalk. Motion carried 6-1 by roll call vote; Councilmember Gohman voted against. Resolution was adopted and assigned number 2013-1-26.

Open Discussion:

- Councilmember Goerger requested adding items to the Study Session. Goerger/Libert moved approval of adding the Sidewalk Policy and the Complete

Streets Policy to a Study Session agenda. Motion carried unanimously.

Adjournment: There being no further business to discuss the meeting was adjourned at 8:43 p.m.

City Council President
Jeff Goerger

Jennifer Burrows, Recording Council Secretary