

## CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

JANUARY 6, 2014

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on January 6, 2014, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. Councilmembers Gohman, Goerger, Hontos, Johnson, Lewis, and Masters were present. Councilmember Libert was absent.

### SPECIAL RECOGNITIONS:

4. Mayor Dave Kleis presented the 2013 Reflection of the Year Award to Stearns History Museum. Those accepting on behalf of the Museum were Executive Director Tim Hoheisel, Tim Chirhart, Debi Pack, Barb Carlson, Adam Smith, John Thomas, and Bruce Skalbeck.

Mayor Kleis also announced that the City of St. Cloud Planning Department was recently recognized as the 2013 Difference Makers of the Year by the St. Cloud Times' Editorial Board. He congratulated Community Development Director Matt Glaesman and his planning staff.

### CONSENT AGENDA:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of Councilmember Lewis's request to speak under Open Discussion.
6. **APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE AND WINE LICENSE FOR ST. CLOUD MONGO'S GRILL #1, LLC, DBA MONGO'S GRILL, 3701 DIVISION STREET, SUITE 103.** ACTION TAKEN: A public hearing was set for January 27, 2014.
7. **RESOLUTION APPROVIN A CONTRACT AGREEMENT FOR IMPOUNDMENT AND BOARDING OF ANIMALS WITH CENTRAL MINNESOTA ANIMAL CARE AND CONTROL, LLC.** ACTION TAKEN: Resolution adopted and assigned number 2014-1-01.
8. **APPROVAL OF AMENDMENT #1 TO THE PROFESSIONAL SERVICES CONTRACT WITH TKDA FOR SERVICES RELATED TO THE FORCEMAIN REPAIR PROJECT.** ACTION TAKEN: Approved.
9. **REQUEST FROM PUBLIC WORKS DEPARTMENT FOR APPROVAL TO PURCHASE THREE (3) SNOWPLOWS.** ACTION TAKEN: Councilmember Lewis removed this item for discussion. It was moved by Councilmember Lewis, seconded by

Councilmember Masters, to approve the purchase as requested. She asked about the City's intent to use snow brushes on snow plows. Public Services Director Pat Shea advised that snow brushes are generally used when clearing lighter snow on walking surfaces such as ramps and sidewalks. The motion unanimously carried.

**10. AN ORDINANCE AMENDING SECTION 512:00, SUBDIVISION 4 OF THE 2007 CODE OF ORDINANCES ESTABLISHING A REDUCTION IN FOOD LICENSING FEES FOR BED AND BREAKFASTS.** ACTION TAKEN: Councilmember Masters removed this item for discussion. It was moved by Masters, seconded by Hontos, to set a reading and public hearing for January 27, 2014. Masters asked for clarification on payment amounts since the food license fee is due in early January and the public hearing to consider the amendment will take place in late January. Community Development Director Glaesman noted that prior to the public hearing; adjustments/refunds would be addressed administratively. The motion unanimously passed. (Proposed Ordinance 2014-01)

**11. APPLICATIONS FOR RENEWAL OF 2014 SPECIAL PARKING ZONE PERMITS FOR 2014.** ACTION TAKEN: Approved.

**12. RESOLUTION SETTING PUBLIC HEARING FOR JANUARY 27, 2014, TO CONSIDER SPECIAL ASSESSMENT ROLL 1 FOR 2013 PUBLIC IMPROVEMENTS.** ACTION TAKEN: Councilmember Lewis removed this item for separate discussion. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to set the public hearing for January 27, 2014. Lewis asked whether these improvement projects were part of the recently changed sidewalk policy. City Engineer Steve Foss responded; however further clarification will be presented at the public hearing. The motion unanimously carried. The adopted resolution was assigned number 2014-1-02.

**13. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS – AREA D, CONTRACT 2014-02D, S.A.P. 162-114-013.** ACTION TAKEN: Resolution adopted and assigned number 2014-1-05.

**14. CLEARWATER ROAD REALIGNMENT: (A.) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR CLEARWATER ROAD REALIGNMENT STREET AND DRAINAGE IMPROVEMENTS, CONTRACT 2013-01A, S.A.P. 162-162-001.**  
**(B.) RESOLUTION RELATING TO PARKING RESTRICTIONS ON CLEARWATER ROAD FROM 1000 FEET SOUTH OF 43RD STREET SOUTH TO 200 FEET NORTH OF 47TH STREET SOUTH.** ACTION TAKEN: Resolutions adopted and assigned numbers 2014-1-03 and 2014-1-04 respectively.

15. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 514 – 16TH AVENUE NORTH.** ACTION TAKEN: Approved.

**OPEN FORUM:**

No one spoke.

**PUBLIC HEARINGS:**

16. **AN ORDINANCE AMENDING SECTION 245 AND AN ORDINANCE AMENDING SECTION 360 OF THE 2007 CODE OF ORDINANCES CLARIFYING PROPERTY OWNER RESPONSIBILITY FOR SEWER LATERALS, UPDATING LANGUAGE TO MAINTAIN COMPLIANCE WITH FEDERAL AND STATE REGULATIONS, CLARIFYING INDUSTRIAL RATE CALCULATIONS AND INCORPORATING REVISIONS TO THE CITY'S LOCAL MAXIMUM ALLOWABLE CONCENTRATION OF POLLUTANTS.** Public Services Director Pat Shea introduced the three ordinances that amend Sections 245, 360, and 575 (see Item 17 below). He reviewed the proposed amendment to Section 245 which would clarify the property owner's connection to the City's water distribution system and the sanitary sewer systems. He then reviewed the amendment to Section 360, which is to define domestic waste strength, simplify the industrial strength charge system and clarify the use of sewer laterals. He also spoke to the amendment to Section 575, which is to eliminate the declining block rate for wastewater charges and amend the industrial waste strength charge. He displayed various schematics on the overhead that listed the proposed 2014 Utility rates; projects and debt service; the area water and wastewater rates for St. Cloud and our surrounding cities of Sauk Rapids, Becker, Sartell, St. Joseph, Waite Park, St. Augusta, Clearwater and Clear Lake; the industrial strength charges; and a graph showing history (2006-2013) of the rate charges. He noted that the average household will see a \$1.61 monthly increase. This is based on average usage of 5,984 gallons per month. Following his presentation and overview of the proposed amendments, Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. Council discussion ensued. Public Services Director Shea responded to concerns regarding standards for pollutants and requirements and compliance with the Federal government. Following discussion, it was moved by Councilmember Hontos, seconded by Councilmember Lewis, to adopt the Ordinance amending Section 245 of the 2007 Code of Ordinances entitled "Public Utilities Department." The motion unanimously carried.

The ordinance was assigned number 2575. It was then moved by Councilmember Gohman, seconded by Councilmember Lewis, to adopt the Ordinance amending Section 360 of the 2007 Code of Ordinances entitled “Wastewater Treatment System Use Code.” The motion unanimously carried. The ordinance was assigned number 2576.

17. **AN ORDINANCE AMENDING SECTION 575 OF THE 2007 CODE OF ORDINANCES ELIMINATING THE SECOND WASTEWATER TIER AND AMENDING WASTE STRENGTH CHARGES.** *NOTE:* This public hearing was conducted in conjunction with Item 16. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to adopt the Ordinance amending Section 575 of the 2007 Code of Ordinances entitled “Public Utilities Department Fees.” The motion unanimously carried. The adopted ordinance was assigned number 2580.

18. **AN ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT BETWEEN LOTS 6 AND 7, BLOCK 1, WILLOW POND THREE. (LOCATION: 1606 AND 1608 28TH STREET SOUTH) (VAC-2013-10)** Community Development Director Matt Glaesman stated that the applicant is seeking to consolidate two parcels into a single development site for the purpose of enlarging a window. The Planning Commission and City staff recommend approval. Council President Goerger opened the public hearing. The following individual spoke:

**Greg Biniak, 2711 Serenity Drive;** was in attendance as he was notified by letter about the proposed vacation. He had no objection.

The public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Johnson, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2578.

19. **AN ORDINANCE VACATING DRAINAGE AND UTILITY EASEMENTS LOCATED ON THE COMMON PROPERTY LINES BETWEEN LOT 1, BLOCK 1 STONE GATE PLAZA AND LOT 1, BLOCK 1 STONE GATE PLAZA PLAT 2. (LOCATION: 3211 AND 3241 OAKHAM LANE) (VAC-2013-11)** Community Development Director Matt Glaesman stated that the applicant is seeking the vacation to accommodate the expansion of Stride Academy. The Planning Commission and City staff recommend approval. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Johnson, to

adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2578.

20. **AN ORDINANCE REZONING PROPERTY LOCATED AT 1230 HIGHWAY 23 EAST FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD).** Community Development Director Matt Glaesman gave a brief overview of the rezoning request/Planned Unit Development plan. He stated that Discovery Church has been located on this property for 40 years. The Church has recently relocated and requests the rezoning to allow leasing its property for office space to a non-profit agency -- Great River Faith in Action. The Planning Commission and City staff recommend approval. City Council President Goerger opened the public hearing. The following individual spoke:

**Denice Frieh, 13074 Edgewood Street, Becker;** Executive Director of Great River Faith in Action; requested the approval of the rezoning request so that the non-profit agency of Great River Faith in Action can lease office space.

There being no one else wishing to speak, the public hearing was closed. It was moved by Johnson, seconded by Lewis, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2579.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Lewis had questions regarding the process used to develop the City Council Agenda and also asked her colleagues to consider acting on a formal motion to adopt the Consent Agenda. Mayor Dave Kleis explained that the Home Rule Charter gives administration the authority to set the Council agenda. However, the City Council, as a group, can add items to the agenda. City Attorney Matt Staehling said that the process is following due process and cited City Council Rule of Order #5, which reads:

**Rule No. 5 Consent Agenda** In cases where there seems to be no opposition in routine business or on questions of lesser importance, items of business, including new business, shall be placed on a Consent Agenda. Approval of all items on the Consent Agenda can be obtained by the Council President without the steps of stating the question and putting the motion to a formal vote. If any member objects to considering an item by consent, the question on that item must be stated, debate allowed (unless it is an undebatable parliamentary motion) and a vote taken in the normal manner.

Councilmember Lewis asked her colleagues to consider revisiting Council Rule of Order #5. No action taken.

Mayor Kleis announced that the broadcast of this evening's Council meeting incurred technical difficulty during the first portion of the meeting. The meeting, however, can be viewed in its entirety on Cable Channel 19 as it rebroadcasts on Wednesday morning, January 8, 2014, at 9 a.m.

**ADJOURNMENT:**

There being no further business to discuss, City Council President adjourned the meeting at 7:23 p.m.

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City Council President Jeff Goerger

Respectfully submitted by

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Sandy Hilsgen  
Recording Council Secretary