

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

SEPTEMBER 9, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 9, 2013, at 6:00 p.m. in the City Council Chambers.
2. Moment of Silence was held for our men and women serving in the Armed Forces
3. Council members Goerger, Gohman, Hontos, Lewis, Libert and Masters were present. Council member Johnson was absent.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 12, 2013.** ACTION TAKEN: Approved.
6. **APPLICATION FOR A TOBACCO LICENSE FOR VAPE IT ZONE, LLC (HEATHER TLOUGAN), DBA VAPE IT ZONE, FOR AN E-CIG KIOSK IN THE CROSSROADS SHOPPING CENTER, 4101 WEST DIVISION STREET.** ACTION TAKEN: Councilmember Lewis removed the agenda item to report that although the e-cig can be used as a tool to help people quit smoking, Hennepin County recently banned the use of e-cigs in its facility due to carcinogens found in the vapors. Lewis/Masters moved approval of the application as presented. The motion unanimously carried.
7. **APPLICATION FOR (1) A SPECIAL EVENT OUTDOOR LIQUOR SALES; AND (2) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR A GRAND OPENING EVENT TO BE HELD SEPTEMBER 21, 2013 FROM 4 PM TO MIDNIGHT AT THE BLUE LINE SPORTS BAR AND GRILL, 1004 SUNRIDGE DRIVE.** ACTION TAKEN: Councilmember Masters removed the agenda item to allow Elizabeth Welle, representing the Blue Line Sports Bar and Grill, to speak about the scheduled events. The Grand Opening will be a two-day family event to show appreciation for its patrons. Masters/Gohman moved approval subject to the conditions noted by the Police Department and the receipt of favorable reviews from the Planning and Health departments. The motion unanimously carried.
8. **APPLICATION FOR A TOBACCO LICENSE FOR MR. NICE GUYS MERCHANDISING, INC. DBA MR. NICE GUYS, 616 2ND STREET SOUTH.** ACTION TAKEN: Approved.
9. **PARTNERSHIP AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND THE ST. CLOUD YMCA.** ACTION: TAKEN: Councilmember Hontos removed the agenda item for discussion. City Administrator Mike Williams explained that the agreement will serve much like a landlord/tenant agreement and is necessary so that the YMCA can begin its fundraising

efforts. The YMCA will bear the costs of operations and the City will bear the costs of the exterior building upkeep and maintenance and repairs. Funds will be budgeted in the Park and Recreation budget. Hontos/Gohman moved approval. The motion unanimously carried.

10. RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY, CASUALTY, AUTOMOBILE AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD OF OCTOBER 1, 2013 TO OCTOBER 1, 2014. ACTION TAKEN: Councilmember Hontos removed the agenda item and asked about the increase in the Worker's Compensation premium. Robert W. Mahowald, representing Mahowald Insurance Agency, explained that the premium increase was due to some higher cost claims from previous years. Hontos/Lewis moved approval of the resolution as presented. The adopted resolution was assigned number 2013-9-122.

11. RESOLUTION CALLING FOR A PUBLIC HEARING FOR OCTOBER 21, 2013, ON THE MODIFICATION OF THE CENTRAL AREA URBAN RENEWAL PROJECT AND APPROVAL OF A TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT RENEWAL AND RENOVATION DISTRICT NUMBER THIRTY-ONE REGARDING A PROPOSED DEVELOPMENT BY REDEVELOPMENT HOLDINGS ONE LLC. ACTION TAKEN: Councilmember Hontos removed the agenda item for discussion. City Administrator Mike Williams and Economic Development Director Cathy Mehelich spoke to the TIF project. Hontos/Masters moved approval of the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-9-123.

12. BEAVER ISLAND TRAIL PHASE 4 - TRAIL HEAD SHELTER INSTALLATION-PROPOSAL FROM LANDWEHR CONSTRUCTION. ACTION TAKEN: Approved.

13. LAKE GEORGE PERFORMANCE STAGE – PROFESSIONAL SERVICES AGREEMENT WITH MILLER ARCHITECTS & BUILDERS. ACTION TAKEN: Approved.

14. RESOLUTION DECLARING THE CITY'S INTENT TO ACCEPT THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT AWARD FOR FY2013. ACTION TAKEN: Resolution adopted and assigned number 2013-9-124.

15. RESOLUTION SETTING THE DATE OF DECEMBER 2, 2013, FOR THE PUBLIC HEARING ON THE 2014 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY AND CERTIFYING THE AMOUNT OF SALES AND USE TAX ESTIMATED TO BE PAID IN 2012. ACTION TAKEN: Resolution adopted and assigned number 2013-9-125.

16. ADD-ON ITEM: RESOLUTION CERTIFYING LOCAL GOVERNMENT SUPPORT FOR CONSTRUCTION OF A GRADE SEPARATED INTERCHANGE AT THE INTERSECTION OF T.H. 15 AND 33RD STREET SOUTH. ACTION TAKEN: Resolution adopted and assigned number 2013-9-126.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

17. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR SPICYCRABN'CRAWFISH, LLC (SOMPHONE SYTHONGKHAM) DBA SPICYCRABN'CRAWFISH, 3320 3RD STREET NORTH.** City Clerk Gregg Engdahl gave a brief overview of the new restaurant that will be opening in the former McCann's location. It will be a seafood restaurant with a projected food to liquor ratio of 70/30. City Council President Goerger opened the public hearing. The following individual spoke:

Somphone Sythongkham, 4878 Narrow Way NE, St. Michael; addressed the Council as the owner/applicant of the new restaurant. He will be using the top-half of the building for his business and intends to offer outdoor patio seating, also.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Masters, seconded by Councilmember Lewis, to approve the application pending receipt of favorable departmental review from the Health and Legal departments, receipt of the certificate of occupancy, and proof of liquor liability and workers compensation insurance. The motion unanimously carried.

18. **RESOLUTION APPROVING USE OF PROCEEDS OF REVENUE BONDS PREVIOUSLY ISSUED ON BEHALF OF CENTRACARE HEALTH SYSTEM AND ITS AFFILIATES.** Finance Director John Norman explained that there would be no refinancing or refunding involved. Approval would allow the use of revenue bonds previously issued to be used for the addition of improvements to the Coborn Cancer Center. Tom Mathews, attorney for Centracare, was in attendance. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Hontos, seconded by Gohman, to approve the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-9-127.

19. **RESOLUTION MODIFYING THE ENABLING RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF ST. CLOUD, MINNESOTA.** Council President Goerger opened the public hearing. No one spoke. Council President Goerger closed the public hearing. It was moved by Councilmember Libert, seconded

by Councilmember Gohman, to approve the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-9-128.

20. **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)(VAC-2013-06)** Community Development Director Matt Glaesman explained that the applicant intends to combine two commercial parcels adjacent to Heatherwood Road into a larger single development site, and, therefore, the easement must be vacated. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Masters, seconded by Lewis, to adopt the Ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2563.

21. **RESOLUTION CERTIFYING DELINQUENT SEWER, WATER AND REFUSE ACCOUNTS TO THE COUNTIES FOR COLLECTION.** City Clerk Gregg Engdahl provided an updated list of the delinquent sewer, water, and refuse accounts, which had dropped from 1200 accounts to 843 delinquent accounts. He also requested that the public hearings be held (opened and closed) on agenda items #21 thru agenda Item #27 at this meeting; however, he requested that those agenda items be tabled to the September 23 meeting under Old Business so that all delinquent accounts are sent to the counties at the same time. Council President Goerger opened the public hearing. The following individual spoke:

Joshua Hansen, 106 32nd Avenue N. was representing his brother, the owner of the property, who lives in Colorado. The home had been rented to a family member (cousin), who accrued an assessment amount of \$712.18 on the property. Since he recently took over the home, he respectfully asked to be placed on a repayment plan to bring the account current.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Libert, to table this resolution to the September 23rd meeting. The motion unanimously carried.

22. **RESOLUTION CERTIFYING DELINQUENT TREE REMOVAL CHARGES TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2014.** President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved

by Gohman, seconded by Lewis, to table this resolution to the September 23rd meeting. The motion unanimously carried.

23. **RESOLUTION CERTIFYING DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2014.** Council

President Goerger opened the public hearing. The following individuals spoke:

Michelle Kosel, 2248 67th Avenue N.; stated that the charges she received were dated December 27, 2012 and she didn't acquire the property until February 2013.

Gary Noble, 1051 17th Avenue S.; was out of town on Presidents' Day weekend when he was charged for snow removal and noted there was no mail delivery due to holiday. He then requested photos and the photos were time-stamped two-minutes apart. He felt the charge of \$110 was excessive. He owns a corner lot adjacent to an alley that he keeps clean for his neighbors. As his first offense, he hoped the fee could be reduced.

Anthony Brix, 1349 15th Avenue S., has lived in St. Cloud his entire life and is a recent first time homeowner. He keeps his sidewalks clear of snow and ice by clearing a path about 2½ feet wide. He was told by Tom Zabinski, city employee, that it must be at least 3 ft. wide. He noted that the City ordinance doesn't state the specific width and recommended the ordinance include specific language for clarity.

Linda C. Becker, 42 24th Avenue N.; was charged the fee for snow removal for her rental unit and asked to have the charges removed because her tenant did not shovel.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to table this resolution to the September 23rd meeting. The motion unanimously carried.

24. **RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 2 FOR 2012 PUBLIC IMPROVEMENTS.** City Engineer Steve Foss announced that reassessments have been made to

22 parcels as those were tax forfeited properties. Council President Goerger opened the public hearing. The following individual spoke:

Greg Engel, 1983 40th Street S.; stated that he purchased two tax forfeit lots and intended to combine the two lots into one parcel. He questioned if the assessments could be reduced if the lots were combined into one.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Gohman, seconded by Councilmember Libert, to table this resolution to the September 23rd meeting. The motion unanimously carried.

25. **RESOLUTION CERTIFYING DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2014.** Council President Goerger opened the public hearing. The following individual spoke:

Toby Moeller, 444 31st Avenue N., purchased/moved into his house on July 26, 2013, and the grass was mowed on that date and has been mowed ever since. He suggested that the mowing fee charged was not date specific and must have occurred prior to his ownership. He asked to have the fee removed.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Masters, seconded by Councilmember Lewis, to table this resolution to the September 23rd meeting. The motion unanimously carried.

26. **RESOLUTION CERTIFYING DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2014.** Health Director Lisa Schreifels noted that staff findings would be prepared and provided on Thomas L. & Jennifer Steinkopf with the September 23rd Council packet. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Lewis, seconded by Councilmember Gohman, to table this resolution to the September 23rd meeting. The motion unanimously carried.

27. **RESOLUTION CERTIFYING DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2014.** Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Masters, to table this resolution to the September 23rd meeting. The motion unanimously carried.

28. **(A) ORDINANCE AMENDING CHAPTER 8, SECTION 810, OF THE 2007 CODE OF ORDINANCES ENTITLED "INTOXICATING LIQUOR" BY ADDING A NEW SUBD. 9 ENTITLED "BREWERY/TAPROOM LICENSE" AND A NEW SUBD. 10 ENTITLED "CONSUMPTION AND DISPLAY "BOTTLE CLUB" PERMITS."** City Attorney Matt Staehling suggested that "Ordinance A" be discussed and voted upon in two parts: A-1. to discuss the Taprooms; and A-2. to discuss Bottle Clubs. City Clerk Gregg Engdahl explained that brewery/taprooms are quite popular in Minnesota and there has been some

inquiries and interest shown here in St. Cloud. He displayed and reviewed information on the overhead, noting that the proposed language mirrors Minnesota state law. An annual license fee of \$550.00 is being proposed. Council President Goerger opened the public hearing on A-1. The following individual spoke:

Aaron Rieland, 717 Ocholto Lake Drive, Avon, MN; spoke to the growing business of micro-brewery/taprooms in the state. He is interested in opening one in a downtown St. Cloud location and encouraged Council support.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Libert, to move approval of A-1. The motion unanimously carried.

Next, City Clerk Gregg Engdahl spoke to the proposed language for A-2 that also mirrors Minnesota state law. Although it is authorized under state law, it was the first request he had seen in 25 years. The proposed annual license fee is \$300.00. Council President Goerger opened the public hearing on A-2. No one spoke. The public hearing was closed. Discussion ensued. City Attorney Staehling spoke to the criteria and proposed language. The fee is a lesser fee of \$300.00, but is determined by state law. Lewis spoke to incorporating language to issue provisional licenses, which City Attorney Staehling said could be considered at the time an application is received. It was moved by Councilmember Gohman, seconded by Councilmember Masters to approved A-2. The motion carried by a 4-2 vote with Hontos and Lewis voting against. The adopted ordinance was assigned number 2564.

(B) ORDINANCE AMENDING CHAPTER 5, SECTION 511 OF THE 2007 CODE OF ORDINANCES ENTITLED "LIQUOR LICENSING FEES."

City Clerk Engdahl suggested taking this "Ordinance B" in two parts: B-1. to discuss the liquor licensing fee for Taprooms; and B-2. to discuss the liquor licensing fee for Bottle Clubs. Council President Goerger opened the public hearing on B-1. No one spoke. The public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Masters, to approve the ordinance as presented. The motion unanimously carried.

Council President Goerger opened the public hearing on B-2. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember

Gohman, to approve the ordinance as presented. The motion unanimously carried. The ordinance as submitted was adopted and assigned number 2565.

(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. City Attorney Matt Staehling advised that the previous approval actions (Ordinance A and Ordinance B) will take 30-days to go into effect. The applicant can re-submit his application at that time. Council President Goerger opened the public hearing. The following individual spoke:

Richard Petty, 1370 Sunrise Court, Clearwater, MN; owner of Lily's Wings and Things, asked for the Council to consider his current application as it complies with Minnesota state law. He asked for Council approval at this meeting.

There being no one else wishing to speak, Council President Goerger closed the public hearing. Discussion ensued. Hontos suggested that the applicant wait the 30-day period and then reapply. He suggested that the Council needs to take the appropriate steps set forth by the new ordinances. The timeframe also allows city staff the necessary time to prepare a new application form and establish steps for the licensing process. It was moved by Councilmember Hontos, seconded by Councilmember Lewis, to table the request allowing the applicant to reapply after the 30-day waiting period. The motion unanimously carried.

OLD BUSINESS:

29. **RESOLUTION AUTHORIZING THE TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PAYMENT IN 2014.** Councilmember Hontos, who serves as one of the HRA Board members along with Council President Goerger and Councilmember Gohman, announced that the dollar amount stayed the same as last year's amount. Councilmember Lewis commented that she hopes to see a gradual increase in years to come to help offer more affordable housing. It was moved by Hontos, seconded by Gohman, to approve the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-9-129.

30. **RESOLUTION AUTHORIZING A PRELIMINARY TAX LEVY FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF THE CITY OF ST. CLOUD FOR PAYMENT IN 2014.** Mayor Dave Kleis spoke about the EDA budget, noting that it is

part of the City's budget. There will be additional funding of \$86,800—these funds will come from the EDA reserves. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to approve the resolution as submitted. Councilmember Hontos commented that although additional funding was added for marketing and promotions, he questioned whether the dollar amount would be sufficient. He spoke to improving the goals process and the budget review process next year. Following discussion, the motion carried by unanimous vote. The adopted resolution was assigned number 2013-9-130.

31. **RESOLUTION ADOPTING THE PRELIMINARY TAX LEVY AND BUDGET FOR THE 2014 GOVERNMENTAL FUNDS.** Council President Goerger announced that the public hearing on the 2014 tax levy and budget will be held in the City Council Chambers on Monday, December 2, 2013. Mayor Dave Kleis noted that back in August he presented the preliminary budget and commented that the Council met many times to discuss and review the budget, including having a meeting just prior to this Council meeting. He stated that the resolution in the Council packet will be changed to reflect the addition of a \$240,000 contingency for public safety. The total General Fund amount will change to \$39,120,000 and the total Preliminary Governmental Funds Budget for the fiscal year commencing January 1, 2014, will be increased to \$67,466,500. He spoke to the proposed three goals for public safety --- reducing the crime rate, making sure people feel safe, and reducing response time. He intends to re-establish the Government Efficiency Task Force to study and review the Police Department. Brian Myres will again serve as the Chair of the committee. Councilmember Hontos summarized the proposed budget and was pleased the mayor was reinstating the task force to review the efficiencies of the police department. He noted he still has concerns regarding the Inspection Department, the quality of our roads, and I.T. capacity, and asked that these issues be kept on the radar screen. Following discussion, it was moved by Councilmember Masters, seconded by Councilmember Hontos, to approve the revised resolution as presented by Mayor Kleis. The motion unanimously carried. The adopted resolution was assigned number 2013-9-131.

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Kleis invited and encouraged the public to attend the 12th anniversary of the “September 11th Community Commemoration” to be held on Wednesday, September 11, 2013, at 4:30 p.m. at the St. Cloud Police Station.

ADJOURNMENT:

There being no further business, Council President Goerger adjourned the meeting at 8:01 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary