

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

July 28, 2014

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on July 28, 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 Tuesday, August 5, 2014 to be "National Night Out" in the City of St. Cloud.** Mayor Kleis read the proclamation and noted that at the time of the meeting there were 32 organized "National Night Out" neighborhood events planned.
5. **Presentation of 2014 Historic Preservation Awards and Century Homes.** Matt Glaesman, Community Development Director, introduced Mark Lenaghan, Chair of the Historic Preservation Commission, who presented the awards. The Heritage Preservation Awards were given to: 1) "Neighborhood Proud" Program – Northside/Hester Park Neighborhood Association (Steve Lanz); 2) Dr. R. Lawrence Thienes (Clark- House – 356 3<sup>rd</sup> Avenue South); 3) Metro Bus (Transit Center – 510 1<sup>st</sup> Street South); and 4) St. Cloud Masonic Association (Kerr Block – 518 St. Germain Street West). The 2014 Century Homes Recognition Program Awards were presented to: 1) 218 4<sup>th</sup> Avenue South (Original Homeowner – Christian Stanger and Current Homeowner – Steven & Barbara Orvis); and 2) 1021 8<sup>th</sup> Avenue South (Original Homeowner – Harry Young and Current Homeowner – Nancy Johnson).

### Consent Agenda:

6. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.

7. **A) APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETINGS HELD JUNE 23, 2014; AND**  
**B) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 14, 2014.** ACTION TAKEN: Approved.
8. **SET SPECIAL MEETING OF THE CITY COUNCIL FOR 12:00 NOON ON FRIDAY, AUGUST 15, 2014, IN CITY HALL CONFERENCE ROOM #1 TO CANVASS RESULTS OF AUGUST 12 PRIMARY ELECTION.** ACTION TAKEN: Lewis/Hontos moved approval. Motion carried unanimously.
9. **APPLICATION FOR ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR JK FLYER'S, LLC DBA JK FLYER'S FOR SERVICE AT THE ST. CLOUD REGIONAL AIRPORT, 1550 45<sup>TH</sup> AVE. SE.** ACTION TAKEN: Set public hearing for August 11, 2014.
10. **RESOLUTION AUTHORIZING A CHARITABLE GAMBLING PREMISES PERMIT FOR ST. CLOUD YOUTH HOCKEY FOR ACTIVITIES TO BE CONDUCTED AT THE TUSCAN CENTER AT MIDTOWN SQUARE, 333 WEST DIVISION ST., SUITE 116.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2014-7-77.
11. **RESOLUTION ADOPTING THE STIPULATIO BETWEEN THE CITY OF ST. CLOUD AND VARIOUS TOBACCO LICENSE ESTABLISHMENTS REGARDING TOBACCO VIOLATIONS OF SECTION 424 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.** ACTION TAKEN: Lewis/Masters moved approval. Motion carried unanimously. Resolution were adopted and assigned number:
  - A. GW Coffe Tobacco: 2014-7-78
  - B. JM Speed Stop: 2014-7-79
  - C. Superamerica: 2014-7-80
  - D. Superamerica Division: 2014-7-81
  - E. Nick's Discount Liquor: 2014-7-82
12. **RESOLUTION AUTHORIZING THE PARAMOUNT THEATRE SEATING REPLACEMENT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2014-

7-83.

13. **AWARD BID FOR COMPOSTABLE YARD WASTE BAGS.** ACTION TAKEN: Approved.
14. **ORDINANCE AMENDING SECTION 512 OF THE 2007 CODE OF ORDINANCES REGARDING VARIOUS RENTAL HOUSING FEES AND OTHER HEALTH AND INSPECTIONS DEPARTMENT FEES AND SECTION 1000 OF THE 2007 CODE OF ORDINANCES REGARDING ADMINISTRATIVE CITATION FEES.** ACTION TAKEN: Hontos/Libert moved to set public hearing for August 11, 2014. Councilmember Hontos requested the updated information on the fees and fines be sent to the Council before the public hearing. Motion carried unanimously. Assigned proposed ordinance number 2014-18.
15. **APPROVAL OF AMENDMENT #1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH FORECAST, INC.** ACTION TAKEN: Hontos/Gohman moved approval of the item with the friendly amendment that the City Council receive an updated report on the history of the consultant Forecast, Inc. Motion carried unanimously.
16. **APPROVE TASK ORDER 18 BETWEEN THE CITY OF ST. CLOUD AND MEAD AND HUNT, INC. FOR CONSULTING SERVICES RELATED TO THE PARKING LOT ENVIRONMENTAL ASSESSMENT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.
17. **REQUEST APPROVAL OF CHANGE ORDER #3 RELATED TO THE AIRCRAFT STORAGE HANGAR AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Johnson/Libert moved approval. Motion carried unanimously.
18. **ACCEPTANCE OF LOW QUOTE FROM NORTHWEST ASPHALT AND MAINTENANCE FOR CRACK REPAIR AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING STATE FUNDS.** ACTION TAKEN: Johnson/Masters moved approval. Motion carried unanimously.

**Open Forum:**

No one testified.

**Public Hearings:**

19. **APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM GMRI, INC. DBA RED LOBSTER #493 TO RED LOBSTER HOSPITALITY, LLC DBA RED LOBSTER #0493, 2920 DIVISION ST.**

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

- 19A. ~~**ORDINANCE REZONING PROPERTY LOCATED AT 1706 11<sup>TH</sup> AVENUE SOUTH FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R2, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT.**~~

20. **A) APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE; AND B) APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR MICHAEL JAMES SOULE, DBA MIKES WHISKEY BUSINESS, 701 WEST ST. GERMAIN, SUITE 100.**

Gregg Engdahl, City Clerk, gave an overview of the application and recommended approval pending receipt of favorable reviews from the Health, Planning and Fire Departments. Gohman/Hontos moved approval. Motion carried unanimously.

21. **ORDINANCE REZONING PROPERTY AT 405 AND 407 33<sup>RD</sup> AVENUE NORTH FROM C1, BUSINESS OFFICE DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT.**

Matt Glaesman, Community Development Director, presented the proposed ordinance and noted that the Planning Commission recommended approval. City Council President Goerger opened the public hearing. The following individual testified:

John Severson      Owner of the property in question. He presented a brief history of the use of the property and requested approval of the rezoning

Council President Goerger closed the public hearing. Hontos/Masters moved approval. Motion carried unanimously. Ordinance was adopted and assigned number 2597.

22. **RESOLUTION AMENDING THE HOSPITALITY HOUSE PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE ADDITION OF 16 LIVING UNITS TO THE GORECKI GUEST HOUSE AT 1309 6<sup>TH</sup> AVENUE NORTH.**

Matt Glaesman, Community Development Director, presented the resolution and noted that the Planning Commission recommended approval. Council President Goerger opened the public hearing. The following individuals testified:

Dave Larson 1406 6<sup>th</sup> Avenue North. Mr. Larson is the Director of Facilities for St. Cloud Hospital/Centracare. He spoke on behalf of the St. Cloud Hospital and requested approval. He gave a brief overview of the project and noted that they received a grant from the Gorecki's to expand the guest house.

Janene Rudeman 1406 6<sup>th</sup> Avenue North. Ms. Rudeman is the Director of Volunteer Services for St. Cloud Hospital. She oversees operations of the guest house. She gave an overview of the numbers using the house and the high satisfaction that guests have. She also spoke of the need for the expansion because they are turning away guests.

Bruce Egerman 1421 7<sup>th</sup> Avenue North. Mr. Egerman spoke in opposition to the project. He doesn't want further intrusion of the St. Cloud Hospital into the Hester Park neighborhood. He questioned the numbers of users that St. Cloud Hospital presented. He is concerned that these numbers are not correct and that the facility is not full.

Tom Braatz 1350 8<sup>th</sup> Avenue North. Mr. Braatz spoke in opposition to the project. Although he feels that this is a well-run program, however, he is concerned that it doesn't fit into the neighborhood. He also feels that they didn't have the required public meetings that were required.

Jane Brown 7263 8<sup>th</sup> Avenue North. Ms. Brown spoke in favor of the expansion. She feels that it is a facility to be proud of

Michael Hutt 1329 7<sup>th</sup> Avenue North. Mr. Hutt is concerned about what the project may do to property values.

Council President Goerger closed the public hearing. Ms. Rudeman, St. Cloud Hospital, addressed the comments on occupancy and assured the Council that there is a need for the expansion. She also addressed the issue of public notification and noted notification was given to affected property owners and that there were public meetings held in regard to the expansion. They had one meeting with the neighborhood coalition and then hosted a second with invitations going to the public notification list given to them by the Planning Office. Motion carried unanimously. Resolution was adopted and assigned number 2014-7-84.

**Old Business:**

23. **CONSIDERATION AND APPROVAL OF A RESOLUTION DESIGNATING SPECIFIC CAPITAL IMPROVEMENTS TO BE FUNDED BY THE COLLECTION OF A ONE-HALF PERCENT SALES AND USE TAX FOR THE ST. CLOUD AREA CITIES.**

Dr. Michael Williams, City Administrator, presented the resolution. Masters/Johnson moved approval per recommendation. Motion carried unanimously. Resolution was adopted and assigned number 2014-7-85.

24. **RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC. A FRANCHISE EXTENSION TO DECEMBER 31, 2014.**

Matthew Staehling, City Attorney, gave a brief overview of the historical relationship between the City and Charter Communications and their contract. The City has been working with Charter for two years to come up with a new franchise agreement. Mr. Staehling noted his frustration with Charter and their lack of communication. The City sent an agreement in April and received no response. In addition, Charter is delinquent in City franchise fees payments. Hontos/Johnson moved approval of the resolution. Councilmember Hontos expressed concern and feels the extension of the contract shouldn't be approved. Mr. Staehling noted that it is beneficial to the City and to cable users to move forward in an attempt to come to an acceptable agreement with Charter. If an agreement is not made then the next step is to move to a formal process of the court system. After much discussion among the City Council, Libert/Lewis moved to amend the resolution by having

the franchise contract be extended for 60 days with the City and Charter Communication demonstrating substantial movement with negotiations (which will then extend the contract to December 31, 2014) and that a letter expressing the City's displeasure and concern be sent to Charter Communications. Motion to amend carried 5-2; Councilmembers Hontos and Johnson voted against. The original motion as amended carried 5-2; Councilmembers Hontos and Johnson voted against. Resolution was adopted and assigned number 2014-7-86.

**Adjournment:** There being no further business to discuss the meeting was 8:44 p.m.

Respectfully Submitted,  
Jennifer Burrows  
Recording Council Secretary

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City Council President  
Jeff Goerger