

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

April 22, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on April 22, 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:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 25, 2013.** REQUESTED ACTION: Approved.
6. **CONFIRM MAYOR'S REAPPOINTMENTS TO THE WHITNEY SENIOR CENTER ADVISORY BOARD.** ACTION TAKEN: Approved. Kurt Hunstiger, Susan Smith, and Roger Melaas were appointed to second terms to commence immediately and expire March 31, 2016.
7. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY FOR AN EVENT TO BE HELD AT THE KIEHLE VISUAL ARTS CENTER GALLERY DECK ON MAY 20, 2013.** ACTION TAKEN: Approved.
8. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR BLIZZARD HOSPITALITY CORP (JOSEPH JOHN KUCAN III), DBA BIOLOGY, 701 ST. GERMAIN STREET.** ACTION TAKEN: Public hearing was set for May 6, 2013.
9. **RESOLUTION REGARDING CLASSIFICATION OF TAX FORFEITED LAND.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-4-53.
10. **(A) APPROVE A REQUEST FOR THE ST. CLOUD GRANITEMAN TRIATHLON FROM GRANITEMAN EVENTS INCORPORATED, AND (B) APPROVE AN EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE.** ACTION TAKEN: Johnson/Masters moved approval. Motion carried unanimously.
11. **(A) APPROVE A REQUEST FOR THE ART FAIR IN THE GARDENS SPECIAL EVENT FROM THE MUNSINGER CLEMENS BOTANICAL SOCIETY; (B)**

- APPROVE THE APPLICATION FOR EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE; AND (C) APPROVE A ONE DAY TEMPORARY ON-SALE LIQUOR LICENSE. ACTION TAKEN:** Items A, B, and C were approved.
12. **(A) APPROVE A REQUEST FOR THE 3RD ANNUAL SUMMERTIME BY GEORGE FESTIVAL FROM THE ST. CLOUD ROTARY CLUB; AND (B) PROVIDE AN AUTOMATIC EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE; AND (C) APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE. ACTION TAKEN:** Items A, B, and C were approved.
 13. **CITY OF ST. CLOUD EMERALD ASH BORER PREPAREDNESS AND MANAGEMENT PLAN. ACTION TAKEN:** Approved.
 14. **REQUEST APPROVAL OF AMENDMENT #3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES. ACTION TAKEN:** Approved.
 15. **REQUEST APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES RELATED TO THE SEWER INTERCEPTOR SYSTEM (SIS) PHASE IV PROJECT. ACTION TAKEN:** Approved.
 16. **ORDINANCE REZONING PROPERTIES LOCATED AT 1000 AND 1010 9TH AVENUE SOUTH FROM C2, NEIGHBORHOOD COMMERCIAL DISTRICT AND RSA, GENERAL RESIDENTIAL AND LODGING HOUSE DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD). ACTION TAKEN:** Reading and public hearing set for May 6, 2013. Assigned proposed ordinance number 2013-06.
 17. **ORDINANCE AMENDING ARTICLE 4 – LAND USE APPLICATIONS AND ENFORCEMENT, SECTION 4.2 – VARIANCE, D., 2., TO INCLUDE WINDOW WELL SETBACKS FOR POTENTIAL ADMINISTRATIVE VARIANCES AND ARTICLE 15 – ON-SITE DEVELOPMENT STANDARDS, SECTION 15.5 – ACCESSORY STRUCTURES AND USES, TO CLARIFY THE ACCESSORY STRUCTURE REQUIREMENT OF THE LAND DEVELOPMENT CODE. ACTION TAKEN:** Reading and public hearing set for May 6, 2013.
 18. **10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS – PHASE 4, CONTRACT 2013-03:**
 - A) RESOLUTION ACCEPTING LOW BID FOR 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS – PHASE 4 IMPROVEMENTS, CONTRACT 2013-03. ACTION TAKEN:** Approved. Resolution adopted and assigned number 2013-4-54.
 - 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 2013-03. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-4-55.

19. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR MAY 6, 2013, TO CONSIDER 2013 BITUMINOUS RESURFACING IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-4-56.
20. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR MAY 6, 2013, TO CONSIDER CLEARWATER ROAD REALIGNMENT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-4-57.
21. **APPROVAL OF TASK ORDER #12 OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC. AND THE CITY OF ST. CLOUD TO PROVIDE DESIGN SERVICES FOR A STORAGE HANGAR AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Hontos/Gohman moved approval. Motion carried unanimously.

Open Forum:

1. Cara Ruff, 2002 7th St. N. – Ms. Ruff addressed the Council on behalf of the Regional Human Rights Commission. She thanked the Mayor and the City for inviting other cities to participate in the commission at no cost.

Public Hearings:

22. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR SHORT STOP RESTAURANTS, INC., DBA SHORT STOP RESTAURANT, 3701 3RD STREET NORTH.**
Gregg Engdahl, City Clerk, gave a brief overview and noted that it has been reviewed by the Planning, Legal, Police, Fire, and Health Departments and recommended for approval pending receipt of a certificate of liquor liability insurance. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed the public hearing. There was some discussion on how the Police Department would conduct compliance checks on this business since they did not have a restaurant in this location. The business would need to let the Police Department know when they are catering an event. Libert/Masters moved approval. Motion carried unanimously.
23. **RESOLUTION APPROVING THE 2013 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN FOR YEAR FOUR USE OF FUNDS FOR THE CITY OF ST. CLOUD'S 2013 CDBG PROGRAM YEAR.**
Mayor Kleis gave a brief introduction. Matt Glaesman, Community Development

Director, presented the resolution and noted that *Preserving Us, Inc. – Garfield School* withdrew their application. This means that the recommendation as presented now has \$100,000 that needs to be redistributed. Council President Goerger opened the public hearing. The following individuals testified:

Cara Ruff 2002 7th St. N., Sartell – Executive Director of Independent Lifestyles. She commended the City for providing funding for accessibility Program noting that 20% of the population has disabilities.

Ken Barry Mr. Barry spoke on behalf of residents of the Quarry Heights Apartments and requested approval of funding for apartments with wheel chair accessibility.

Amy Diedrich 6428 Savannah Court. Ms. Diedrich spoke in support of funding for better accessibility in the city for those with disabilities.

Anne Redetzke 1012 13th Ave. NE, St. Joseph. Ms. Redetzke is a disability rights activist and supports making the downtown as accessible as possible.

Scott Anderson 203 N. Cooper Ave. Executive Director of the Central Youth for Christ. He thanked the City for considering their proposal for new HVAC system.

Louise Reis Executive Director of the HRA. Ms. Reis spoke of the need for funding of the HRA – SF Housing Rehab.

Council President Goerger closed the public hearing. There was much discussion on the proposal and where to allocate the remaining \$100,000. Lewis/Johnson moved to table the item until April 29, 2013 in order to discuss the choices at a Study Session. Motion failed 2-5; Councilmembers Goerger, Gohman, Hontos, Libert and Masters voted against. Gohman/Hontos moved approval of the resolution as presented. Gohman/Hontos moved to amend the resolution and give an additional \$75,000 to the HRA-SF Housing Rehab and \$25,000 to the Whitney Senior Center application (which was not in the original recommendation). Motion carried 6-1; Councilmember Johnson voted against. Matt Glaesman noted that in regard to the Downtown Council Program *Adapting for Access*, the Planning Commission felt that the Downtown Council Association needs to take some ownership. The City Council expressed concern about funding the program. Councilmember Hontos commented that the owners of the properties should have some buy-in or investment in the program. Other options such as a revolving loan were also suggested. Masters/Hontos moved approval of allocating \$50,000 to the Downtown Council Accessibility Program with the stipulation that they must develop plan/criteria which they must bring back to Council for approval. Motion carried unanimously. The original motion as amended (including additional amount to HRA and dollars to Whitney Senior Center) and with the stipulation that the Downtown Council Accessibility Program must come back to the City Council to approve a plan/criteria before they are allocated dollars. Motion carried unanimously. Resolution was adopted and assigned

number 2013-4-58.

Open Discussion & Announcements:

- Councilmember Hontos requested discussion on the budget in regard to the Inspection Department. During the last budget cycle the City Council asked the Administration to look into hiring a half time or full time inspector in the Inspections Department. After further discussion the City Council allowed the Administration to come forward with a plan that will cover the inspection work without hiring anyone. Councilmember Hontos is requesting this report or plan. Mayor Kleis noted that there will be a report coming.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:25 p.m.

City Council President
Jeff Goerger

Jennifer Burrows, Recording Council Secretary