

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

August 26, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 26, 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.

Special Recognition:

4. **Recognition of Monumental Sales for its generous donation of granite markers (international flags) for World Market Heritage Corner, 525 St. Germain St. W.** The Mayor recognized Dave Fish and his staff for their donation. Currently there are 61 countries' flags displayed.

Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 26, 2013.** REQUESTED ACTION: Approved.
7. **APPLICATION FOR AN EXEMPTION FROM THE NOISE ORDINANCE FOR GREEN MILL FOR AN EVENT TO BE HELD ON SEPTEMBER 27, 2013 AT THE LOWER KELLY INN PARKING LOT.** ACTION TAKEN: Lewis/Gohman moved approval. Motion carried unanimously.
8. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR SPICYCRABN'CRAWFISH, LLC (SOMPHONE SYTHONGKHAM) DBA SPICYCRABN'CRAWFISH, 3320 3RD STREET NORTH.** ACTION TAKEN: Public hearing was set for September 9, 2013.

9. **APPLICATION FOR 1) EXEMPTION FROM THE CITY’S NOISE ORDINANCE; 2) SPECIAL EVENT OUTDOOR SALES OF LIQUOR; 3) BLOCK PARTY/PARADE PERMIT; AND 4) REQUEST TO CLOSE 7TH AVENUE NORTH FROM WEST ST. GERMAIN STREET TO THE ALLEY NORTH FOR BLIZZARD HOSPITALITY CORP. DBA BIOLOGY 701, WEST ST. GERMAIN. (ALL PERMITS ARE FOR A PRIDE BLOCK PARTY TO BE HELD ON SEPTEMBER 21 FROM NON TO MIDNIGHT).** ACTION TAKEN: Lewis/Masters moved approval as recommended by staff – deny requests for Friday, September 20 outdoor seating and race events and approve permits related to Saturday, September 21 events. Motion carried unanimously.
10. **RESOLUTION APPROVING EXTENSION OF TEMPORARY EXCAVATION PERMIT FOR THE EXTRACTION OF GRANULAR MATERIAL AND PROCESSING OF RECLAIMED CONCRETE AT 23735 COUNTY ROAD 75 (TEP-2013-01).** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-8-118.
11. **A) ORDINANCE AMENDING CHAPTER 8, SECTION 810 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED “INTOXICATING LIQUOR” BY ADDING A NEW SUBDIVISION 9 ENTITLED “BREWERY/TAPROOM LICENSE” AND A NEW SUBDIVISION 10 ENTITLED “CONSUMPTION AND DISPLAY “BOTTLE CLUB” PERMITS”.**
B) ORDINANCE AMENDING CHAPTER 5, SECTION 511 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED “LIQUOR LICENSING FEES”.
C) APPLICATION FOR A CONSUMPTION AND DISPLAY PERMIT FOR LILY’S WINGS AND THINGS, INC. DBA LILY’S WINGS AND THINGS, 2106 8TH STREET NORTH.
 ACTION TAKEN: Readings and public hearings were set for September 9, 2013. Item A was assigned proposed ordinance number 2013-17. Item B was assigned proposed

ordinance number 2013-18.

12. **BUILDING SECURITY ENHANCEMENTS.** ACTION TAKEN: Approved.
13. **RESOLUTION APPROVING THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2012 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER).** ACTION TAKEN: Public hearing was set for September 23, 2013.
14. **ORDINANCE VACATING A 5' WIDE DRAINAGE AND UTILITY EASEMENT ALONG THE NORTHWESTERN AND SOUTHWESTERN LOT LINES OF LOT 1, BLOCK 1, DESIGN ELECTRIC ADDITION. (LOCATION: 4807 HEATHERWOOD ROAD).** ACTION TAKEN: Reading and public hearing were set for September 9, 2013. Assigned proposed ordinance number 2013-19.
15. **RESOLUTION APPROVING MNDOT AGREEMENT NO. 04438 FOR TURNBACK OF A PORTION OF T.H. 23 FRONTAGE ROAD BETWEEN 19TH AND 21ST AVENUE NORTH.** ACTION TAKEN: Approved 6-0; Councilmember Libert abstained. Resolution was adopted and assigned number 2013-8-119.
16. **2013 SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT – PHASE 4:**
 - A) **RESOLUTION ACCEPTING BID FOR 2013 SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT – PHASE 4.**
 - 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 2013-19.** ACTION TAKEN: Approved. Item A was adopted and assigned number 2013-8-120. Item B was adopted and assigned number 2013-8-121.
17. **REQUEST TO PURCHASE AN AUTOMATED RECYCLE TRUCK, BODY AND**

ANCILLARY EQUIPMENT. ACTION TAKEN: Approved.

18. **AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND THE FEDERAL AVIATION ADMINISTRATION.** ACTION TAKEN: Approved.

Open Forum:

No one testified.

Public Hearings:

19. **CONSIDERATION OF AN ORDINANCE AMENDING SECTION 570 OF THE 2007 CODE OF ORDINANCES ENTITLED “CITY REFUSE, RECYCLING AND RUBBISH COLLECTION AND DISPOSAL CHARGES.”**

Pat Shea, Public Services Director, presented the ordinance. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed the public hearing. Gohman/Libert moved approval. Motion carried unanimously. Ordinance was assigned number 2562.

20. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR MMRB, LLC DBA THE PICKLED LOON, 715 WEST ST. GERMAIN.**

Gregg Engdahl, City Clerk, presented the application and noted that the City Attorney and the Police Department recommend denial. In addition the Building Safety and Planning Department are fine with approval and the Health Department recommended that the license be withheld until a walk in cooler is replaced. In addition, the City Clerk noted that the following (which were required for approval) have been received: proof of worker’s compensation insurance, liquor liability insurance, and a local phone number. Council President Goerger opened the public hearing. The following individuals testified:

- Reggie Fraley 16633 277th St., Cold Spring, MN. Mr. Fraley is the Business Project Manager and is representing MMRB, LLC – Christopher Jost, Michael Ahrens, Rhiannon Johnson, and Michale Illies. He spoke of the team/business and requested approval. He noted that they will have a 6 month lease in order to show financial stability and then hope to buy the property. He also mentioned that the group has been working with the Chamber of Commerce and the Downtown Council.
- Christopher Jost 2000 Prospect Dr. NE. Mr. Jost is one of the four applicants. He was employed by the Red Carpet for 10 years. He noted that the businesses current plan is to focus on food and attract older adults, rather than be a college bar. He also talked about the staff that they planned to hire. He stated that they would like to create an establishment similar to the White Horse.
- Eric Peterson 724 9th Ave. S. Mr. Peterson is the President of Student Government at St. Cloud State University. He spoke in opposition to the application noting the concern for the safety of students.
- Joe Voege 125 3th Ave. N. Mr. Voege is a member of the St. Cloud Neighborhood Coalition. He spoke in support of the application and stated the importance of having another business downtown instead of an empty building.

Council President Goerger closed the public hearing. There was lengthy discussion among the Council which centered on the concern that there was the involvement of previous operators of McRudy's. Councilmembers expressed the concern that as manager of McRudy's, Michael Ahrens was responsible for what happened there. Mr. Ahrens is designated as one of the liquor service managers and was employed by McRudy's since 2002. Councilmembers Masters and Lewis suggested that the applicants meet with Administration and work on some of the issues raised and perhaps the City could look at granting a provisional license for six months. However, other Councilmembers are concerned that there isn't enough separation from the owners of McRudy's and there is nothing stopping these applicants from running an establishment

just as it was once the license was approved. Masters/Hontos moved approval of the application. Motion failed unanimously.

Open Discussion:

- Councilmember Johnson requested that a meeting with District 742 and Superintendent Jett and School Board Chair Mohs be added to the City Council Study Session agenda. Johnson/Gohman moved to add this to a Study Session. Motion carried unanimously.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:44 p.m.

City Council President
Jeff Goerger

Jennifer Burrows, Recording Council Secretary