

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MARCH 10, 2014

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on March 10, 2014, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was observed for our men and women serving in the Armed Forces.
3. Councilmembers Goerger, Gohman, Lewis, Libert and Masters were present. Councilmembers Hontos and Johnson were absent.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING HELD FEBRUARY 10, 2014.** ACTION TAKEN: Approved.
6. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF THE REGULAR MEETING HELD FEBRUARY 24, 2014; AND APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE STUDY SESSION HELD MARCH 3, 2014.** ACTION TAKEN: Approved.
7. **JOINT RESOLUTION OF THE CENTRAL MINNESOTA CITIES OF ST. CLOUD, SARTELL, SAUK RAPIDS, WAITE PARK, ST. JOSEPH, AND ST. AUGUSTA ADVOCATING SUPPORT FOR CERTAIN LEGISLATIVE ISSUES AND PROPOSALS OF COMMON INTEREST OR CONCERN.** ACTION TAKEN: Councilmember Libert removed item for separate discussion. It was moved by Councilmember Libert, seconded by Councilmember Gohman, to approve the resolution. It was then moved by Libert, seconded by Gohman, to amend their motion to remove the following text from the resolution: **Item 2. Sauk Rapids – Support \$6 million in state funding for improvements to CR3. (Removed from CAPITAL INVESTMENT/STATE BONDING REQUESTS).** The motion unanimously carried. The amended resolution was assigned number 2014-3-16. Councilmember Lewis also requested a discussion at an upcoming study session on proposed legislation regarding mandates for the Metropolitan Airports Commission, Rochester Airport Commission, and St. Cloud Airport Advisory Board to work together to plan their respective airport's development and then turn the plans over to the legislators.
8. **RESOLUTION AMENDING THE JOINT POWERS AGREEMENT FOR THE PROVISION OF HUMAN RIGHTS SERVICES THROUGH A REGIONAL HUMAN RIGHTS OFFICE.** ACTION TAKEN. Resolution adopted and assigned number 2014-2-17.

9. **APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR HENNING BROTHER'S PIZZA, LLC DBA WALDO'S PIZZA, 823 WEST ST. GERMAIN.** ACTION TAKEN: Approved.

10. **APPLICATION FOR TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR CATHEDRAL HIGH SCHOOL FOR A FUNDRAISING BEAN BAG TOURNAMENT TO BE HELD ON MARCH 29TH IN THE NORTH GYM AT 312 7TH AVENUE NORTH.** ACTION TAKEN: Approved.

11. **RESOLUTION AUTHORIZING THE CONDUCT OF OFF-SITE GAMBLING BY THE ST. CLOUD ALL-CITY MARCHING BAND FOR A FUNDRAISING EVENT TO BE HELD AT THE RIVER'S EDGE CONVENTION CENTER MARCH 20-22, 2014.** ACTION: Resolution adopted and assigned number 2014-3-18.

12. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR KOHINOOR, INC. (KARAMJIT SINGH SIDHU) DBA KOHINOOR BAR AND GRILL, 17 7TH AVE S.** ACTION TAKEN: A public hearing was set for March 24, 2014.

13. **AN ORDINANCE AMENDING SECTION 810:30, SUBDIVISION 15, OF THE CODE OF ORDINANCES ENTITLED, "UNDERAGE PRESENCE IN LICENSED PREMISES BY ELIMINATING THE AUTOMATIC SUNSET CLAUSE."** ACTION TAKEN: A reading and public hearing was set for March 24, 2014. (Proposed Ordinance 2014-05)

14. **APPROVAL OF UPDATED JOB DESCRIPTION FOR RECREATION PROGRAMMER.** ACTION TAKEN: Approved.

15. **(A) APPROVE A REQUEST FOR THE 4TH ANNUAL SUMMERTIME BY GEORGE FESTIVAL FROM THE ST. CLOUD ROTARY CLUB, AND (B) PROVIDE AN AUTOMATIC EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE; AND (C) APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE.** ACTION TAKEN: Councilmember Gohman removed the item for discussion. Park & Recreation Director Scott Zlotnik and St. Cloud Rotary President Steve Joul were in attendance and unveiled the poster listing the Wednesday evening music lineup for the *2014 Summertime by George* season (June 11 through August 27, 2014). It was moved by Councilmember Gohman, seconded by Councilmember Masters, to approve A, B, and C as presented. The motion unanimously carried.

16. **LAKE GEORGE PERFORMANCE STAGE – CHANGE ORDER #2.** ACTION TAKEN: Approved.

17. **T.H. 15 AND 33RD STREET SOUTH INTERCHANGE IMPROVEMENTS, CONTRACT 2013-10; RESOLUTION ACCEPTING LOW BID FOR T.H. 15 AND 33RD STREET SOUTH INTERCHANGE IMPROVEMENTS, CONTRACT 2013-10; AND.**

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 2013-10. ACTION TAKEN: President Goerger removed the item for discussion. It was moved by President Goerger, seconded by Councilmember Libert, to approve the resolutions as presented. City Engineer Steve Foss and City Administrator Mike Williams responded to questions regarding the bond proceeds. The motion unanimously carried. Resolutions adopted and assigned numbers 2014-3-19 and 2014-3-20 respectively.

18. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH SEH, INC. FOR THE CONSTRUCTION PHASE SERVICES FOR THE T.H. 15 AND 33RD STREET SOUTH INTERCHANGE IMPROVEMENTS. ACTION TAKEN: Approved.

19A. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS – AREA A, CONTRACT 2014-02A. ACTION TAKEN: Council President Goerger removed Item 19A, 19B, & 19C for discussion. It was moved by President Goerger, seconded by Councilmember Lewis, to approve all three resolutions as presented. City Engineer Foss explained that one of the project areas (Area D - State Aid portion - 3rd Street N from Cooper Avenue to 25th Avenue N.) was already approved for the bid process. Due to the magnitude of the project, it has been divided into five project areas. Four project areas (A, B, C, & D) are to be completed in 2014. The motion unanimously carried. Resolution adopted and assigned number 2014-3-21.

19B. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS – AREA B, CONTRACT 2014-02B. ACTION TAKEN: Resolution adopted and assigned number 2014-3-22.

19C. RESOLUTION APPROVING PLANS AND SPECS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS – AREA C, CONTRACT 2014-02C. ACTION TAKEN: Resolution adopted and assigned number 2014-3-23.

20. 33RD STREET SOUTH AND FRONTAGE ROAD IMPROVEMENTS: RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 33RD STREET SOUTH AND FRONTAGE ROAD IMPROVEMENTS, CONTRACT 2014-01, SP 162-151-001, SAP 162-171-001, SAP 162-145-011; AND RESOLUTION RELATING TO PARKING RESTRICTIONS ON 33RD STREET SOUTH FROM CSAH 75 TO SOUTHWAY DRIVE, GERMANY STREET FROM CSAH 75 FRONTAGE ROAD TO SOUTHWAY DRIVE AND CLEARWATER ROAD FROM CSAH 75 TO 480 FEET EAST AND WEST. ACTION TAKEN: Council President Goerger removed this item for discussion. It was moved by President Goerger, seconded by Councilmember Libert, to approve the resolutions as presented. City Engineer Steve Foss confirmed that the plans and specs are the result of the public meetings with the property owners.

The motion unanimously carried. Resolutions adopted and assigned number 2014-3-24 and 2014-3-25 respectively.

21. RESOLUTIONS DETERMINING VALUE OF PROPERTIES LOCATED NEAR CLEARWATER ROAD REALIGNMENT:

(A) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4412 HEATHERWOOD ROAD.

(B) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4580 HEATHERWOOD ROAD.

(C) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4655 HEATHERWOOD ROAD.

(D) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4657 HEATHERWOOD ROAD.

(E) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4526 WALICE DRIVE. ACTION TAKEN: Resolutions adopted and assigned numbers 2014-3-26; 2014-3-27; 2013-3-28; 2014-3-29; 2014-3-30 respectively.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

22. APPLICATION FROM MIDTOWN FITNESS, LLC DBA TUSCAN CENTER AT MIDTOWN SQUARE, 3333 WEST DIVISION STREET FOR EXPANSION OF LIQUOR SALES TO DAILY BAR SERVICE WITH SUNDAY LIQUOR SALES.

City Clerk Gregg Engdahl gave a brief overview of the twofold request to expand liquor service to allow daily sales of liquor at the Tuscan Bistro from 11 a.m. to 8 p.m., and to allow a license for Sunday liquor sales. Engdahl recommended approval pending receipt of favorable reviews from the Health and Fire Departments. He also read aloud an email received from Steve Sorensen, 102 34th Avenue N., who spoke against the Tuscan Center becoming a full time operational bar with a concern for increase of traffic in the area. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Gohman, to approve the application pending receipt of the favorable reviews. The motion unanimously carried.

23. A. ORDINANCE REZONING PROPERTY AT 3125 AND 3143 COUNTY ROAD 74 FROM AG, AGRICULTURAL DISTRICT AND I1, LIGHT INDUSTRIAL DISTRICT TO C5, HIGHWAY COMMERCIAL DISTRICT.(REZ-2014-01); and B. APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF JUBILEE. Community Development Director Matt

Glaesman gave a brief overview of the applicant's request to rezone property to facilitate commercial development adjacent to the 33rd Street South and Trunk Highway 15 interchange. The applicant is seeking preliminary and final plat approval to subdivide the property into two lots for the existing use and new development site. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Masters, to approve the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2584. It was then moved by Councilmember Masters, seconded by Councilmember Lewis, to approve the preliminary and final plat of Jubilee as presented. The motion unanimously carried.

OLD BUSINESS:

24. **AN 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) (VAC-2013-03)** Community Development Director Matt Glaesman explained that the lone remaining issue to advance the construction of a building project is the necessary location of a public water main and utility easement. Design details and a replacement easement to relocate the water main have been provided by the applicant. The oak trees on the edge of the south side property will be preserved. It was moved by Councilmember Masters, seconded by Councilmember Lewis, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2585.

NEW BUSINESS:

25. **REQUEST OF HOFFMAN CONSTRUCTION COMPANY FOR A TEMPORARY EXCAVATION PERMIT TO ALLOW EXTRACTION OF GRANULAR MATERIAL FROM 3550 HIGHWAY 15 SOUTH FOR THE 33RD STREET SOUTH / TRUNK HIGHWAY 15 INTERCHANGE PROJECT. (TEP-2014-01)** Community Development Director Matt Glaesman gave a brief overview of the request. The applicant is seeking the temporary excavation permit to allow removal of granular material from the site from March – October of this year. The Planning Commission and staff recommend approval. No public hearing is required. It was moved by Councilmember Gohman, seconded by Councilmember Libert, to approve the permit request. The motion unanimously carried.

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Kleis advised residents to continue running a stream of water at their residence to reduce the risk of frozen pipes.

Residents should call in the locations of potholes for repair to city staff at 650-2900 during office hours, or after hours to the hotline number 650-2949.

City Administrator Mike Williams gave a brief update on the roof repair at the Whitney Senior Center.

ADJOURNMENT:

There being no further business to discuss, Council President Goerger adjourned the meeting at 6:50 p.m.

City Council Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary