

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

August 24, 2015

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 24, 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. Economic Development Specialist Tammy Champion presented the 2015 St. Cloud GREATER Photo/Video Contest Awards. The council and public viewed the selected photos and videos, and Mayor Dave Kleis presented the awards to the contest winners. Heiqiu Liu and Steve Fines both had 2 photos selected as contest winners. Mike Thienes won the video contest and was presented with an award as well.

Consent Agenda:

5. **APPROVAL OF AGENDA:** ACTION TAKEN: Approved with retraction of items 17 & 24 the addition of two items under Open Discussion requested by Council members Lewis regarding the three Americans stopping the terrorist attack in France and Hontos regarding the city's relationship with LVX.
6. **APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE REGULAR MEETING HELD AUGUST 10, 2015.** ACTION TAKEN: Councilmember Hontos pulled this item for a separate discussion. It was moved by Hontos, seconded by Johnson, to amend the minutes of August 10, 2015. Hontos suggested the minutes be more defined in regards to the committee established to revisit the Neighborhood Best Particles III. He then requested the minutes state the true intention of the committee was to be a "council" committee. Following discussion, the motion unanimously carried.
7. **APPLICATION FOR AN EXPANSION OF THE LIQUOR SERVICE AREA FOR THE TUSCAN CENTER, 3333 WEST DIVISION STREET, SUITE 116.** ACTION TAKEN: Approved
8. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER SPECIAL ASSESSMENT ROLL 2 FOR 2014 PUBLIC IMPROVEMENTS.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-123
9. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER CERTIFICATION OF DELINQUENT WATER, SEWER AND REFUSE ACCOUNTS TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-124

10. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-125

11 **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-126

12 **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-127

13. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER CERTIFICATION OF UNPAID WATER SERVICE MAINTENANCE FEE CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-128

14. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2015, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: A public hearing was set for September 14, 2015. Resolution adopted and assigned 2015-8-129

15. **WASTEWATER TREATMENT FACILITY GUARANTEED SAVINGS PERFORMANCE PROJECT – PHASE 1:**

1) RESOLUTION AUTHORIZING A GUARANTEED ENERGY SAVINGS CONTRACT WITH APEX EFFICIENCY SOLUTIONS.

ACTION TAKEN: Approved. Resolution adopted and assigned 2015-8-130

2) RESOLUTION DECLARING THE OFFICAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA TO REIMBURESE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2015-26.

ACTION TAKEN: Approved. Resolution adopted and assigned 2015-8-131

16. **RESOLUTION APPROVING THE City of ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2014 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER).** ACTION TAKEN: A public hearing was set for September 14, 2015.

~~17. RESOLUTION APPROVING SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATE HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR CDBG PROGRAM YEAR 2015 FOR CODE ENFORCEMENT STAFFING~~

~~IN LOW-MODERATE INCOME CENSUS TRACTS.~~ ACTION TAKEN: Set public hearing for September 28, 2015

18. **PRELIMINARY AND FINAL PLAT OF SCHWINGHAMMER FARM AND SUBDIVISION AGREEMENT (LOCATION: NORTHWEST CORNER OF COUNTY ROAD 136 AND 33RD STREET SOUTH)** ACTION TAKEN: Approved

19. **QUOTE FOR LANDSCAPING AT 33RD STREET SOUTH AND SOUTHWAY DRIVE ROUNDABOUT.** ACTION TAKEN: Councilmember Hontos pulled this item for separate discussion. It was moved by Hontos, seconded by Lewis. Hontos questioned staff regarding cost breakdown and maintenance in the future. Hontos also questioned if there was a way to setup a "adopt-a-roundabout" program. Johnson questioned the labor and materials breakdown of the costs involved, and if there was any type of warranty involved in this amount. City Engineer Steve Foss answered all questions satisfactory. Following discussion the motion carried unanimously.

20. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO EASEMENT AGREEMENTS BETWEEN THE CITY OF ST. CLOUD AND SHERBURN COUNTY RELATED TO ROAD CONSTRUCTION AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved Resolution adopted and assigned 2015-8-133

OPEN FORUM:

Tamara Calhoun, 3615 Roosevelt Road, St. Cloud; Tamara Calhoun spoke on behalf of some concerned citizens in her neighborhood (Woodlawn Acres) with regards to Minnesota Truck HQ. Her main concerns were Employee parking and truck inventory parking. With employee parking she is concerned that the business does not provide enough off street parking for their employees, which makes them park on the street causing sight difficulties when entering the nearby intersection. Also she is concerned about the inventory parking which comes directly up to the curb causing other sight issues. Her final statement to the council regarded parking on the grass within the property. She requested that this be looked into by City staff to make sure that there are no violations taking place.

PUBLIC HEARINGS:

21. **APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM LINCOLN DEPOT, INC. (MARY ISAACS) DBA LINCOLN DEPOT TO FREY, INC. (JEREMY FREY) DBA LINCOLN DEPOT, 629 LINCOLN AVE SE.** City Clerk Greg Engdahl gave a brief overview of the reason behind the liquor license transfer and stated that there will be no significant alterations to the building or operational changes to the restaurant. The requested date of approval is September 1, 2015. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was

moved by Masters, seconded by Laraway to approve the liquor license transfer. Motion carried unanimously.

22. **APPLICATION FOR WINE AND ON-SALE 3.2 PERCENT MALT LIQUORE LICENSE FOR HOP DOGS, LLC DBA 7 WEST TAPHOUSE, 28 5TH AVE SOUTH.**

City Clerk Greg Engdahl gave a brief overview regarding Hop Dogs explaining that they would offer food and alcohol sales from 11:00 a.m. to 1:00 a.m. Then continue food sales until closing at 2:00. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Masters, seconded by Johnson to approve both the wine and liquor license. Masters questioned the location of the restaurant, which will be located in the former Electric Fetus building. Laraway asked about the franchise and if they had other restaurants like this. The owner answered that they have owned multiple restaurants around the state with similar liquor licenses. Hontos then questioned the effects of a restaurant serving liquor until 1:00 a.m. and remaining open until 2:00 a.m., and questioned how to monitor restaurant sales like that. City Clerk Engdahl stated that this is something that is allowed as long as the taps and alcohol are no longer visible after 1:00 a.m. Johnson questioned where the police report was in the packet. City Clerk Engdahl stated that there was no report received at the time of the packet being made, and under no circumstances would they be issued a license without a favorable report. Motion passed unanimously.

23. **A RESOLUTION AMENDING THE HIGHWAY 15 & COUNTY ROAD 74 PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW A CONVENIENCE STORE WITH FUEL SALES. (LOCATION: 3705 AND 3709 23RD STREET SOUTH) (DPA-2015-03)**

Community Director Glaesman gave a brief overview of the vacation and that it would amend the PUD to allow for a gas station, also this would vacate the drainage easement located on the property. Council President Goerger opened the public hearing.

Wade Dumond, 52557 265th Ave, Pine Island, MN introduced himself as a Quick Trip representative. He then stated that during the planning commission meeting a local business owner showed concern for the ongoing care of the gas station. Mr. Dumond addressed this concern with the business owner and it appears to be cleared up. He also stated that he would be available for any questions.

There being no one else to speak, Council President Goerger closed the public hearing. It was moved by Masters, seconded by Johnson to approve the resolution. Council

questioned a few small items about the change. The motion to approve passed unanimously. Resolution adopted and assigned 2015-8-134.

B. **ORDINANCE VACATING A 13' DRAINAGE AND UTILITY EASEMENT AT 3705 AND 3709 STREET SOUTH (VAC-2015-06)** It was moved by Libert, seconded by Laraway to approve. With no discussion the motion passed unanimously. Ordinance adopted and assigned 2630.

~~24. **ORDINANCE REZONING PROPERTY LOCATED AT 710 44TH AVENUE NORTH FROM C5, HIGHWAY COMMERCIAL DISTRICT TO I3, PLANNED INDUSTRIAL DISTRICT. (REZ-2015-03)**~~

NEW BUSINESS:

25. **AUTHORIZE MAY AND CITY CLERK TO EXCUTE A LETTER OF INTENT WITH INVENTURE PROPERTIES TO DEVELOP PROPERTIES LOCATED AT 400 2ND STREET SOUTH (CITY HALL) AND 301 4TH AVE SOUTH AND 302 5TH AVE SOUTH (FORMER CHRUCH AND ADJACENT PARKING LOT).** Mayor Kleis gave a brief overview of the historical significance and vision of 5th Avenue Live, that preceded this letter of intent. Doug Boser of Boser Construction also discussed the focus of the new building and how it ties into the existing building. Community Development Director Glaseman outlined the intent of the letter, which is the first step in starting this process and will allow the City along with Boser construction to move forward with the planning commission and so forth. Councilmembers then asked a large variety of questions regarding financing, value of the property (City Hall), city hall expansion, fiber optics, etc. It was then moved by Lewis, seconded by Libert, to approve the letter of intent with Inventure Properties. The motion passed unanimously.

Open Discussion & Announcements:

Councilmember Carol Lewis used this time to convey how pleased she was with the 3 Americans who stopped the terrorist attack on the train in France. Council President Goerger agreed that their actions were very commendable.

Councilmember George Hontos was curious about the City's relationship with LVX, and was interested to know if the City was making any payments to LVX. City Administrator Mike Williams informed him that LVX pays the electric bill and the city pays them in place of what of what the city's electric cost would have been. This was to help them work out a system for invoicing customers. Any additional costs would be if the city expands their relationship with LVX.

Adjournment:

There being no one else to speak, Council President Goerger adjourned the meeting at 7:47 p.m.

Council President Jeff Goerger

Respectfully submitted by

Seth Kauffman

Recording Council Secretary