

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

NOVEMBER 24, 2014

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on November 24, 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, Johnson, Lewis, Libert and Masters were present. Councilmember Hontos was absent.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of Councilmember Johnson adding one item under Open Discussion and Councilmember Lewis adding two items under Open Discussion.
5. **APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 20, 2014 AND THE SPECIAL CITY COUNCIL MEETING HELD NOVEMBER 14, 2014.** ACTION TAKEN: Approved.
6. **THE 2015 CITY COUNCIL MEETING CALENDAR.** ACTION TAKEN: Council President Goerger pulled the item for separate discussion. President Goerger indicated that Councilmember Hontos had asked that this item be delayed to the December 8th meeting with the request to have a Study Session scheduled each month. Mayor Kleis encouraged the Council to adopt the proposed calendar at this meeting so that the 2015 dates could be publicly posted. Any amendments to the 2015 calendar could be made, as necessary, in the future. It was moved by Goerger, seconded by Libert to adopt the 2015 City Council meeting calendar. The motion unanimously carried.
7. **APPOINTMENT TO THE RETIRED AND SENIOR VOLUNTEER PROGRAM ADVISORY COUNCIL.** ACTION TAKEN: Confirmed the appointment of Jim Hughes to his first term to commence January 1, 2015 and expire December 31, 2017.
8. **REAPPOINTMENT TO THE CIVIL SERVICE BOARD.** ACTION TAKEN: Confirmed reappointment of Thomas Dougherty to his second term to commence immediately and expire June 30, 2017.
9. **APPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Confirmed the appointment of Dean Reller to a term to commence immediately and expire April 30, 2016.
10. **APPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed the appointment of Adam Smith to a term to commence immediately and expire April 30, 2017.

11. **APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the appointment of Linda Raden to a term to commence immediately and expire April 30, 2017.

12. **SET A SPECIAL MEETING TO CANVASS THE GENERAL ELECTION RESULTS OF THE NOVEMBER 21ST BALLOT RECOUNT FOR WARD 2.** ACTION TAKEN: The special meeting was set for December 8, 2014, at 5:45 p.m. in the Council Chambers.

13. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE CITY OF ST. CLOUD TO BE USED FOR THE "WEIHNACHTSMARKT" EVENT TO BE HELD ON FRIDAY, DECEMBER 12, FROM 5-9 P.M. AT 523 WEST ST. GERMAIN.** ACTION TAKEN: Approved.

14. **APPLICATION FOR AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR JM COMPANIES, INC. DBA SUPERAMERICA ON 33RD, 702 33RD AVE N.** ACTION TAKEN: Approved with contingencies as noted in memo.

15. **APPLICATION FOR A TOBACCO LICENSE FOR JM COMPANIES, INC., DBA SUPERAMERICA ON 33RD, 702 33RD AVE N.** ACTION TAKEN: Approved.

16. **RESOLUTION AUTHORIZING THE ISSUANCE OF AN OFF-SITE CHARITABLE GAMBLING PERMIT TO THE ROCKVILLE LIONS CLUB FOR AN EVENT TO BE HELD FEBRUARY 6-7, 2015 AT THE KELLY INN.** ACTION TAKEN: Resolution adopted and assigned number 2014-11-141.

17. **RESOLUTION CALLING FOR A PUBLIC HEARING ON DECEMBER 22, 2014, ON THE MODIFICATION TO CERTAIN EXISTING TAX INCREMENT FINANCING DISTRICTS WITHIN THE CITY.** ACTION TAKEN: Resolution adopted and assigned number 2014-11-142.

18. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE PENDING A SATISFACTORY PRE-OPENING INSPECTION BY THE HEALTH & INSPECTIONS DEPARTMENT FOR LIPING XIAO DBA ASIAN DAY SPA, 4221 CLEARWATER RD #113, ST. CLOUD.** ACTION TAKEN: Approved.

19. **ORDINANCE REZONING PROPERTY LOCATED AT 237 37TH AVENUE NORTH FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD). (REZ-2014-08)** ACTION TAKEN: The reading and public hearing were set for December 8, 2014. (Proposed Ordinance 2014-33)

20. **RESOLUTION AMENDING THE MEDICAL DISTRICT GENERAL DEVELOPMENT PLAN TO CONSTRUCT A 23' X 106' ADDITION TO ST. CLOUD HOSPITAL'S EXISTING EMERGENCY ROOM. (LOCATION: 1406 6TH AVENUE NORTH) (DPA-2014-04).** ACTION TAKEN: Set public hearing for December 8, 2014.

21. **ORDINANCE VACATING THE ENTIRE 33' WIDTH OF THE SHOLING DRIVE RIGHT-OF-WAY FROM COOPER AVENUE SOUTH EASTWARD, LOCATED ADJACENT TO LOT 1, BLOCK 1, SHOLING PLACE. (LOCATION: 4334 COOPER AVENUE SOUTH) (VAC-2014-05)** ACTION TAKEN: A reading and public hearing were set for December 8, 2014. (Proposed Ordinance 2014-34)

22. **ACCEPT A DONATION OF IMPROVEMENTS TO THE LANDSCAPING AND STRUCTURES ALONG THE SOUTH SIDE OF THE LADY SLIPPER PARKING LOT IN AN AMOUNT OF APPROXIMATELY \$290,000 FROM LIBERTY SAVINGS BANK.** ACTION TAKEN: Approved.

23. **AUTHORIZE TOPOGRAPHICAL SURVEY WORK TO BE PERFORMED FOR SOUTHERN ST. CLOUD SEGMENTS OF THE BEAVER ISLAND REGIONAL TRAIL.** ACTION TAKEN: Approved.

24. **MUNSINGER/CLEMENS GARDENS GIFT SHOP LEASE AGREEMENT.** ACTION TAKEN Approved.

25. **JOINT USE AGREEMENT FOR COMMUNITY AQUATIC PROGRAMING WITH ISD742 COMMUNITY EDUCATION.** ACTION TAKEN: Approved.

26. **PINEVIEW PARK BMX LEASE AGREEMENT.** ACTION TAKEN: Approved.

27. **ORDINANCE AMENDING SECTION 236 AND SECTION 560 OF THE 2007 CODE OF ORDINANCES ESTABLISHING RULES AND FEES FOR THE PARK & RECREATION DEPARTMENT.** ACTION TAKEN: The reading and public hearing were set for December 8, 2014. (Proposed Ordinance 2014-25)

28. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HMA ARCHITECTS, LTD. FOR THE RIVER'S EDGE PARKING RAMP AND CONVENTION CENTER IMPROVEMENT PROJECT.** ACTION TAKEN: Item pulled by Councilmember Johnson for discussion. Community Services and Facilities Director Tony Goddard responded to concerns Johnson had regarding a proposed multi-purpose room. Mayor Kleis confirmed that there will be 400 parking stalls in the new ramp and the parking facility will either connect to a skyway or a multi-purpose room. A final design is yet to be determined. Murray Mack of HMA Architects was also in attendance. It was moved by Johnson, seconded by Masters, to approve the resolution as presented. The motion unanimously carried. Resolution adopted and assigned number 2014-11-143.

29. **CONSIDERATION OF 2015 PUBLIC UTILITIES CHEMICAL PROPOSALS.** ACTION TAKEN: Approved.

30. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AIRPORT IMPROVEMENT AGREEMENT WITH MINNESOTA DEPARTMENT OF TRANSPORTATION'S OFFICE OF AERONAUTICS.** ACTION TAKEN: Resolution adopted and assigned number 2014-11-144.

OPEN FORUM:

Mack Caruso, 224 6th Avenue N., spoke to the low quality of housing available to college students. Noted that many rentals need updating. He also commented that recycling isn't available at many rental units/homes.

Isuru (Ish) Herath, 271 Edward Drive, was concerned that college students want to have their voices heard, yet the Council's agenda never addresses issues or concerns that pertain to college students.

Abdi Daisal, 1921 7th Street N., Apt. #5, spoke to the difficulty that refugees, immigrants, and minorities have in accessing jobs in St. Cloud. He felt that there are talented students (graduate students) who would love to work in our community, but have no job program assistance.

Brian Peterson, 310 8th Avenue S., spoke to the lack of recycling options available to college students at rental housing. He asked that landlords be encouraged to recycle.

PUBLIC HEARINGS:

31. **ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY ADDING A NEW SECTION 102, CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES.** City Attorney Matthew Staehling explained that the proposed ordinance was crafted to follow a model ordinance developed by the League of Minnesota Cities and the Bureau of Criminal Apprehension. 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 adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2601.

32. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE PLATTED LOT LINE BETWEEN LOTS 2 AND 3, BLOCK 2, TIFFANY PARK TWO PLAT SIX, LOCATED AT 2517 24TH AVENUE SOUTH. (VAC-2014-03)** Community Development Director Matt Glaesman provided opening comments regarding the proposed vacation of the public drainage and utility easement along the platted shared lot line. The Planning Commission 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 Lewis, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2602.

33. **ORDINANCE VACATING A 17' WIDE STRIP OF DEDICATED STREET RIGHT-OF-WAY OF 10TH STREET SE FROM RIVERSIDE DRIVE SE AND THE ALLEY LOCATED AT 1002 RIVERSIDE DRIVE SE. (VAC-2014-04) COMMUNITY** Development Director Matt Glaesman provided

opening comments regarding the applicant's request to vacate 17 feet of public right of way to remove an encroachment of existing residence and build a new rear-yard fence. The Planning Commission and 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 Libert, to adopt the ordinance as presented. The motion unanimously carried. The adopted ordinance was assigned number 2603.

OLD BUSINESS:

34. (A) RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC. A FRANCHISE EXTENSION TO JANUARY 26, 2015;

AND (B) RESOLUTION ENFORCING CABLE TELEVISION FRANCHISE AGREEMENT ALLEGING THAT CHARTER COMMUNICATIONS HAS COMMITTED A VIOLATION OF THE FRANCHISE AND DEMAND THAT THE VIOLATION BE CURED. (TOLLING THE PERIOD FOR FRANCHISE ENFORCEMENT OF PEG CHANNEL LOCATION TO JANUARY 26, 2015.)

City Attorney Matt Staehling provided an update regarding the meetings and phone conferences held with Charter Communications over the past few weeks. He said that considerable progress was made, but there were still issues to be resolved. The current enforcement extension goes to the end of November. He commented that management had recently changed at Charter and that a new, more uniform document was being crafted for the City's review in December. He requested the Council approve, one final time, the extension of the Charter Communications, Inc. franchise agreement to January 26, 2015. He also noted that all delinquent PEG fees were paid in full in September and that during the extension period, we are receiving fee payments. After a brief discussion period, it was moved by Councilmember Libert, seconded by Councilmember Lewis, to approve the extension and adopt Resolution **A.** as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-11-145. It was then moved by Councilmember Lewis, seconded by Councilmember Masters, to approve Resolution **B.** as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-11-146.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Jeff Johnson brought up a concern regarding the Human Rights office located on the second floor of City Hall. During the past few months he has walked by the office and observed that the office is locked. He suggested that although the office is staffed by the State of Minnesota and serves as a Regional satellite office, it might be the public's perception that City employees staff the office. He stressed that visibility and accessibility are key to the success of the office. He suggested that at a minimum the Human Rights office hours/phone numbers of case managers be posted for public assistance.

Councilmember Carol Lewis spoke to a safety issue in an around the North Jr. High School. She was concerned that drivers are not being cautious in school zone areas and asked that the intersection at 12th Street and 29th Avenue be reviewed. She suggested flashing lights/electronic boards – 20 mph School Zone signs be considered.

Councilmember Carol Lewis also suggested that the City highlight/congratulate the Apollo High School Boys' State Soccer team for achieving this year's Class A State Championship.

Mayor Dave Kleis announced that the second annual Weihnachtsmarkt (German Christmas Market) will be held on Friday evening, December 12, from 5:00-9:00 p.m. at the World Heritage Corner located at 525 St. Germain St. W. The annual Winter Night & Lights Parade will be held the next day, Saturday, December 13, 2014.

Mayor Dave Kleis asked that residents take the City's Comprehensive Plan survey at www.stcloudplan.com. He also encouraged residents to apply for an opening on one of the City's many Boards and Commissions. Applications are available on the City's website or by contacting the Mayor's office.

ADJOURNMENT:

There being no further business to discuss, Council President Goerger adjourned the meeting at 7:00 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary