

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

June 23, 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 23, 2014 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.

### Special Recognition:

4. **Proclamation declaring the month of July 2014 as St. Cloud Historic Preservation Month.** Dr. Michael Williams, City Administrator, read the proclamation declaring July 2014 as St. Cloud Historic Preservation Month. Matt Glaesman, Community Development Director, gave a brief overview of the events that were happening during the month.

### Consent Agenda:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
6. **APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETINGS HELD MAY 19, 2014.** ACTION TAKEN: Approved.
7. **CONFIRM MAYOR'S APPOINTMENT TO THE HOUSING AND REDEVELOPMENT AUTHORITY BOARD.** ACTION TAKEN: Confirmed the appointment of Hazel Youngmann to a vacant position for a term to commence immediately and expire October 31, 2018.
8. **APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR SPORTS CENTER, LLC (MOHAMUD WARSAME) DBA SPORTS CENTER, LLC 3419 3<sup>RD</sup> ST. N.** ACTION TAKEN: Approved pending receipt of MN tax ID.

9. **APPROVE NEW JOB DESCRIPTION FOR ADMINISTRATIVE AND FIELD ASSISTANT IN HEALTH & INSPECTIONS DEPARTMENT.** ACTION TAKEN: Masters/Lewis moved approval. Councilmember Masters questioned the impact this position will have on the Department. Matt Glaesman, Community Development Director, gave a brief overview of what this position would be doing. Councilmember Hontos questioned how much time this position would spend out in the field versus in the office. The answer is unknown at this time. He also expressed his concern that this position wasn't filled two years ago and he wondered if criteria was being put in place to judge the effectiveness of the position. Mr. Glaesman stated that once the new tracking software is implemented the ability to show progress in much greater detail. Councilmember Hontos would like to see updates on data/results (in near future) on the benefits of this new person. Dr. Michael Williams, City Administrator, noted that update will be provided once the changes are implemented. Motion carried unanimously.
10. **APPROVAL OF NEW JOB DESCRIPTION: AIRPORT OPERATIONS AND MAINTENANCE.** ACTION TAKEN: Approved.
11. **RESOLUTION RELATING TO A FINANCING UNDER MINNESOTA STATUTES, CHAPTER 462C AND SECTIONS 469.152 THROUGH 469.165, AS AMENDED, ON BEHALF OF CENTRACARE HEALTH SYSTEMS AND ITS AFFILIATES; CALLING FOR A PUBLIC HEARING THEREON.** ACTION TAKEN: Lewis/Masters moved approval. Motion carried unanimously. Public hearing was set for July 14, 2014. Resolution was adopted and assigned number 2014-6-67.
12. **ORDINANCE AMENDING ARTICLE 14 – USE STANDARDS, SECTION 14.3 – USE STANDARDS, P. MICRO-BREWERY OF THE ST. CLOUD LAND DEVELOPMENT CODE, TO INCREASE THE BUILDING SIZE AND PRODUCTION VOLUME STANDARDS OF MICROBREWERIES.** ACTION TAKEN: Reading and public hearing were set for July 14, 2014. Assigned proposed ordinance number 2014-15.
13. **APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF TOP NOTCH PLAT LOCATED AT 2621 DIVISION STREET.** ACTION TAKEN: Lewis/Hontos moved approval. Motion

carried unanimously.

14. **REPLACEMENT OF WEST TAINTER GATE CONTROLLER FOR THE HYDROELECTRIC GENERATION FACILITY.** ACTION TAKEN: Approved.
15. **APPROVAL OF PROFESSIONAL SERVICE AGREEMENTS RELATED TO THE RESOURCE RECOVER AND ENERGY EFFICIENCY MASTER PLAN.** ACTION TAKEN: Hontos/Libert moved approval. Councilmember Hontos had questions on the cost of equipment versus the future cost saving. Pat Shea, Public Services Director, gave a brief overview of the project. Motion carried unanimously.
16. **RESOLUTION AUTHORIZING THE SUBMISSION OF A GREENCORPS MEMBER HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY.** ACTION TAKEN: Lewis/Masters moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2014-6-68.
17. **RESOLUTION AUTHORIZING ACCEPTANCE OF THE MINNESOTA POLLUTION CONTROL AGENCY EMERGING CONTAMINANTS WASTEWATER INITIATIVE GRANT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2014-6-69.
18. **APPROVAL TO COMPLETE SUPPLEMENTAL WORK RELATED TO THE SEWER INTERCEPTOR SYSTEM – PHASE IV PROJECT.** ACTION TAKEN: Approved.
19. **AWARD THE BID FOR THE 2014 RIVERS' EDGE PARKING FACILITY GENERAL MAINTENANCE AND REPAIRS.** ACTION TAKEN: Approved.
20. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH CRITICAL PATH, INC., FOR SERVICES RELATED TO CONDUCTING A FEDERAL REGULATORY REQUIREMENTS REVIEW FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.
21. **REQUEST APPROVAL OF CHANGE ORDER #2 RELATED TO THE AIRCRAFT STORAGE HANGAR AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

**Open Forum:**

No one testified.

**Public Hearings:**

22. **A PUBLIC HEARING TO AMEND SECTION 810:05 SUBD. 5 OF THE 2007 CODE OF ORDINANCES ENTITLED “ON-SALE WINE LICENSES”.**

Gregg Engdahl, City Clerk, presented the proposed ordinance. Council President Goerger opened the public hearing. No one testified. Council President closed the public hearing. Masters/Gohman moved approval. Motion carried unanimously. Ordinance was assigned number 2595.

23. **APPLICATION FOR A WINE LICENSE FOR ANGUSHIRE GOLF CLUB, INC., DBA ANGUSHIRE GOLF CLUB, 224 WAITE AVENUE SOUTH.**

Gregg Engdahl, City Clerk, presented the application. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed the public hearing. Libert/Hontos moved approval. Motion carried unanimously.

24. **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.**

Dr. Michael Williams, City Administrator, gave a brief background on the agreement. Waite Park has already approved the agreement and the other cities' are going to be looking at the agreement at their City Council meetings. There are three projects that this agreement includes. These include the Lake Wobegon Trail, the Community Aquatics Center, and the Airport. Masters/Hontos moved approval. Motion carried unanimously.

25. **CONSIDERATION OF RESOLUTION ORDERING RAYMOND AVENUE N.E. AREA NEIGHBORHOOD IMPROVEMENTS.**

Steve Foss, City Engineer, presented the improvements. Council President Goerger opened the public hearing. The following individuals testified:

Sue Theisen	514 4 <sup>th</sup> Street NE; Spoke in favor of the railroad quiet zone.
Lynn Moore	570 6 <sup>th</sup> Avenue NE; Spoke in opposition to the improvements except the railroad quiet zone.
Jon Schultz	443 6 <sup>th</sup> Street NE; Expressed concern in regard to the assessment cost. He feels that the assessments are high compared to the value of the home. He is also concerned about the mature trees on his property. He spoke in opposition of the improvements.
Robert Nelson	310 Wilson Avenue NE; Mr. Nelson questioned why the streets need to be widened and why there has to be a sidewalk.
Matt Reine	215 5 <sup>th</sup> Avenue NE; He spoke against the improvements and noted that the assessments are 30% of the value of his home.
Richard Bahner Jr.	41 3 <sup>rd</sup> Avenue NE, #418; Spoke in favor of the railroad quiet zone.
Steve Winter	502 3 <sup>rd</sup> Street NE; He made a suggestion to replace the sidewalk with widening the street and adding a bike lane.
Roger Moen	229 5 <sup>th</sup> Avenue NE; He doesn't feel that there is a need a sidewalk on his street because it is a dead end street.
Adam Bluff	621 Wilson Avenue NE; He spoke in favor of the railroad quiet zone.
Bruce Harper	425 Wilson Avenue NE; He had concern about the cost. His sidewalk and gutters are in good shape. He is also concerned about landscaping and street.
Tom Gruska	550 4 ½ Street NE; He opposed the current plan of the quiet zone because it will be very costly to his business. If there is a permanent fixture there such as a fence, he will not have enough room. Therefore, he will need to rent property to store his trailers and maintain the property all year long, which is an ongoing expense year after year. If the City could go back to the original plan with a 60 foot, he could live with that. There would still be an expense but not to the extent of the expense of the current plan.

Jon Theis	528 5 <sup>th</sup> Avenue NE; He spoke in opposition to the improvements. He doesn't feel the cost is justified. He also stated that pedestrians will walk wherever and don't need sidewalks.
Fred Rudolph	435 Raymond Avenue NE; He is concerned about the expense. He also noted that the only traffic that uses this area are the people that live in the neighborhood. His home is valued at \$67,000 and the assessments are \$9,000.
Joyce Schrom	504 524 6 <sup>th</sup> Avenue NE; Ms. Schrom owns as duplex in the area and stated that she thought improvements were completed 10 years ago. She spoke in favor of the railroad quiet zone.
Eric Halstead	518 5 <sup>th</sup> Avenue NE; He spoke against the improvements except for the railroad quiet zone. He does not want to live in a construction zone.
Dan Struthers	720 Lowery Avenue, Belgrade, MN 56312; He had questions on the assessment rates for multi-housing and single family housing.
George Ecklund	223 Wilson Avenue; He questioned whether the assessment cost took into account the value of the property and the income of the property owner.
Pat Moran	917 13 <sup>th</sup> Avenue SE; She commented that even though it may be a quiet zone the conductor can still blow the horn.
Greg Jones	611 Raymond Avenue NE; Mr. Jones commented that the number of trains is really high.

Council President Goerger closed the public hearing. Steve Foss answered most of the questions addressed during the public hearing. In general, these utilities are old and in need of replacement. If not replaced they will start to fail. He spoke to the amount of assessments and the fact that the City will work with the property owners on different payment programs. Masters/Johnson moved approval. There were comments made by the City Council. Hontos/Gohman moved to amend the original motion by pulling the Railroad Quiet Zone component with the

intention that the City work with the property owner of Pythons Recycling to come to a compromise and/or agreement. Motion carried 6-1; Council President Goerger voted against. Hontos/Gohman moved that when the Engineering Department has the plans and specifications of the project that they hold a neighborhood informational meeting that shows the property owners the plans. Motion carried unanimously. The original motion carried 6-1 by roll call vote; Councilmember Johnson voted against. Resolution was adopted and assigned number 2014-6-70.

26. **CONSIDERATION OF RESOLUTION ORDERING 22<sup>ND</sup> STREET SOUTH IMPROVEMENTS.**

Steve Foss, City Engineer, presented the improvements. Council President Goerger opened the public hearing. The following individuals testified:

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| John Zaczkowski | 3005 22 <sup>nd</sup> Street S.; He has some concern about that improvements. He thought that they were not going to do anything with 22 <sup>nd</sup> until 33 <sup>rd</sup> was completed. |
| Nancy Zaczowski | 3005 22 <sup>nd</sup> Street S.; She does not want curb and gutter. She was told that nothing would be done until they knew what traffic would be like until 33 <sup>rd</sup> was completed. |

Council President Goerger closed the public hearing. An email from Faye Dyson, 2731 22<sup>nd</sup> Street South was submitted for the record. Ms. Dyson noted that she was in support of paving only the street between Shannon and Oak Grove. Steve Foss stated that he doesn't think the 33<sup>rd</sup> improvements will impact traffic in this area. Masters/Libert moved approval. Motion carried unanimously by roll call vote. Resolution was adopted and assigned number 2014-6-71.

27. **CONSIDERATION OF RESOLUTION ORDERING 2015 BITUMINOUS STREET RESURFACING IMPROVEMENTS ON 9<sup>TH</sup> AVENUE SOUTH/CLEARWATER ROAD FROM UNIVERSITY DRIVE TO 22<sup>ND</sup> STREET SOUTH.**

Steve Foss, City Engineer presented the improvements. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed

the public hearing. Libert/Masters moved approval. Motion carried unanimously by roll call vote. Resolution was adopted and assigned number 2014-6-72.

**Old Business:**

28. **REVIEW OF SECTION 301 OF THE CODE OF ORDINANCES ESTABLISHING A BUILDING APPEALS BOARD.**

Matt Glaesman, Community Development Director, gave a brief overview of the board and noted that no one applied for the board. Libert/Lewis moved to not renew the ordinance which established the board. Motion to not renew carried unanimously.

29. **DECLARING THE PROPERTY AT 113 14<sup>TH</sup> AVENUE SOUTH, ST. CLOUD TO BE A HAZARDOUS BUILDING WHICH REQUIRE REPAIR OR REMOVAL PURSUANT TO MINN. STATS 463.15 AND 463.16.**

Matt Glaesman, Community Development Director presented the item and gave a brief history of the process which resulted in condemning the property. Councilmember Hontos expressed his discomfort that this took so long and that the neighbors has to live next to this. Masters/Libert moved approval of declaring the building a Hazardous Building. Motion carried unanimously.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 9:19 p.m.

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City Council President  
Jeff Goerger

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Jennifer Burrows, Recording Council Secretary