

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MAY 18, 2105

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 18, 2015, 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, Johnson, Lewis, Libert and Masters were present.

CONSENT AGENDA:

4. **APPROVAL OF THE AGENDA.** ACTION TAKEN: Approved with the addition of two items under Open Discussion requested by Councilmember Hontos and one item by Councilmember Lewis.
5. **APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 20, 2015.** ACTION TAKEN: Approved.
6. **MAYOR'S REAPPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the reappointment of Ronald Zenzen to his second term to commence immediately and expire April 30, 2018.
7. **MAYOR'S APPOINTMENT AND REAPPOINTMENTS TO THE WHITNEY SENIOR CENTER ADVISORY BOARD.** ACTION TAKEN: Confirmed the appointment of Marjorie Henkemeyer to her first term to commence immediately and expire March 31, 2018; and the reappointments of Perry Rollings, Jean Weitzel, and John Moline to their second terms to commence immediately and expire March 31, 2018.
8. **MAYOR'S REAPPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed the reappointment of Peter Fandel to his second term to commence immediately and expire April 30, 2018.
9. **MAYOR'S REAPPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD.** ACTION TAKEN: Confirmed the reappointment of Sergeant Lloyd Orth to his second term to commence immediately and expire April 30, 2018.
10. **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, 2015 TO JUNE 30, 2016.** ACTION TAKEN: A public hearing was set for June 8, 2015.
11. **APPLICATION FOR RENEWAL OF AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR DUCK'S BILLIARDS, INC. DBA DUCK'S SPORTS BAR AND GRILL, 3606 WEST DIVISION STREET. (LICENSE PERIOD 7-1-15 TO 6-30-16)** ACTION TAKEN: A public hearing was set for June 22, 2015.

12. **APPLICATION FOR EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR A CONVENTION AND VISITOR'S BUREAU GRAND OPENING EVENT TO BE HELD FROM 4:00 PM TO 7:00 PM ON JUNE 18, 2015 AT 1411 WEST ST. GERMAIN.** ACTION TAKEN: Approved contingent upon receipt of a favorable review by the Police Department.

13. **RESOLUTION APPROVING A SPECIAL LAW AUTHORIZING THE ISSUANCE OF AN INTOXICATING LIQUOR LICENSE FOR THE MUNICIPAL ATHLETIC COMPLEX.** ACTION TAKEN: Councilmember Johnson removed this item for discussion. It was moved by Councilmember Johnson, seconded by Councilmember Gohman, to adopt the resolution as presented. Tony Goddard, Director of Public Facilities, reviewed the plan to expand the sale of strong beer throughout the athletic facility during limited events. The motion unanimously carried. Resolution adopted and assigned number 2015-5-59.

14. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR THE ST. CLOUD MUNICIPAL ATHLETIC COMPLEX, 5001 VETERAN'S DRIVE.** ACTION TAKEN: A public hearing was set for June 8, 2015.

15. **AN ORDINANCE AMENDING SECTION 810 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED INTOXICATING LIQUOR BY AMENDING SECTION 801:05 AND SECTION 810:35, AND ADDING SECTION 810:05 SUBD. 13 ENTITLED "SUNDAY GROWLER OFF SALE INTOXICATING".** ACTION TAKEN: A reading and public hearing was set for June 8, 2015. (Proposed Ordinance 2015-14)

16. **AN ORDINANCE AMENDING SECTION 511 OF THE 2007 CODE OF ORDINANCES ENTITLED "LIQUOR LICENSING FEES" BY ADDING A FEE FOR SUNDAY GROWLER OFF-SALE INTOXICATING LICENSES.** ACTION TAKEN: A reading and public hearing was set for June 8, 2015. (Proposed Ordinance 2015-15)

17. **UPGRADE OF SENIOR PLAN REVIEWER.** ACTION TAKEN: Councilmember Johnson removed the item for discussion. It was moved by Councilmember Johnson, seconded by Councilmember Masters, to approve the position upgrade. Human Resources Director Dede Gaetz clarified the salary posting inaccuracy. Administration supports the recommended salary range 20. The motion unanimously carried.

18. **RESOLUTION CALLING FOR A PUBLIC HEARING ON JUNE 22, 2015, RELATING TO AN EXTENSION OF THE COMPLIANCE DATE FOR GERINGHOFF MANUFACTURING LLC.** ACTION TAKEN: Resolution adopted and assigned number 2015-5-60.

19. **RESOLUTION REGARDING THE SUPPORT OF A JOB CREATION FUND APPLICATION TO MN DEPARTMENT OF EMPLOYMENT & ECONOMIC DEVELOPMENT WITH THE DUBOW TEXTILE, INC. PROJECT.** ACTION TAKEN: Resolution adopted and assigned number 2015-5-61.

20. **EASTMAN REGIONAL PARK TRAIL MAINTENANCE IMPROVEMENTS.** ACTION TAKEN: Council President Goerger removed this item for discussion. It was moved by Council President Goerger, seconded by Councilmember Libert, to approve the donation from the St. Cloud Rotary Club to refurbish the bituminous surfaces located within the park. Park & Recreation Director Scott Zlotnik responded to Councilmember Hontos concerns

regarding the contract signatory and project accountability. After a brief discussion, the motion was unanimously approved.

21. RESOLUTION SUPPORTING AN APPLICATION FOR STATE BONDING DOLLARS FOR FRIEDRICH REGIONAL PARK. ACTION TAKEN: Councilmember Hontos removed this item for discussion. It was moved Councilmember Hontos, seconded by Councilmember Lewis, to adopt the resolution as presented. Hontos and Johnson asked who determined the rankings of the two bonding applications (Items 21 & 22). Mayor Kleis responded that the State requires applications be ranked and the recent Council action taken on Friedrich Park provided for its top ranking; however, both applications are of equal importance and top priorities. Hontos suggested that annually the bonding applications be reviewed and ranked with the City Council. The motion unanimously carried. Resolution adopted and assigned number 2015-5-62.

22. RESOLUTION SUPPORTING AN APPLICATION FOR STATE BONDING DOLLARS FOR ACCESSIBILITY IMPROVEMENTS WITHIN ST. CLOUD'S HISTORIC DOWNTOWN. ACTION TAKEN: Councilmember Hontos removed this item for discussion. It was moved by Councilmember Hontos, seconded by Councilmember Masters, to approve the resolution as presented. President Goerger announced that two letters in support were received from the Greater St. Cloud Development Corporation and the St. Cloud Downtown Council. Hontos suggested that more detailed information should have been provided with the application. Following a brief discussion, the motion unanimously carried. Resolution adopted and assigned number 2015-5-63.

23. RESOLUTION ACCEPTING THE USE OF AN ACQUIRED STRUCTURE FOR POLICE AND FIRE DEPARTMENT TRAINING. ACTION TAKEN: Councilmember Libert removed this item to acknowledge Fire Chief Bill Mund. It was moved by Councilmember Libert, seconded by Councilmember Gohman, to adopt the resolution as presented. Fire Chief Mund bid a public farewell stating that his retirement date will be Friday, May 22, 2105, after 32 years of public service. He also noted that he and his wife were celebrating their 30th wedding anniversary on this meeting date. Following kudos and best wishes to Chief Mund, the motion unanimously carried. Resolution adopted and assigned number 2015-5-64.

24. WASTEWATER COLLECTION EQUIPMENT PURCHASE REQUEST - DEWATERING DUMPSTER. ACTION TAKEN: Approved.

25. PROFESSIONAL SERVICES AGREEMENT TO COMPLETE PHASE 1 AND PHASE 2 OF THE WASTEWATER GUARANTEED SAVINGS PERFORMANCE (GSP) PROJECT. ACTION TAKEN: Councilmember Hontos removed this item for discussion. It was moved by Councilmember Hontos, seconded by Councilmember Johnson, to approve the professional services agreement as presented. Councilmember Hontos gave kudos to Public Services Director Pat Shea and Assistant Public Utilities Director Tracy Hodel and staff for their good work on this win/win project. The motion unanimously carried.

26. SET PUBLIC HEARING FOR APPROVING MAIN LIFTSTATION FACILITIES PLAN. ACTION TAKEN: A public hearing was set for June 8, 2015.

27. **AN ORDINANCE VACATING A 66' WIDE UTILITY EASEMENT ACROSS THE 300 BLOCK OF THE FORMER 31ST AVENUE NORTH. (LOCATION: 345 30TH AVENUE NORTH)(VAC-2015-02).** ACTION TAKEN: A reading and public hearing was set for June 8, 2015. (Proposed Ordinance 2015-16)

28. **AN ORDINANCE VACATING A 5' WIDE DRAINAGE AND UTILITY EASEMENT THAT PARALLELS THE WESTERN LOT LINE OF LOT 2, BLOCK 1, D AND J FERKINHOFF PLAT AND VACATING A 10' WIDE UTILITY EASEMENT THAT PARALLELS THE EASTERN PROPERTY LINE OF LOTS 1 AND 2, BLOCK 2, APOLLO INDUSTRIAL PARK. (LOCATION: 305 FRANKLIN AVE. NE, 520 APOLLO AVE. NE, AND 540 APOLLO AVE. NE) (VAC-2015-01)** ACTION TAKEN: A reading and public hearing was set for June 8, 2015. (Proposed Ordinance 2015-17)

29. **APPROVE FINAL PLAT OF INTERSTATE BUSINESS PARK PLAT FIVE. (LOCATION: 4500 CLEARWATER ROAD)** ACTION TAKEN: Approved.

30. **REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION FOR THE CRACK SEAL IMPROVEMENTS ON 9TH/10TH AVENUE FROM 4TH STREET SOUTH TO THE SAUK RAPIDS REGIONAL BRIDGE, CONTRACT 2015-16.** ACTION TAKEN: Approved.

31. **REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION FOR THE CRACK SEAL IMPROVEMENTS ON 8TH AVENUE NORTH, CONTRACT 2015-17.** ACTION TAKEN: Approved.

32. **APPROVE AMENDMENT #2 TO MN DOT GRANT AGREEMENT 03941 BETWEEN MN DOT AERONAUTICS AND THE CITY OF ST. CLOUD RELATED TO AN INCREASE IN THE GRANT AMOUNT FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

OPEN FORUM:

James Kowitz, 1240 22nd Avenue S., invited the City Council and the public to a fundraising event at Texas Roadhouse on June 10, 2015, at 10 a.m. The event will be a free-will luncheon including a dedication of the newly placed Flag Disposal boxes. Four boxes have been placed throughout the community. The sites are City Hall, Whitney Senior Center, East side VFW, and the Texas Roadhouse. The boxes were installed as a public drop-off site for the collection of unused and/or tattered U.S. Flags. All donations received at the June 10th event will go towards the local Vietnam Veterans of America Chapter 290.

PUBLIC HEARINGS:

33. **AN ORDINANCE AMENDING SECTION 540 OF THE CODE OF ORDINANCES ENTITLED, "MUNICIPAL ATHLETIC COMPLEX (MAC) FEES."** Community Services & Facilities Director Tony Goddard and MAC Arena Operations Manager Todd Bissett addressed the Council regarding the proposed rental fee increase. It is standard that administration periodically adjust the rental rates for arena ice time. The last increase was in 2013. Council President

Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Gohman, to adopt the ordinance as presented. The motion unanimously carried. Adopted Ordinance assigned number 2619.

34. **RESOLUTION ORDERING RAILROAD QUIET ZONE IMPROVEMENTS AT 4½ STREET N.E.** City Engineer Steve Foss gave a brief overview of the Railroad Quiet Zone proposal, which has been in the works since 2008. He noted that a compromise had been reached with Pythons. The City will need to obtain a variance to proceed. One letter of support was received from Nancy Kuhl, 521 Wilson Avenue NE. Council President Goerger opened the public hearing. The following individuals spoke:

Bob Raveling, 325 Lincoln Avenue NE, steel shop owner, spoke in full support.

Sue Theisen, 514 4th Street NE, resident of St. Cloud for 33 years; spoke in full support.

Mel Tadych, 2118 28th Street NE, owns property on the east side; fully supports. He said he has been waiting for this action for seven years. He will rely on the City getting the variance needed to proceed.

Eric Halstead, 518 5th Avenue NE, fully supports and looks forward to a better quality of life with the quiet zone in place.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Masters, to adopt the resolution as presented. The Council extended appreciation to Pythons for working on a compromise with the City. The motion unanimously carried by a roll-call vote. Adopted resolution assigned number 2015-5-65.

OLD BUSINESS:

35. **A. ORDINANCE REZONING PROPERTY LOCATED AT 601 11TH AVENUE SE FROM C5, HIGHWAY COMMERCIAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD). (LOCATION: 601 11TH AVENUE SE) (REZ-2015-02)** It was moved by Councilmember Hontos, seconded by Councilmember Libert, to adopt the ordinance to rezone the property located at 601-11th Avenue SE to a Planned Unit Development. The motion unanimously carried. The adopted ordinance was assigned number 2620.

B. RESOLUTION AMENDING THE EAST SIDE OIL PUD GENERAL DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF TWO TANKS FOR STORAGE OF USED MOTOR OIL AT 626 LINCOLN AVENUE SE.

This item was removed from the table. It was moved by Councilmember Masters, seconded by Councilmember Gohman, to adopt the resolution as presented. Community Development Director Matt Glaesman explained that since this issue was tabled at the May 4th meeting, the applicant hired a registered land surveyor and the applicant submitted a professional site plan for the proposed fuel storage facility. Councilmember Hontos asked if the applicant and the adjacent property owners had reached an agreement. Director Glaesman responded that the parties had met since the May 4th meeting; however, he was not involved in the discussions. He did confirm, however, that the City did not receive any verbal or written opposition prior to this evening's meeting. A brief discussion was held regarding the location, height, and the screening element of the chain link fence. Following discussion, the motion unanimously carried. The adopted resolution was assigned number 2015-5-66.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos asked for an update on the proposed Regional Airport Authority. Mayor Kleis commented that administration continues to urge each county to pass a resolution in support of the Authority. The Greater St. Cloud Development Corporation has committed its support. Councilmember Johnson suggested the City draft a business plan. The mayor responded that a business plan would need to be created collectively by the regional entities participating in the Authority.

Councilmember Hontos asked for additional time to review the Crime Rate statistics recently presented by Police Chief Blair Anderson. Hontos then moved, and Councilmember Masters seconded, to use a Study Session in the near future for this purpose. After a brief discussion, Hontos/Masters amended their motion to schedule such discussion for 5 p.m. - one hour prior to the June 8th City Council Meeting. The motion carried by a 4-3 vote with Goerger, Lewis and Libert voting against.

Councilmember Carol Lewis announced that the St. Cloud Downtown Kiwanis Club will be hosting a Bike, Trike, and Wagon Parade on Saturday, May 23, 2015, at 10:00 a.m. The event will be held at Lake George. Toddlers and children up to age 10 are invited to participate. Bike helmets and four bikes will be awarded during the event.

Mayor Kleis invited the public to join him at his 500th Town Hall meeting on Wednesday, May 20, at 5:00 p.m. at the Sun Room at Lake George. It is an opportunity to meet with

the mayor and enjoy a piece of cake and informal discussion about City issues and concerns.

ADJOURNMENT:

There being no further business to discuss, Council President Goerger adjourned the meeting at 7:19 p.m.

Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsen
Recording Council Secretary