

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

July 27, 2015

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, was held on July 27, 2015, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. All Councilmembers were present: Goerger, Hontos, Johnson, Laraway, Lewis, Libert and Masters.

SPECIAL RECOGNITION:

4. City Administrator Michael Williams presented the Mayor's Proclamation declaring Tuesday, August 5, 2015, to be "National Night Out" in the City of St. Cloud.

CONSENT AGENDA:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of an item by Councilmember Hontos under Open Discussion regarding the CIP as it relates to the Cooper Avenue project.
6. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF THE REGULAR MEETING HELD JUNE 22, 2015 AND THE SPECIAL CITY COUNCIL MEETING OF JUNE 29, 2015.** ACTION TAKEN: Approved.
7. **APPLICATION FROM ACE BAR AND GRILL FOR A SEASONAL OUTDOOR SALES OF LIQUOR, AND AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN EVENT TO BE HELD FROM 3:30 P.M. TO 7:30 P.M. (3:00 P.M. to 9:00 P.M.) ON AUGUST 22, 2014, IN THE RESTAURANT'S PARKING LOT AT 425 EAST ST. GERMAIN.** ACTION TAKEN: Council President Goerger noted a correction: the time of the event will be 3:00 p.m. to 9:00 p.m. Application was approved with conditions listed.
8. **APPLICATION FOR POOL TABLE AND AMUSEMENT DEVICE LICENSES FOR DUCK'S SPORTS BAR AND GRILL, 3606 DIVISION STREET.** ACTION TAKEN: Approved.
9. **APPROVAL OF A NEW MASSAGE FACILITY LICENSE FOR LIPING YU DBA: RELAXING AND THERAPEUTIC MASSAGE SERVICES, CROSSROADS CENTER, 4101 DIVISION ST #B44, ST. CLOUD.** ACTION TAKEN: Councilmember Laraway removed item for separate discussion. It was moved by Laraway, seconded by Lewis, to approve the license as submitted. Councilmember Laraway noted an inaccuracy with the application. Applicant listed three massage tables in the application; however, the attached diagram illustrated four massage tables. Planning Director Glaesman advised approval of the higher number of tables. The motion unanimously carried.
10. **RESOLUTION AUTHORIZING THE ST. CLOUD POLICE DEPARTMENT AND THE INFORMATION TECHNOLOGY DEPARTMENT TO ENTER INTO THE INTERAGENCY INFORMATION SHARING AGREEMENT WITH THE CENTRAL MN EMERGENCY SERVICES BOARDS REGIONAL LOGGER PARTICIPANTS.** ACTION TAKEN: Councilmember Masters removed item for separate

discussion. It was moved by Masters, seconded by Libert, to adopt the resolution as presented. Micah Myers, Information Technology Director, responded to questions from Councilmember Masters regarding 911 calls. He stated that entering into the sharing agreement will provide the city with an overall cost reduction. The motion unanimously carried. Resolution adopted and assigned number 2015-7-103.

11. APPROVAL OF ENGINEERING ASSESSMENT OF BUILDING COMPONENTS AT FABER FIELD.

ACTION TAKEN: Councilmember Laraway removed this item for separate discussion. It was moved by Laraway, seconded by Lewis, to approve the specialized inspection. Director of Community Services & Facilities Tony Goddard provided details regarding the recently determined issues of failing water & filtration, along with other problems that necessitate a specialized assessment. The motion unanimously carried.

12. APPROVAL OF 2ND REVISED DEVELOPMENT AGREEMENT FOR 194 BUSINESS PARK.

ACTION TAKEN: Councilmember Laraway removed this item for separate discussion. He serves as a member of the St. Cloud Opportunities Executive Board and asked to be recorded as an abstention. It was moved by Lewis, seconded by Libert, to approve the agreement as presented. The motion carried by a vote of 6-0-1 with Laraway abstaining.

13. ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT AT 5962 AND 5968 RIVERS EDGE DRIVE. (VAC-2015-03) ACTION TAKEN: Set a reading and public hearing for August 10, 2015. (Proposed Ordinance 2015-20)

14. ORDINANCE VACATING A 10' WIDE AND 15' WIDE DRAINAGE AND UTILITY EASEMENT AT 1044 AND 1048 33RD STREET SOUTH. (VAC-2015-04) ACTION TAKEN: Set a reading and public hearing for August 10, 2015. (Proposed Ordinance 2015-21)

15. 9TH AVENUE SOUTH/CLEARWATER ROAD BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2015-03, S.A.P. 162-145-012: (A) RESOLUTION ACCEPTING LOW BID FOR 9TH AVENUE SOUTH/CLEARWATER ROAD BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2015-03, S.A.P. 162-145-012.; AND (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 2015-03, S.A.P. 162-145-012. ACTION TAKEN: Resolutions adopted and assigned numbers 2015-7-104 and 2015-7-105 respectively.

16. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING ON AUGUST 10, 2015, TO CONSIDER ALLEY BITUMINOUS RESURFACING IMPROVEMENTS FOR PORTION OF EAST-WEST ALLEY BETWEEN 12TH AND 13TH STREET SOUTH FROM 120 FEET EAST TO 280 FEET EAST OF 9TH AVENUE SOUTH. ACTION TAKEN: Resolution adopted and assigned number 2015-7-106.

17. RESOLUTION ACCEPTING LOW BID FROM S.M. HENTGES & SONS, INC., FOR THE RUNWAY EXTENSION PROJECT AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING FEDERAL AND STATE FUNDS. ACTION TAKEN: Resolution adopted and assigned number 2015-7-107.

18. APPROVAL OF TASK ORDER #20 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC. AND THE CITY OF ST. CLOUD TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE EXTENSION OF RUNWAY 13/31 CONSTRUCTION PROJECT AT THE ST CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING FEDERAL AND STATE FUNDING. ACTION TAKEN: Approved.

OPEN FORUM:

Ellen Leadem, 1416 9th Avenue SE; stated that she has lived in her home for 51 years; she is concerned that there are 7 out of 12 houses in her neighborhood that are rentals. She alleged that those rental properties lack respect for the neighborhood and lack care for the environment, for pets, for recycling & disposal of garbage---she thought there should be timely consequences for those individuals ignoring the City ordinances.

Eric L. Teksten, 1727 9th Avenue SE (PO BOX 6252); has lived in St. Cloud for 5 years – is concerned about the lack of maintenance and upkeep or rental properties in our City.

PUBLIC HEARINGS:

19. APPLICATION FOR SPECIAL SUNDAY LIQUOR LICENSE FOR BEAVER ISLAND BREWING CO., LLC DBA BEAVER ISLAND BREWING COMPANY, 216 6TH AVENUE SOUTH. City Clerk Gregg Engdahl provided opening remarks. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Lewis, to approve the application as presented. The motion unanimously carried.

20. APPLICATION FOR A SUNDAY GROWLER OFF SALE LICENSE FOR BEAVER ISLAND BREWING CO., LLC DBA BEAVER ISLAND BREWING COMPANY, 216 6TH AVENUE SOUTH. City Clerk Gregg Engdahl provided opening remarks. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Hontos, seconded by Councilmember Masters, to approve the application as presented. Sunday growler sales can begin August 2, 2015. The motion unanimously carried. Councilmember Lewis commented that the legislature is providing a disservice to Off-Sale liquor license holders by not allowing all to have Sunday sales.

21. 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. City Clerk Gregg Engdahl provided opening remarks. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. Councilmember Libert asked about past business relationships, specifically with former

owner Jeff Spanier. City Attorney Matt Staehling reported that Mr. Spanier's past felony disqualifies him from obtaining a liquor license. He further reported that former manager Richard Bunde was familiar with Spanier's felony, but Bunde was never charged with any unlawful activity. Both were former shareholders and directors of the business; however, neither will have any further ownership interest or involvement with the business. Brad Andvik, 322 Montrose Road, addressed the Council and confirmed that he would be the sole owner of the business. It was moved by Councilmember Masters, seconded by Councilmember Laraway, to approve the application for an on-sale intoxicating and special Sunday liquor license with conditions listed. The motion unanimously carried.

22. RESOLUTION REGARDING THE AUTHORIZATION AND APPROVAL FOR AN ECONOMIC DEVELOPMENT PROGRAM INCLUDING A MINNESOTA INVESTMENT FUND (MIF) APPLICATION, GRANT AGREEMENT AND FORGIVABLE LOAN IN CONNECTION WITH ARCTIC CAT, INC.

Cathy Mehelich, Economic Development Director, addressed the Council regarding the proposed expansion project for Arctic Cat, Inc. that will create new full-time positions for assembly line workers and engineers. The project meets the City's Business Subsidy Policy. Director Mehelich introduced Arctic Cat representatives Steve Schwartz, Plant Manager, and Scott Doyle, Assistant Plant Manager. Arctic Cat, Inc. has two Minnesota manufacturing operations, one in Thief River Falls and the other in St. Cloud's I-94 Business Park. St. Cloud's facility is an engine assembly plant that will soon be producing 800 CC engines. The Economic Development Advisory Board recommends 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 authorize and approve the MIF loan application, the resolution, the draft grant agreement, and the draft loan agreement as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-7-108.

OLD BUSINESS:

23. RESOLUTION ORDERING 5TH AVENUE S.E. AND 6TH STREET S.E. IMPROVEMENTS. It was moved by Councilmember Lewis, seconded by Councilmember Laraway, to adopt the resolution as presented. Councilmember Hontos asked about the former controversial issue regarding sidewalk between Wilson Avenue SE and 5th Avenue SE along 6th Street SE. that was addressed at the public hearing. City Engineer Steve Foss spoke to the

residential parking restrictions and the finalized plans for that area. The improvement project is scheduled for construction during the summer of 2016. After a brief discussion, the motion carried unanimously by roll call vote. The adopted resolution was assigned number 2015-7-109.

NEW BUSINESS:

24. **INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON SINGLE-FAMILY RENTAL CONVERSION.** It was moved by Libert, seconded by Goerger, to table this issue to the August 24th City Council meeting, and during the interim, to schedule a discussion at the August 17th Study Session. Hontos questioned the reason why this issue was coming forward--was it precipitated by property condition issues, behavioral issues, rental density, lack of ordinance enforcement, or concerns over policy issues? Following more discussion, City Attorney Staehling recommended the Council vote on the tabling motion on the floor. The motion to table failed by a 3-4 vote with Johnson, Laraway, Lewis and Masters voting against. Discussion continued. The 2006 moratorium and its affects were discussed. Director Glaesman was asked what he sensed to be the SCNC's concerns. Glaesman responded that it seemed to be the rental density issue and the desire to maintain the integrity of the neighborhood. Council President Goerger suggested a strategy/plan should be established before moving forward on a public hearing. Masters suggested conducting a public hearing first, followed by a Study Session discussion later. Laraway felt the decision of the Supreme Court case (Dean v. Winona) should be known before proceeding. Johnson reminded the Council that the requested action options for this item were to set/or not set a public hearing. It was then moved by Masters, seconded by Lewis, to set a public hearing on this issue for the next available Council meeting in August. The motion carried by a 5-2 vote with Johnson and Libert voting against.

25. **RESOLUTION AUTHORIZING IMPLEMENTATION OF INITIATIVES RELATED TO RENEWABLE ENERGY FROM SOLAR GENERATION FACILITIES.** Pat Shea, Public Services Director, gave a brief intro regarding proposals received and the solar teams interviewed. Four energy projects are being proposed: Community Solar Garden (s) located in Stearns County, Community Solar Garden (s) on City-owned property, Community Solar Garden (s) on City building for commercial and resident participation and lastly, a Net Metering Solar

PV System at the Wastewater Treatment Facility. If approved, the City will begin the final negotiations for a Solar Subscription Agreement (s) with SunEdison to conduct services related to the first three projects. Director Shea introduced Christina Zajicek, Sales Manager for SunEdison, 901 Marquette Avenue, Suite 1500, Minneapolis, MN. She provided an informational power point presentation regarding the first three proposed projects. Following her presentation, Assistant Public Utilities Director Tracy Hodel provided a power point presentation depicting an Engineer, Procurement and Construct Agreement with Apex Efficiency Solutions for a solar facility to provide energy directly to the St. Cloud Wastewater Treatment Facility and work in conjunction with the proposed biogas installation being designed as part of the Wastewater Guaranteed Savings Performance Project. Throughout each presentation it was pointed out that the cost of producing and purchasing renewable energy is becoming a cost-effective alternative to traditional energy sources. It was moved by Councilmember Lewis, seconded by Councilmember Hontos, to adopt the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2015-7-110.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos asked about the recently rejected Cooper Avenue project and the possibility of it returning within a future Capital Improvement Plan (CIP). Community Development Director Matt Glaesman explained that by City Charter the Planning Commission, as an appointed body, is responsible for the annual adoption of the CIP. The CIP document serves as an annual recommendation to administration. It is not a mandate. City Administrator Mike Williams noted that there were two projects within this year's CIP that were rejected. Director Glaesman supported improving the process to involve the City Council early in the planning stages of the CIP.

ADJOURNMENT:

There being no further business to discuss, the Meeting was adjourned at 7:51 p.m.

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary

City Council President Jeff Goerger