

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

May 20, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 20, 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 MEETINGS HELD APRIL 22, 2013 AND MAY 6, 2013.** REQUESTED ACTION: Approved.
6. **CONFIRM MAYOR'S APPOINTMENT AND REAPPOINTMENTS TO THE ST. CLOUD POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Approved the appointment of Alec Elness to his first term to commence immediately and expire April 30, 2016; and the reappointments of Mike Landy and Icephine Johnson to terms to commence immediately and expire April 30, 2016.
7. **CONFIRM MAYOR'S RESPPPOINTMENT TO THE PLANNING COMMISSION.** ACTION TAKEN: Confirmed the reappointment of Emil Radaich to his second term to commence immediately and expire April 30, 2018.
8. **CONFIRM MAYOR'S REAPPOINTMENTS TO THE TRANSPORTATION INFRASTRUCTURE ADVISORY BOARD.** ACTION TAKEN: Confirmed the reappointments of Brian Alsaker and Tama Theis to second terms to commence immediately and expire on April 30, 2016.

9. **CONFIRM MAYOR'S APPOINTMENT TO THE HOUSING AND REDEVELOPMENT AUTHORITY BOARD.** ACTION TAKEN: Lewis/Gohman moved approval of appointing Anab Dahir to her first term to commence immediately and expire on October 31, 2014. Motion carried unanimously.
10. **APPROVAL OF JOB DESCRIPTION FOR THE PARK & RECREATION DEPARTMENT OFFICE SUPERVISORY POSITION.** ACTION TAKEN: Approved.
11. **APPROVAL OF SENIOR APPRAISER JOB DESCRIPTION.** ACTION TAKEN: Approved.
12. **APPLICATION FOR A) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE; AND B) AND EXPANSION OF THE LIQUOR SERVICE AREA FOR AN EVENT TO BE HELD JUNE 27 FROM 6 TO 10 P.M. IN THE GREEN MILL PARKING LOT.** ACTION TAKEN: Approved.
13. **APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR BLIZZARD HOSPITALITY CORP., DBA BIOLOGY, 701 WEST ST. GERMAIN, SUITE 100.** ACTION TAKEN: Councilmember Lewis held this item over to the June 10, 2013 City Council meeting.
14. **BEAVER ISLAND TRAIL PHASE 4 IMPROVEMENTS.** ACTION TAKEN: Approved.
15. **DIOCESE PARK COMMUNITY GARDENING SITE AGREEMENT WITH THE CENTRAL MINNESOTA SUSTAINABILITY PROJECT.** ACTION TAKEN: Approved.
16. **APPROVAL OF EMERGENCY MANAGEMENT JOINT POWERS AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND STEARNS COUNTY.** ACTION TAKEN: Approved.

17. **ACCEPT A SCORE GRANT FROM BENTON COUNTY IN THE AMOUNT OF \$10,000 FOR THE TRANSITION TO CARTS/SINGLE SORT RECYCLNG.**  
ACTION TAKEN: Approved.
18. **RESOLUTION ACCEPTING LOW BID FOR THE HYDROELECTRIC GENERATION FACILITY TRANSITION WALL REHABILITATION PROJECT, CONTRACT 2013-17.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-5-64.
19. **RESOLUTION AMENDING THE DISTRICT SQUARE PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A 43,000 SQ. FT. OFFICE BUILDING. (LOCATION: 628 ROOSEVELT ROAD).** ACTION TAKEN: Public hearing was set for June 10, 2013.
20. **ORDINANCE VACATING A 30' WIDE DRAINAGE AND UTILITY EASEMENT THAT BISECTS LOT 1, BLOCK 1, DISTRICT SQUARE PLAT TWO. (LOCATION: 622,626, 630, AND 632 ROOSEVELT ROAD).** ACTION TAKEN: Reading and public hearing were set for June 10, 2013. Assigned proposed ordinance number 2013-08.
21. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT THAT IS CENTERED ON THE COMMON PROPERTY LINE BETWEEN LOTS 3 AND 5, BLOCK 5, SOMMERSBY PLAT 2.** ACTION TAKEN: Reading and public hearing were set for June 10, 2013. Assigned proposed ordinance number 2013-09.
22. **RESOLUTION ESTABLISHING THE DOWNTOWN ACCESSIBILITY IMPROVEMENT PROGRAM.** ACTION TAKEN: Hontos/Johnson moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2013-5-65.
23. **WASHINGTON MEMORIAL DRIVE IMPROVEMENTS, CONTRACT 2013-02:**  
**A) RESOLUTION ACCEPTING LOW BID FOR WASHINGTON MEMORIAL DRIVE IMPROVEMENTS, CONTRACT 2013-02, S.A.P. 162-123-011.**

**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 2013-02, S.A.P. 162-123-011.**

ACTION TAKEN: Approved. A) Resolution was adopted and assigned number 2013-5-66. B) Resolution was adopted and assigned number 2013-5-67.

24. **REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR EVENING CONSTRUCTION ON THE 9<sup>TH</sup> AVENUE NORTH BITUMINOUS RESURFACING IMPROVEMENTS.** ACTION TAKEN: Approved.
25. **REQUEST FOR LOADING ZONE PERMIT IN THE DOWNTOWN METERED AREA AT 19 7<sup>TH</sup> AVENUE SOUTH.** ACTION TAKEN: Approved.
26. **RESOLUTION RELATING TO PARKING RESTRICTIONS ON 9<sup>TH</sup>/10<sup>TH</sup> AVENUE NORTH FROM ST. GERMAIN STREET TO 4<sup>TH</sup> STREET NORTH.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-5-68.
27. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 202 4<sup>TH</sup> AVENUE NE.** ACTION TAKEN: Approved.
28. **A) AN ORDINANCE AMENDING CHAPTER 5, SECTION 500, OF THE 2007 CODE OF ORDINANCES ENTITLED, “FEES, CHARGES AND RATES ESTABLISHED.**  
**B) AN ORDINANCE REPEATING CHAPTER 5, SECTION 545, OF THE 2007 CODE OF ORDINANCES, ENTITLED “CIVIC CENTER RATES, FEES AND CHARGES ESTABLISHED.”**
- ACTION TAKEN: Libert/Masters moved to set readings and public hearings on both ordinances for June 10, 2013. Motion carried unanimously. A) Assigned proposed ordinance number 2013-10. B) Assigned proposed ordinance number 2013-11.

**Open Forum:**

Cheney Heiniemi, 2060 15<sup>th</sup> St. N.; Thanked the City Council and the City for the work that has been done in the City of St. Cloud (library, police station, etc.). He did, however, express a concern about the pond at Lake George. He stated that there are some jagged rocks around the pond and are a hazard for children. The item was forwarded to Administration.

**Public Hearings:**

29. **APPLICATION FOR RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2013 TO JUNE 30, 2014.**

Gregg Engdahl, City Clerk, presented the application and recommended approval with conditions and the exceptions of McRudy's Pub and Rum Runners Spirits & Brew Club. He also recommended that a separate public hearing be set for these establishments. City Council President Goerger opened the public hearing. No one testified. City Council President Goerger closed the public hearing. Masters/Gohman moved approval with the exceptions of McRudy's Pub and Rum Runners Spirits & Brew Club. Goerger/Libert moved to remove item 8 (Wine & 3.2% Combination) – The Noodle Shop Co-Minnesota, Inc. from the list due because of a conflict of interest City Council President Goerger has from this establishment. Motion carried unanimously. The original motion as amended carried unanimously. Johnson/Lewis moved approval of item 8 (Wine & 3.2% Combination) – the Noodle Shop Co-Minnesota Inc. Motion carried 6-0-1; City Council President Goerger abstained. Gohman/Masters moved to set a public hearing for June 24, 2013 on the applications of McRudy's Pub and Rum Runners Spirits & Brew Club. Motion carried unanimously.

30. **CONSIDERATION OF RESOLUTION ORDERING 33<sup>RD</sup> STREET SOUTH AND FRONTAGE ROAD IMPROVEMENTS BETWEEN CSAH 75 AND SOUTHWAY DRIVE.**

Steve Foss, City Engineer, presented the improvements. City Council President Goerger opened the public hearing. The following individuals testified:

Denis Gregory, 1045 33<sup>rd</sup> St. S. – Mr. Gregory bought the vacant building originally owned by Weeres. He stated that his assessments were approximately \$84,000 and that this was feasible. They are in favor of the overall project but object to the amount of the assessment.

Mark Bragelman, 1667 Highland Trail – Mr. Bragelman, President of Liberty Savings Bank, expressed concern about the limited access that he will have to his business. He currently needs an easement from his neighbor. They do support the project in the event that they have an easement and access to their property.

Ron Morton, 509 Brook Lane – Mr. Morton is owner of Plum Creek Office condos. His concern was in regard to the assessments of approximately \$63,000 which he finds to be very high. He also mentioned that the main access point is now at the back of their building which makes it less accessible.

Murray Mack, 2772 Park Drive – Mr. Mack is owner of Plum Creek Office condos and he expressed his concern about their main access point for the building. He also questioned whether there was a landscape plan for the area.

City Council President Goerger closed the public hearing. Mr. Foss also noted a letter from Ron Morton opposing the assessment amount and added it to the record. Mr. Foss noted that assessments rates have not gone up. They are the standard rate, however, due to inflation; the rates seem higher than noted in 2006/2007. There was some discussion among the City Council on the level of assessments. Mr. Foss noted that 85% of the assessments are paid by Federal, State, and local funds. The remaining 15% of assessments are met by the property owner. He also noted that all properties will be assessed but at 50% of the standard rate. Councilmember Hontos has an issue with some of the assessments feeling that they are high. Councilmembers Lewis and Masters also expressed concern that these assessments could cause a hardship for these businesses. Mr. Foss noted that this resolution orders the improvements, however, there will be an additional public hearing to levy the actual assessments. He also noted that it is most likely that the amount that these property owners will receive for taking of their property will exceed the amount they will pay in assessments. Hontos/Masters moved approval of the resolution. Motion carried unanimously by roll call vote. Resolution was adopted

and assigned number 2013-5-69.

**Open Discussion & Announcements:**

- The City Council expressed an interest of having the Assessment Policy discussed at a Study Session. Hontos/Masters moved to have this on a Study Session agenda on July 24, 2013. Motion carried unanimously.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 7:15 p .m.

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City Council President

Jeff Goerger

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Jennifer Burrows, Recording Council Secretary