

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

July 13, 2015

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on July 13, 2015 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, Hontos, Laraway, Lewis, and Libert. Councilmembers Johnson and Masters were absent.

### Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved
5. **A) APPROVAL OF THE MEETING MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 8, 2015; AND B) APPROVAL OF THE MEETING MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD JUNE 23, 2015.** ACTION TAKEN: Approved.
6. **CONFIRM MAYOR'S REAPPOINTMENTS TO THE TRANSPORTATION INFRASTRUCTURE ADVISORY BOARD.** ACTION TAKEN: Confirmed the reappointments Ryan Daniel, Steve Ludwig, and Caleb Dirckx (ex-officio) to terms to commence immediately and expire June 30, 2018.
7. **CONFIRM MAYOR'S APPOINTMENTS TO THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) BOARD.** ACTION TAKEN: Confirmed the appointment of Dave Masters to his first term to commence immediately and expire October 31, 2016 and Confirm Mayor's appointment of Seal Dwyer to her first term to commence immediately and expire October 31, 2019.
8. **CONFIRM MAYOR'S APPOINTMENT AND REAPPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA).** ACTION TAKEN: Confirmed Mayor's appointment of Councilmember Laraway to his first term and the reappointment of Councilmember John Libert to his second term – both terms to commence immediately and expire September 30, 2020.

9. APPLICATION FOR A 2015 VALET PARKING PERMIT FOR PRESTIGE PARKING AND VALET, LLC. (JEREMY SNOBERGER) ACTION TAKEN: Approved.
10. APPLICATION FOR AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SHOPKO STORES OPERATING CO, LLC, DBA SHOPKO #17, 4161 2<sup>ND</sup> STREET SOUTH. ACTION TAKEN: Approved.
11. APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR ST. PETER'S CATHOLIC CHURCH FOR AN EVENT TO BE HELD ON AUGUST 29, 2015 IN THE CHURCH PARKING LOT AND LAWN AT 930 31<sup>ST</sup> AVENUE NORTH. ACTION TAKEN: Approved.
12. APPLICATION FOR SPECIAL SUNDAY LIQUOR LICENSE FOR BEAVER ISLAND BREWING CO., LLC DBA BEAVER ISLAND BREWING COMPANY, 216 6<sup>TH</sup> AVENUE SOUTH. ACTION TAKEN: Public hearing was set for July 27, 2015.
13. APPLICATION FOR SPECIAL SUNDAY LIQUOR LICENSE FOR BEAVER ISLAND BREWING CO., LLC DBA BEAVER ISLAND BREWING COMPANY, 216 6<sup>TH</sup> AVENUE SOUTH. ACTION TAKEN: Public hearing was set for July 27, 2015.
14. APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR DUCK'S BILLIARDS INC., (BRAD ANDVIK) DBA DUCK'S BILLIARDS AND PUB, 3606 DIVISION STREET. ACTION TAKEN: Lewis/Laraway moved to set public hearing. Motion carried unanimously. Public hearing was set for July 27, 2015.
15. APPLICATIONS FOR TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES FOR THE PARAMOUNT ARTS RESOURCE TRUST FOR EVENTS TO BE HELD AT THE GALLERY ST. GERMAIN, 912 ST. GERMAIN STREET, ON AUGUST 14, SEPTEMBER 18, AND NOVEMBER 6, 2015. ACTION TAKEN: Approved.
16. APPLICATION BY TRAVIS PINNEY AND JEREMIAH ROBIN FOR A TOBACCO LICENSE FOR THE TREPANATION ART GALLERY, 202 8<sup>TH</sup> AVENUE NORTH. ACTION TAKEN: Approved pending receipt of favorable review from the Police Department.

17. **REVISIONS TO EMPLOYMENT GUIDE FOR NON-BARGAINING PERSONNEL.** ACTION TAKEN: Approved.
18. **AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE CONTRACT FOR 1742 2<sup>ND</sup> ST. NORTH – PROPEY DEMOLITION.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2015-7-102 (# out of sequence).
19. **RESOLUTION CALLING FOR A PUBLIC HEARING RELATING TO AN APPLICATION TO THE MINNESOTA INVESTMENT FUND AND TO BUSINESS SUBSIDIES REGARDING A PROPOSED PROJECT BY ARCTIC CAT, INC.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2015-7-89.
20. **RESOLUTION ACCEPTING AND AUTHORIZING DISTRIBUTUION OF THE ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR THE PROPOSED SCHWINGHAMMER FARM MIXED-USE DEVELOPMENT ON APPROXIMATELY 157 ACRES WITHIN THE SE ¼ OF SECTION 28, TOWNSHIP 124 NORTH, RANGE 28 WEST IN THE CITY OF ST. CLOUD, STEARNS COUNTY, MINNESOTA.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2015-7-90.
21. **APPLICATIONS FOR RENEWAL OF LOADING ZONE PERMITS IN DOWNTOWN METERED PARKING AREA AND IN THE “E” AND “G” PARKING PERMIT ZONES FOR JULY 1, 2015, THROUGH JUNE 30, 2016.** ACTION TAKEN: Approved.
22. **2015 BITUMINOUS RESURFACING IMPROVEMENTS IN THE GOETTENS WAY AREA, CONTRACT 2015-14:**
  - A) **RESOLUTION ACCEPTING LOW BID FOR 2015 BITUMINOUS RESURFACING IMPROVEMENTS IN THE GOETTENS WAY AREA, CONTRACT 2015-14.**
  - 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, CONTRACT 2015-14.**ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2015-7-91. Resolution B was adopted and assigned number 2015-7-92.

23. **2015 SEAL COAT IMPROVEMENT, CONTRACT 2015-15:**  
A) **RESOLUTOIN ACCEPTING LOW BID FOR 2015 SEAL COAT IMPROVEMENTS, CONTRACT 2015-15.**  
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, CONTRACT 2015-15.**  
ACTION TAKEN: Approved. Resolution A was adopted and assigned number 2015-7-93. Resolution B was adopted and assigned number 2015-7-94.
24. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING TO CONSIDER PAN PARK PLACE AREA IMPROVEMENTS.** ACTION TAKEN: Libert/Hontos moved approval. Motion failed 0-5.
25. **QUOTE FOR TURF RESTORATION FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS – AREA E, CONTRACT 2014-02E TURF.** ACTION TAKEN: Approved.
26. **QUOTE FOR TURF RESTORATION FOR RAYMOND AVENUE N.E. NEIGHBORHOOD IMPROVEMENTS – AREA B, CONTRACT 2015-02B TURF.** ACTION TAKEN: Approved.
27. **APPROVE OF LOW QUOTE FOR THE NORTHEAST SUMPS PROJECT, CONTRACT 2015-22.** ACTION TAKEN: Approved.
28. **PROFESSIONAL SERVICES CONTRACT FOR A CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM.** ACTION TAKEN: Approved.
29. **RESOLUTION OF SUPPORT FOR PARTICIPATION IN THE PARTNERSHIP FOR SAFE DRINKING WATER NATIONAL PROGRAM.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2015-7-96.
30. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AIR SHOW AND EXHIBITION AGREEMENT BETWEEN THE ST. CLOUD GRANITE ROTARY AND THE CITY OF ST. CLOUD.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2015-7-

97.

**Open Forum:**

Teresa Bechtold, 939 Cypress Rd. #29, spoke in regard to the City placing a ban on cosmetic pesticide & herbicide use.

**Public Hearings:**

31. **APPLICATION FOR A SUNDAY GROWLER OFF-SALE LICENSE FOR GRANITE CITY FOOD & BREWERY, LTD DBA GRANITE CITY FOOD & BREWERY, 3945 2<sup>ND</sup> STREET SOUTH.** Gregg Engdahl, City Clerk, presented the application. City Council President opened the public hearing. Denise Lenaghan, manager of facility was present for questions. Council President closed the public hearing. Libert/Lewis moved approval. Motion carried unanimously.
32. **ORDINANCE AMENDING ARTICLE 7 AND ARTICLE 8 OF THE ST. CLOUD LAND DEVELOPMENT CODE TO REMOVE SPECIFIC USES FROM AGRICULTURAL ZONES AND ASSISTED LIVING AND INDEPENDENT LIVING FACILITIES IN RESIDENTIAL ZONES.**  
Matt Glaesman, Community Development Director, presented the ordinance and noted that the Planning Commission recommended approval of the amendments. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed the public hearing. Lewis/Laraway moved approval. Motion carried unanimously. Ordinance was assigned number 2626.
33. **A) RESOLUTION AMENDING THE FAITH IN ACTION PUD GENERAL DEVELOPMENT PLAN TO CONSTRUCT A CONVENIENCE STORE AT 1230 HIGHWAY 23 EAST. (DPA-2015-02)**  
**B) RESOLUTION AMENDING THE 2003 COMPREHENSIVE PLAN FUTURE FROM PUBLIC/SEMI-PUBLIC TO COMMERCIAL AT 1230 HIGHWAY 23 EAST.**  
Matt Glaesman, Community Development Director, presented the resolutions and noted that the Planning Commission recommended approval. Council President Goerger opened the public hearing. The following individuals testified:

Wade Dumond, Representative of Kwik Trip, was present to answer any questions. Pastor Art Cotant, Pastor of Discovery Church – previous tenant. They are excited

about Kwik Trip and that it is a good sale for the church.

Council President Goerger closed the public hearing. Hontos/Lewis moved to amend the General Development Plan to include a fence – per staff recommendation and discretion. Motion to amend carried unanimously. Hontos/Lewis moved approval of both A (as amended) and B. Motion carried unanimously. Resolution A was adopted and assigned number 2015-7-98. Resolution B was adopted and assigned number 2015-7-99.

**34. CONSIDERATION OF RESOLUTION AMENDING ASSESSMENT ROLL 1 FOR 2014 PUBLIC IMPROVEMENTS.**

Steve Foss, City Engineer, gave a brief overview of the Assessment Roll. Council President Goerger opened the public hearing. No one testified. Council President Goerger closed the public hearing. Councilmember Hontos expressed his concern with the current assessment policy which caused some properties to be hit hard with this assessment. He would like to review the policy and it was recommended to discuss this during Open Discussion. Libert/Lewis moved approval of the Assessment Roll. Motion carried unanimously. Resolution was adopted and assigned number 2015-7-100.

**35. CONSIDERATION OF RESOLUTION ORDERING 5<sup>TH</sup> AVENUE S.E. AND 6<sup>TH</sup> STREET S.E. IMPROVEMENTS.**

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

Teresa Cardinal, 606 5<sup>th</sup> Ave. SE. Ms. Cardinal noted that she is in support of the much need project.

William Humphrey, 527 5<sup>th</sup> Ave. SE. Mr. Humphrey spoke on behalf of his daughter who owns the property. She is concerned about the sidewalk that is proposed for the area. The sidewalk will eliminate parking in front of her garage.

John Dougher, 526 5<sup>th</sup> Ave. SE. Mr. Dougher expressed his concern over losing parking due to the proposed sidewalk.

Council President Goerger closed the public hearing. Steve Foss addressed the issue of the proposed sidewalk and loss of parking spaces. The concern is legitimate. The current

parking in front of garages in this location is in the City's right-of-way. The sidewalk will eliminate these spaces. Lewis/Laraway moved to table the item due to the fact only five Councilmembers were present and six are needed for the vote. Motion carried 4-1; Councilmember Hontos voted against.

36. ~~CONSIDERATION OF RESOLUTION ORDERING COOPER AVENUE SOUTH IMPROVEMENTS.~~  
Public hearing was withdrawn by the administration.

Old Business

37. **APPROVAL OF AGREEMENTS WITH THE ST. CLOUD AREA YMCA FOR THE DEVELOPMENT AND OPERATIONS OF A ST. CLOUD COMMUNITY AQUATICS CENTER AND APPROVAL OF BUDDING THE PROJECT.**

Michael Williams, City Administrator, gave a brief overview of the project including history, design, agreements, and funding. The YMCA Board has already approved the agreement. City staff expects to bring the council a final budget with bids in August. They also expect an update on status of fundraising. Following brief discussion Hontos/Libert moved approval. Motion carried 4-1: Councilmember Lewis voted against.

New Business:

38. **REQUEST TO REMOVE TIME LIMIT PARKING RESTRICTIONS ALONG HILLCREST ROAD AND PORTIONS OF 17<sup>TH</sup> STREET NORTH.**

Hontos/Lewis moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2015-7-101.

Open Discussion

- Councilmember Hontos brought forward discussion on the current City's Assessment Policy. He would like to have the City Council discuss this issue more thoroughly. Hontos/Laraway moved to add this to a Study Session agenda within the next 60 day. Motion carried unanimously.
- Mayor Kleis mentioned that there will be a city budget bus tour on Tuesday, July 21, 2015

at 1:30 p.m. Anyone is welcome to attend.

**Adjournment:** There being no further business to discuss the meeting was adjourned at 7:33 p.m.

Respectfully Submitted,  
Jennifer Burrows  
Recording Council Secretary

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City Council President  
Jeff Goerger