

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

November 18, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on November 18, 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 MINUTES OF THE REGULAR CITY COUNCIL MEETINGS HELD OCTOBER 7, 2013, AND OCTOBER 21, 2013.** REQUESTED ACTION: Approved.
6. **CONFIRM MAYOR'S APPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed Mayor's appointment of Peter Fandel to the HPC for a term to commence immediately and expire on April 30, 2015.
7. **CONFIRM MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed Mayor's appointment of Mohayadin Mohamed for a term to commence immediately and expire on April 30, 2015.
8. **CONFIRM MAYOR'S APPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY.** ACTION TAKEN: Confirmed the appointment of King Banaian for a term to commence immediately and expire on April 30, 2019.
9. **AGREEMENT WITH THE ST. CLOUD CHAMBER OF COMMERCE FOR SERVICES TO BE PROVIDED BY THE ST. CLOUD CONVENTION &**

**VISITORS BUREAU.** ACTION TAKEN: Johnson/Lewis moved approval. Motion carried unanimously.

10. **RESOLUTION AUTHORIZING THE ISSUANCE OF AN OFF-SITE GAMBLING PERMIT FOR THE ROCKVILLE LIONS FOR EVENTS TO BE CONDUCTED AT THE KELLY INN, FEBRUARY 7-8, 2014.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-164.
11. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE PARAMOUNT ARTS RESOURCE TRUST TO BE USED FOR A “WEIHNACHTSMARKT” EVENT TO BE HELD FROM 4-7 PM AT 523 WEST ST. GERMAIN ON DECEMBER 7.** ACTION TAKEN: Libert/Masters moved approval. Motion carried unanimously.
12. **RESOLUTION SETTING DECEMBER 16, 2013, FOR THE PUBLIC HEARING ON THE 2014 ENTERPRISE FUNDS BUDGET.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-165,
13. **RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND 9<sup>TH</sup> AVENUE EXPRESS REGARDING A TOBACCO VIOLATION OF SECTION 424 OF THE ST. CLOUD CODE OF ORDINANCES.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-166.
14. **RESOLUTIONS ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND EIGHT LIQUOR LICENSE ESTABLISHMENTS REGARDING INTOXICATING LIQUOR LICENSE VIOLATIONS OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340a.503 OF MINNESOTA STATUTES.**
  - A) **THE BOULDER TAP HOUSE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-167.
  - B) **LANDMARK TAVERN, INC.** ACTION TAKEN: Approved. Resolution was

adopted and assigned number 2013-11-168.

**C) THE WINE SHOP.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-169.

**D) THE LIQUOR SHOPPE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-170.

**E) THE VERANDA LOUNGE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-171.

**F) PX LIQUOR STORE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-172.

**G) BIOLOGY LOUNGE & RESTAURANT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-173.

**H) BROTHERS BAR & GRILL.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-174.

15. **APPROVAL OF CITY OF ST. CLOUD TAX INCREMENT FINANCING AND TAX ABATEMENT POLICY.** ACTION TAKEN: Approved.

16. **APPROVAL OF SUPPLEMENTAL EQUIPMENT REHABILITATION AND INSTALLATION AT THE WASTEWATER TREATMENT FACILITY – REHABILITATION, UPGRADE AND EXPANSION PROJECT.** ACTION TAKEN: Approved.

17. **PROFESSIONAL SERVICES CONTRACT RELATED TO OPERATION AND MAINTENANCE OF THE ST. CLOUD HYDROELECTRIC GENERATION FACILITY.** ACTION TAKEN: Approved.

18. **ORDINANCE VACATING A 15’ WIDE UTILITY EASEMENT LOCATED BETWEEN THE WEST ST. GERMAIN STREET RIGHT-OF-WAY AND DIVISION STREET (HIGHWAY 23) THRU THE FORMER GRANITE BOWL PARKING LOT. (LOCATION: 1740 WEST ST. GERMAIN STREET) (VAC-2013-07).** ACTION TAKEN: Reading and public hearing were set for December 2, 2013. Assigned proposed ordinance number 2013-24.

19. **ORDINANCE VACATING 23<sup>RD</sup> AVENUE NORTH RIGHT-OF-WAY BETWEEN 6<sup>TH</sup> STREET NORTH AND BURLINGTON NORTHERN RAIL YARD. (LOCATION: 2300 6<sup>TH</sup> STREET NORTH AND 539 22<sup>ND</sup> AVENUE NORTH) (VAC-2013-09).** ACTION TAKEN: Reading and public hearing were set for December 2, 2013. Assigned proposed ordinance number 2013-25.
  
20. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE COMMON LOT LINE BETWEEN LOTS 1 AND 2, BLOCK 1, MILL RIVER ESTATES SECOND ADDITION. (LOCATION: 2189 AND 2193 MILL POND DRIVE).** ACTION TAKEN: Reading and public hearing were set for December 2, 2013. Assigned proposed ordinance number 2013-26.
  
21. **ORDINANCE AMENDING ARTICLE 14 – USE STANDARDS, SECTION 14.3 – USE STANDARDS, V. TEMPORARY SHELTER FACILITIES, 1. RESIDENTIAL AND INDUSTRIAL DISTRICTS, AND 2. COMMERCIAL DISTRICTS TO ELIMINATE THE MAXIMUM LENGTH OF STAY FROM 45 TO 90 DAYS BETWEEN JANUARY 1, 2012 TO JANUARY 1, 2014. (LDC-2013-04)** ACTION TAKEN: Reading and public hearing were set for December 2, 2013. Assigned proposed ordinance number 2013-27.
  
22. **ORDINANCE AMENDING ARTICLE 4 – LAND USE APPLICATIONS AND ENFORCEMENT, SECTION 4.1 – TEXT AMENDMENT AND REZONING, D. PROCEDURE TO INCLUDE GENERAL DEVELOPMENT PLAN AMENDMENTS AND MEDICAL DISTRICT AMENDMENTS; SECTION 4.3 CONDITIONAL USE PERMIT, C. AUTHORITY TO ADDRESS NEW CUPS AND CUP AMENDMENTS; AND ARTICLE 11 0 SPECIAL PURPOSE DISTRICT, SECTION 11.2 PLANNED UNIT DEVELOPMENT DISTRICT, E. POST APPROVAL TO CLARIFY THE PUD AMENDMENT PROCESS. (LDC-2013-05).** ACTION TAKEN: Reading and public hearing were set for December 2, 2013. Assigned proposed ordinance number 2013-28.

23. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR THE PURCHASE OF AN OPERATIONS VEHICLE AND RUNWAY FRICTION MEASURING EQUIPMENT FOR THE ST. CLOUD REGIONAL AIRPORT – MN DOT AGREEMENT NO. 04931.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-175.
24. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR THE PURCHASE OF A RUNWAY DE-ICER AND STORAGE TANK FOR THE ST. CLOUD REGIONAL AIRPORT – MN DOT AGREEMENT NO. 04937.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2013-11-176.

**Open Forum:**

No one testified.

**Public Hearings:**

25. ~~APPLICATION FOR A CONSUMPTION AND DISPLAY PERMIT FOR LILY'S WINGS & THINGS, INC. DBA LILY'S WINGS, 2016 8<sup>TH</sup> ST. N.~~
26. **ORDINANCE AMENDMENT SECTION 1000:15 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED, "NUISANCES AFFECTING SAFETY, HEALTH, PEACE AND GENERAL WELFARE" REGARDING OUTDOOR FURNITURE.** Lisa Schreifels, Health Director, gave a brief update. Council President Goerger opened the public hearing. The following individual testified:

Mary Matthews                                      315 3<sup>rd</sup> Ave. S. Ms. Matthews spoke in support of the proposed ordinance.

Council President Goerger closed the public hearing. Hontos/Masters moved approval. Motion carried unanimously. Ordinance was assigned number 2569.

27. **BUILD IT IN ST. CLOUD PROGRAM.**

Councilmember Hontos opened up discussion on this program and would like to see it continue in some fashion. He is hoping that the City Council can look at the program and decide whether or not to continue. After a brief discussion which included the issue of tax forfeiture lots, Hontos/Gohman moved to add discussion on the 'Build it in St. Cloud' program to a study session in December. Motion carried unanimously.

**Open Discussion:**

- Councilmember Masters inquired about the City Council having a float in the winter parade on Saturday, December 7.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 6:43 p.m.

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City Council President  
Jeff Goerger

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Jennifer Burrows, Recording Council Secretary