

City Council Proceedings

AGENDA ITEM:

June 9, 2014

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on June 9, 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. Council members Goerger, Gohman, Hontos, Lewis, Libert and Masters were present. Councilmember Johnson was absent.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of additional item---Certificate of Occupancy/new buildings inspections---under Open Discussion as requested by Councilmember Hontos.
5. **APPLICATIONS FOR THE EXEMPTION FROM THE CITY'S NOISE ORDINANCE; A BLOCK PARTY PERMIT; A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE; AND THE CLOSING OF 1ST STREET SOUTH FOR THE ANNUAL ST. MARY'S BLOCK PARTY TO BE HELD SEPTEMBER 6, 2014, FROM 4 PM TO 10 PM IN THE PARKING LOT AT ST. MARY'S CATHEDRAL.** ACTION TAKEN: Approved.
6. **APPLICATION FOR THE TRANSFER AND RENEWAL OF AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FROM SUPER BUFFET RESTAURANT, INC., DBA SUPER BUFFET TO Z & Z BUFFET, INC. DBA SUPER BUFFET, 1022 4TH STREET SE, SUITE 100.** ACTION TAKEN: Approved.
7. **RENEWAL OF 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD 7-1-2014 TO 6-30-2015.** ACTION TAKEN: Approved each license as submitted with the conditions as noted.
8. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT TO THE ST. CLOUD SENIOR MEN'S RUGBY CLUB FOR ACTIVITIES TO BE CONDUCTED AT BROTHERS BAR & GRILL, 119 5TH AVE S.** ACTION TAKEN: Resolution adopted and assigned number 2014-6-54.
9. **APPLICATION FOR A WINE LICENSE FOR ANGUSHIRE GOLF CLUB, INC., DBA ANGUSHIRE GOLF CLUB, 224 WAITE AVENUE SOUTH.** ACTION TAKEN: A public hearing was set for June 23, 2014.
10. **SET A PUBLIC HEARING TO AMEND SECTION 810:05 SUBD. 5 OF THE 2007 CODE OF ORDINANCES ENTITLED, "ON-SALE WINE LICENSES."** ACTION TAKEN: A public hearing was set for June 23, 2014. (Proposed Ordinance 2014-14)
11. **APPROVAL OF THE PURCHASE AND INSTALLATION OF THREE WARNING SIRENS AND A COMPUTER SOFTWARE UPGRADE FROM FEDERAL SIGNAL CORPORATION.** ACTION TAKEN: Approved.
12. **SETTING A PUBLIC HEARING TO CONSIDER THE APPROVAL OF A JOINT POWERS AGREEMENT FOR THE COLLECTION AND DISTRIBUTION OF THE ST. CLOUD AREA LOCAL OPTION SALES TAX FROM JANUARY 1, 2019, TO DECEMBER 31, 2039.** ACTION TAKEN: A public hearing was set for June 23, 2014.

13. RESOLUTION APPROVING MODIFICATIONS TO THE JOINT POWERS AGREEMENT GOVERNING THE CENTRAL MINNESOTA EMERGENCY SERVICES BOARD.

ACTION TAKEN: Councilmember Hontos pulled this item for separate discussion. It was moved by Councilmember Hontos, seconded by Councilmember Masters, to adopt the resolution as submitted. Hontos questioned the accuracy of information listed in the staff memo. Micah Myers, Information Technology Director, stated the recommendation listed in the staff memo was a misprint. The motion for approval unanimously carried. The adopted Resolution was assigned number 2014-6-55.

14. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH STEARNS COUNTY TO SHARE A JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$32,169.00.

ACTION TAKEN: Resolution adopted and assigned number 2014-6-56.

15. RESOLUTION APPROVING APPLICATION FOR A \$302,999.40 GRANT FUNDED BY THE US/DOT NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION THROUGH THE DEPARTMENT OF PUBLIC SAFETY'S OFFICE OF TRAFFIC SAFETY FOR A PROJECT ENTITLED TOWARDS ZERO DEATH DURING THE PERIOD OF OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015 AT NO COST TO THE CITY OF ST. CLOUD.

ACTION TAKEN: Resolution adopted and assigned number 2014-6-57.

16. RESOLUTION AUTHORIZING CITY ADMINISTRATION AND THE ST. CLOUD POLICE DEPARTMENT TO MAKE APPLICATION FOR A C.O.P.S. – COMMUNITY POLICING DEVELOPMENT 2014 GRANT - TO THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$895,000 OF FEDERAL FUNDS OVER THREE YEARS FOR THE PURPOSE OF EMPLOYING FIVE (5) OFFICERS FOR THE CITY OF ST. CLOUD.

ACTION TAKEN: Councilmember Hontos removed the item for separate discussion. It was moved by Councilmember Hontos, seconded by Councilmember Gohman, to approve the resolution. Mayor Kleis spoke to the grant that would allow the City of St. Cloud to increase its police force to 107 police officers. The current base is at 102 officers. Following a brief discussion, the motion unanimously carried. The adopted Resolution was assigned number 2014-6-58.

17. RESOLUTION AUTHORIZING SUBMITTAL FOR A MINNESOTA POLLUTION CONTROL AGENCY CLEAN WATER PARTNERSHIP GRANT.

ACTION TAKEN: Resolution adopted and assigned number 2014-6-59.

18. RESOLUTION ALLOWING FOR THE INCREASE IN THE BASE LAKE GEORGE MUNICIPAL COMPLEX CHANGE FUND.

ACTION TAKEN: Resolution adopted and assigned number 2014-6-60.

19. LAKE GEORGE PERFORMANCE STAGE SECURITY CAMERA PURCHASE AND INSTALLATION.

ACTION TAKEN: Councilmember Hontos removed this item for separate discussion. It was moved by Councilmember Hontos, seconded by Councilmember Lewis, to approve the purchase. Hontos asked for clarification on the dollar amount of the City's cost share as conflicting amounts were listed in the staff memo. Park Director Scott Zlotnik confirmed the \$11,300 amount was correct. He also invited the public to the ribbon cutting ceremony for the new Lake George Performance stage that is scheduled for 1:30 p.m. on Tuesday, June 10. The motion unanimously carried.

20. **APPROVAL OF PAYMENT OF \$10,000 INVOICE FOR FEE APPRAISAL SERVICES PROVIDED IN CONNECTION WITH THE TAX APPEAL CASES TILED BY ST. CLOUD MALL HOLDING, LLC FOR THE TAX YEARS 2011 (PAY 2012) AND 2012 (PAY 2013).** ACTION TAKEN: Approved.

21. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING ON JUNE 23, 2014, TO CONSIDER RAYMOND AVENUE N.E. AREA NEIGHBORHOOD IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2014-6-61.

22. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING ON JUNE 23, 2014, TO CONSIDER 22ND STREET SOUTH IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2014-6-62.

23. **33RD STREET SOUTH IMPROVEMENTS, CONTRACT 2014-01, S.P. 162-151-001, S.A.P. 162-171-001, S.A.P. 162 145-011: (A.) RESOLUTION ACCEPTING LOW BID FOR 33RD STREET SOUTH IMPROVEMENTS; AND (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.** ACTION TAKEN: Resolutions adopted and assigned numbers 2014-6-63 and 2014-6-64 respectively.

24. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING ON JUNE 23, 2014, TO CONSIDER 2015 BITUMINOUS STREET RESURFACING IMPROVEMENTS ON 9TH AVENUE SOUTH/CLEARWATER ROAD FROM UNIVERSITY DRIVE TO 22ND STREET SOUTH.** ACTION TAKEN: Resolution adopted and assigned number 2014-6-65.

25. **APPROVAL OF FINAL PAYMENT TO CONLON CONSTRUCTION CO. FOR PARAMOUNT THEATRE ELEVATOR ROOM REPAIRS.** ACTION TAKEN: Approved.

OPEN FORUM:

Dan Franklin, 8065 Hunter Lake Drive, Clear Lake, MN, co-owner of two Snap Fitness Centers in St. Cloud, said he was representing many private fitness center owners in the St. Cloud area who share concerns about plans for a fitness center to be constructed along with the new aquatic center.

PUBLIC HEARINGS:

26. **APPLICATION FOR RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2014 TO JUNE 30, 2015.** City Clerk Gregg Engdahl spoke to the list of establishments being considered for renewal subject to conditions noted by the reviewing departments. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Libert, to approve the licenses subject to the conditions as noted. The motion unanimously carried.

27. **(A.) ORDINANCE VACATING THE DRAINAGE AND UTILITY EASEMENT LOCATED ALONG THE SOUTHWESTERN LOT LINE OF LOT 14, BLOCK 2, SOMMERSBY PLAT 2.**

(LOCATION: 2275 37TH ST S) (VAC-2014-01); AND (B.) FINAL PLAT OF SOMMERSBY PLAT 3. Community Development Director Matt Glaesman gave a brief overview of the applicant's request and noted that staff recommended 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 Gohman, to approve 27A. – the Ordinance vacating the drainage and utility easement. The motion unanimously carried. The adopted Ordinance was assigned number 2591. It was then moved by Councilmember Gohman, seconded by Councilmember Libert, to approve 27 B. – the final plat of Sommersby Plat 3. The motion unanimously carried. It was noted that there would be no impact to the wetland area.

28. (A) ORDINANCE AMENDING SECTION 356 OF THE 2007 CODE OF ORDINANCES STANDARDIZING THE VIOLATIONS AND ENFORCEMENT, AND PENALTIES SECTIONS; AND (B) TWO ORDINANCES AMENDING SECTION 1100 OF THE 2007 CODE OF ORDINANCES - ONE TO INCLUDE THE STORMWATER SYSTEM USE CODE AND THE OTHER TO INCLUDE SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES.

Assistant Public Utilities Director Lisa Vollbrecht spoke to the ordinance amendments that would update the compliance, enforcement and penalty provisions related to stormwater system use. Section 365 will be moved into Section 1100 as a property violation subject to administrative enforcement and the administrative hearing process and include the fine schedule, which is currently in Section 525. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Lewis, seconded by Councilmember Libert, to approve Item A. amending Section 365. The motion unanimously carried. The adopted ordinance was assigned 2592. In response to Councilmember Hontos' question about the fine schedule, Assistant Director Vollbrecht noted that the fee schedule has not changed, but rather as a housekeeping/streamlining measure, the fees will be moved from Section 525 into Section 1100. It was moved by Councilmember Masters, seconded by Councilmember Gohman, to approve Item B. – the two proposed ordinances amending Section 1100. The motion unanimously carried. The adopted ordinances were assigned 2593 and 2594 respectively.

NEW BUSINESS:

29. UPDATE REGARDING COMMITTEE DISCUSSIONS OF KEEPING BACKYARD CHICKENS. Community Development Director Matt Glaesman presented a brief recap of the public forum and advisory board meetings held on April 15, May 13, and May 21. The meetings were held to discuss proposing an amendment to the City Code regarding backyard chickens. After conducting the meetings, City staff along with the Planning Commission and the Health and Housing Advisory

and Appeals Committee have recommended that an amendment not be introduced. Glaesman presented the options available to the Council: (1) direct staff to prepare a draft ordinance for public hearing consideration at a future City Council meeting; (2) pass a motion to maintain the current City Code prohibition; or (3) table the issue for further consideration. It was moved by Councilmember Libert, seconded by Councilmember Masters, to maintain the City Code which prohibits keeping chickens in residential zoning districts, but does allow having chickens in the Agriculture and Rural Residential zoning districts. The motion carried by a 5-1 vote with Councilmember Hontos voting against.

30. APPEAL OF LARRY THIELMANN AND AMANDA ANDERSON FOR A VARIANCE FROM SECTION 4 - GENERAL PROVISIONS OF THE ANGUSHIRE MEADOWS PUD MAXIMUM LOT COVERAGE OF 32% TO CONSTRUCT A 12' X 18.5' ADDITION AT 409

41ST AVE S. (VAR-2014-02). Community Development Director Matt Glaesman displayed a schematic of the area. The applicants are proposed to construct a 222 sq. ft. addition to the rear of their existing home, increasing the lot area coverage to 37% of the property. Councilmember Lewis supported the request and the blended families' need to increase the size of their home. Councilmember Lewis moved to schedule a public hearing for this appeal. The motion died for a lack of a second. It was then moved by Councilmember Libert, seconded by Councilmember Masters, to affirm the decision of the Zoning Board of Appeals to deny the requested variance and approved the draft resolution as presented. The motion carried by a 5-1 vote with Councilmember Lewis voting against. The adopted resolution was assigned number 2014-6-66.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos brought up an issue/unique situation facing a local builder in our community who built new patio homes for rental and encountered the problem of being charged with double inspections. The city's Building & Inspections staff conducted an inspection on the new patio homes for the issuance of a certificate of occupancy and then the Health & Inspections staff conducted an additional inspection to issue a rental license for same properties. Councilmember Hontos suggested refining the current system for better efficiency by streamlining the two inspections into one inspection. Community Development Director Glaesman agreed that the situation was unique and said that city staff has compromised and intends to charge for only one rental inspection for the six detached units that can be inspected in one visit. He, however, noted that it is important to conduct separate building and rental inspections on properties. After a brief discussion, it was the Council's consensus to have staff return with information to either support dual inspections, or

recommendations to combine/streamline into one inspection---all information for future discussion.

Granite City Days will kick-off on Thursday evening, June 26, and run thru Sunday, June 29, 2104. The parade will take place on Saturday, June 28, 2014, at 10:00 a.m., highlighting a new parade route beginning at Hester Park and ending at the library.

Mayor Kleis said he has been contacted by community members, including an HRA Board member, who are very concerned about the HRA's direction regarding senior housing/federal subsidized housing. Some buildings that were constructed years ago for senior housing are now being utilized by a high percentage of non-seniors, which has created challenges for the senior population. As the mayor appoints three members to the HRA Board, he wanted this community concern brought to the HRA's attention. Currently, Jeff Goerger, Nancy Gohman, and George Hontos serve on the HRA Board.

ADJOURNMENT: There being no further business to discuss, Council President Goerger adjourned the meeting at 6:58 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary