

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

May 18, 2009

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, 2009 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 Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 20, 2009.** ACTION TAKEN: Approved.
6. **RE-APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed Mayor's re-appointment of Peter Fandel for a term to commence immediately and expire 2012.
7. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR ABRAHAM AND JAIMIE HERNANDEZ, FOR A GRADUATION PARTY TO BE HELD ON MAY 23, 2009 AT 1518 10TH AVE. S. FROM 4 P.M. TO 9 P.M..** ACTION TAKEN: Berg/Garven moved approval. Motion carried unanimously pending receipt of favorable review by the Police Department.
8. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE CHURCH OF ST. ANTHONY FOR A CHURCH PICNIC AND RAFFLE TO BE HELD AT 2045 1ST ST. N. ON MAY 31, 2009 FROM 10 A.M. TO 2 P.M.** ACTION TAKEN: Berg/Garven moved approval. Motion carried unanimously pending a favorable review from the Police Department.
9. **APPLICATION FOR AN EXEMPTION FROM THE NOISE ORDINANCE FOR BONNIE ATHMANN FOR A NEIGHBORHOOD BLOCK PARTY TO BE HELD AT 1214 MILLSTONE COURT ON MAY 29 FROM 6 P.M. TO 10 P.M.** ACTION TAKEN: Berg/Garven moved approval. Motion carried unanimously subject to conditions.
10. **APPLICATION FOR A TOBACCO LICENSE FOR MICHAEL ALAN MOORES DBA SUPERAMERICA SOUTHEAST, 1370 15TH AVENUE S.E.** ACTION TAKEN: Approved.

11. **SET A PUBLIC HEARING APPROVING ADDENDUM #1 TO THE 2006 WASTEWATER TREATMENT FACILITIES PLAN.** ACTION TAKEN: Public hearing set for June 1, 2009.
12. **APPROVAL OF GROU SIX CHANGE ORDERS AND QUOTES FOR POLICE HEADQUARTERS.** ACTION TAKEN: Councilmember Hontos expressed concern over the cost of stainless steel appliances and feels they should go the cheaper route. Hontos/Libert moved approval less the bid for appliances. Motion failed 3-4; Councilmembers Berg, Garven, Johnson, and Masters voted against. Garven/Masters moved approval of the item as presented. Motion carried 4-3; Councilmembers Hontos, Libert, and Pederson voted against.
13. **APPROVAL OF PAYMENT FOR RIVER CREST LEGAL DEFENSE COSTS.** ACTION TAKEN: Approved.
14. **RESOLUTION AUTHORIZING THE PURCHASE OF REFUSE BAGS AND YARD WASTE BAGS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-5-52.
15. **RESOLUTION AUTHORIZING DISTRIBUTION OF A NEGATIVE DECLARATION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE PROPOSED 40TH STREET SOUTH CORRIDOR IMPROVEMENTS IN ST. CLOUD.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-5-53.
16. **RIGHT-OF-WAY ENCROACHMENT AGREEMENT FOR ST. CLOUD HOSPITAL.** ACTION TAKEN: Approved. Council President Johnson abstained from this item.
17. **ACCEPT THE QUOTE FROM TNC INDUSTRIES IN THE AMOUNT OF \$54,546 FOR THE INSTALLATION OF VEHICLE EXHAUST CAPTURE SYSTEMS AT FIRE STATIONS #1 AND #3.** ACTION TAKEN: Approved.

Open Forum:

Nancy Stigaard, 1633 SE 13th Avenue. Ms. Stigaard spoke against going forward with the University Ave. road project. Most people spoke against the project but the City is still moving forward. If the project proceeds as presented the road will go right through her home.

Public Hearings:

18. **PUBLIC HEARING ON THE RENEWAL OF ON SALE INTOXICATING, OFF**

SALE INTOXICATING, SPECIAL SUNDAY AND CLUB LIQUOR LICENSES ALONG THE WINE AND 3.2 PERCENT MALT LIQUOR COMBINATION LICENSES FOR THE PERIOD JULY 1, 2009 TO JUNE 30, 2010.

Gregg Engdahl, City Clerk, gave a brief overview of the licenses. He noted that there were three businesses that did not meet the food to liquor ratio. He also brought forward a request from Mi Famiglia to have an outdoor liquor license and a noise ordinance exemptions. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Masters moved approval of the renewals of licenses less the three businesses that did not meet the food to liquor ratio. Motion carried unanimously. Berg/Hontos moved approval of the two applications from Mi Famiglia (outdoor liquor license and noise ordinance exemption). Motion carried unanimously. Garven/Libert moved approval of the licenses for the three businesses that did not meet criteria – per Gregg Engdahl’s recommendation – that the City will monitor their ratios at the end of 2009 and make a determination for further action. Motion carried unanimously.

19. **PBULIC HEARING TO APPROVE JOINT POWERS AGREEMENT FOR A JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD.**

Chief Ballantine presented the agreement. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Masters moved approval. Motion carried unanimously.

Old Business:

20. **APPROVAL OF CONDITIONAL USE PERMIT 2007-04 FOR LISA AND MIKE POWELL TO ALLOW A STABLE AT 25246 33RD AVENUE SOUTH.**

Matt Glaesman, Community Development Director, presented the permit and noted that the Council must approve the conditional use permit per court order. Masters/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-5-54.

New Business:

21. **RESOLUTION APPROVING SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOC GRANT (CDBG) CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR ONE YEAR USE OF FUNDS FOR CDBG PROGRAM YEAR 2008 FOR ROOSEVELT BOYS AND GIRLS CLUB – HEADSTART SITE IMPROVEMENTS.**

Les Henson, Housing and Redevelopment Authority, presented the amendment. Garven/Berg moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-5-55.

22. **RESOLUTION AUTHORIZING THE REMOVAL OF PARKING METERS AND ESTABLISHING 2-HOUR PARKING RESTRICTIONS ON CERTAIN DOWNTOWN STREETS ON A TRIAL BASIS.**

Steve Gaetz, Public Services Director, gave a brief overview. He noted that this would be a trial period. Local business owners have expressed their support for this change. Masters/Hontos moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2009-5-56.

23. **PRESENTATION OF MISSISSIPPI RIVER RENAISSANCE PROJECT'S "A RIVER RUNDS THROUGH IT: CREATING A SHARED VISION FOR OUR MISSISSIPPI" INITIATIVE.**

Kimberly Thielen Cremers, Mississippi River Renaissance Coordinator, addressed the Council about the upcoming planning process.

Open Discussion & Announcements:

- Mayor Kleis gave an update on the Spalt Delegation arriving May 29. He announced that the band concerts would be June 2, June 4, and June 7.
- Councilmember Hontos brought forward discussing on the public bid process. What can we do in the case of having three local bids and one non-local and the non-local getting the bid. He would like to discuss this at a study session. The Mayor commented that it is state law to have a bidding process.
- Councilmember Garven asked the Council about participating in the Granite City

Days parade.

- Mayor Kleis announced that St. Cloud was awarded the 2012 Can-Am Fire & Police Games.
- Councilmember Pederson wanted discussion on a street light utility. Pederson/Masters moved to have Administration bring back a proposal to the Council. Motion carried unanimously.

Adjournment: There being no further business to discuss the meeting was adjourned at 8:05 p.m.

City Council President
Bob Johnson

Jennifer Burrows
Recording Council Secretary