

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

AUGUST 24, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of St. Cloud, Minnesota, was called to order by City Council President Bob Johnson on August 24, 2009, at 6 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. Roll Call. Members present: Berg, Garven, Johnson, Libert, Masters and Pederson.
Members absent: Hontos.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved; Item 21 was withdrawn by the applicant.
5. **APPROVAL OF THE MINUTES AND SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING HELD JULY 27, 2009.** ACTION TAKEN: Approved.
6. **APPLICATION FOR AN EXEMPTION FROM THE NOISE ORDINANCE FOR BRETT YOUNG FOR A WEDDING EVENT TO BE HELD IN WILSON PARK ON SEPTEMBER 6, 2009 FROM 2:00 PM TO 10:00 PM.** ACTION TAKEN: Libert pulled this item for discussion. Libert/Masters moved approval of the exemption subject to conditions as noted by the Police Department. Council President Johnson asked whether additional expenses would be incurred by the Police Department for this event. City Administrator Michael Williams stated that the event would be patrolled by on-duty officers, who are performing their normal course of duties. The motion unanimously carried. Councilmember Garven suggested sending notification letters to affected neighborhoods further in advance of such events.
7. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE ST. CLOUD OPTIMIST CLUB FOR EVENTS TO BE CONDUCTED AT SUPERAMERICA SOUTHEAST, 1370 15TH AVE SE.** ACTION TAKEN: Resolution adopted and assigned number 2009-8-113.
8. **APPLICATION FROM THE PARAMOUNT ARTS RESOURCE TRUST FOR A SEASONAL OUTDOOR LIQUOR LICENSE TO BE USED AT THE PARAMOUNT THEATER.** ACTION TAKEN: A public hearing was set for September 14, 2009.
9. **RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 14, 2009, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: Resolution adopted and assigned number 2009-8-114.
10. **RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 14, 2009 TO CONSIDER CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO**

THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2009-8-115.

11. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 14, 2009, TO CERTIFY DELINQUENT WATER, SEWER AND REFUSE BILLS TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2010. ACTION TAKEN: Resolution adopted and assigned number 2009-8-116.

12. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2009 TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2009-8-117.

13. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2009 TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2009-8-118.

14. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 14, 2009 TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2009-8-119.

15. RESOLUTION DETERMINING THE VALUE OF PROPERTY AND AUTHORIZING THE ACQUISITION OF THE NECESSARY INTERESTS IN THE PARCELS BY EITHER DIRECT NEGOTIATION OR THROUGH CONDEMNATION PROCEEDINGS FOR THE BEAVER ISLAND TRAIL PHASE #3 IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2009-8-120.

16. 2009 SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT - PHASE II, CONTRACT 2009-19:

A. RESOLUTION ACCEPTING LOW BID FOR 2009 SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT - PHASE II, CONTRACT 2009-19:

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 2009-19. ACTION TAKEN: Resolutions adopted and assigned numbers 2009-8-121 and 2009-8-122 respectively.

17. 2009 BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2009-09:

A. RESOLUTION ACCEPTING LOW BID FOR 2009 BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2009-09.

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 2009-09. ACTION TAKEN: Libert pulled this item for separate discussion. Berg/Garven moved approval of the

resolutions. Council President Johnson inquired about the funding source for this project. Public Services Director Steve Gaetz responded that he would check on the funding source and report back. The motion unanimously carried. Resolutions adopted and assigned numbers 2009-8-123 and 2009-8-124 respectively.

18. DOWNTOWN TRAFFIC AND PARKING MODIFICATIONS:

A. ACCEPTANCE OF LOW QUOTE FOR DOWNTOWN TRAFFIC AND PARKING MODIFICATIONS ON 4TH, 6TH AND 7TH AVENUES AND CITY HALL PARKING LOT.

B. ACCEPTANCE OF LOW QUOTE FOR INSTALLATION OF TRAFFIC SIGNAL AT 5TH AVENUE NORTH AND 1ST STREET NORTH TRAFFIC SIGNAL IMPROVEMENTS, CONTRACT 2009-18, S.A.P. 162-128-018

C. RESOLUTION AUTHORIZING TRAFFIC LANE RECONFIGURATION ON WILSON AVENUE SE FROM EAST ST. GERMAIN STREET TO HIGHWAY 23 AND FROM HIGHWAY 23 TO 4TH STREET SE TO ALIGN TRAFFIC WITH THE NEW TRAFFIC SIGNAL SYSTEM AT THE INTERSECTION OF HIGHWAY 23 AND WILSON AVENUE SE. ACTION TAKEN: Approved Item A, Item B, and Item C. Adopted resolution assigned number 2009-8-125.

19. ACCEPTANCE OF PROPOSAL FROM SRF CONSULTING TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE SHERBURNE CSAH 7 ENVIRONMENTAL ASSESSMENT. ACTION TAKEN: Approved.

20. ACCEPTANCE OF LOW QUOTE FOR VAULT REMOVAL AT 502 ST. GERMAIN STREET. ACTION TAKEN: Approved.

21. AGENDA ITEM WITHDRAWN. (The request was withdrawn by the Downtown Council (as applicant) regarding a “Welcome Back to the High Life Block Party” on 5th Avenue on September 11, 2009: (1) temporary liquor license; (2) noise ordinance exemption; and (3) street closure.)

22. RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD TO ACCEPT DONATION OF LAND TO BE USED FOR CSAH 134/WESTWOOD AREA SIDEWALK IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2009-8-126.

23. RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD TO ACCEPT DONATION OF LAND WITHIN SAUK RIVER GREENWAY CORRIDOR. ACTION TAKEN: Resolution adopted and assigned number 2009-8-127.

24. REQUEST FROM MODEL COLLEGE OF HAIR DESIGN FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW BUILDING DEMOLITION WORK TO BE PERFORMED ON SUNDAY, AUGUST 30, 2009. ACTION TAKEN: Approved.

25. RESOLUTION AMENDING THE JAMES BOWES ADDITION PUD TO ALLOW THE USES PERMITTED BY THE C2 ZONING DISTRICT (LOCATION: 927 9TH AVENUE SOUTH AND 922 10TH AVENUE SOUTH) ACTION TAKEN: A public hearing was set for September 14, 2009.

26. ORDINANCE AMENDING ARTICLE 9, COMMERCIAL DISTRICTS, OF THE LAND DEVELOPMENT CODE TO ALLOW EXISTING AUTO DEALERSHIPS AS A CONDITIONAL USE IN THE C4 ZONING DISTRICT. ACTION TAKEN: A reading and public hearing was set for September 14, 2009. (Proposed Ordinance number 2009-16)

27. APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF WEST SIDE FIRE STATION (LOCATION: 1040 COUNTY ROAD 4). ACTION TAKEN: Approved as presented.

28. FINAL PLAT OF LANDWEHR ESTATES. ACTION TAKEN: Approved as presented.

29. RESOLUTION IN SUPPORT OF APPLICATION FOR TIGER DISCRETIONARY GRANT FUNDING FOR 33RD STREET SOUTH CORRIDOR IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2009-8-128.

30. RESOLUTION IN SUPPORT OF APPLICATION FOR TIGER DISCRETIONARY GRANT FUNDING FOR UNIVERSITY BRIDGE AND CORRIDOR IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2009-8-129.

31. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR MISCELLANEOUS CRACK REPAIR FOR THE ST. CLOUD REGIONAL AIRPORT – MN DOT AGREEMENT NO. 95244. ACTION TAKEN: Resolution adopted and assigned number 2009-8-130.

OPEN FORUM:

St. Cloud State University President Earl Potter expressed thanks to the City Council, City administration, and the St. Cloud Police Department for all their assistance with SCSU campus “Move-In” weekend. He also expressed thanks for the City’s continued support of the “U-Choose” initiative and announced that SCSU successfully obtained grant funding from the Grant Program to prevent High-Risk Drinking.

Joyce M. Wittenhagen, 925 11th Avenue S., extended an invitation to the City Council and public to attend the “Hidden Treasures Historic Home Tour” in the Lake George Neighborhood on Saturday, September 12, between 9 a.m. – 1 p.m. The tours begin at the Lake George Municipal Complex, 1101 7th Street S. Advance tickets are \$8.00 and \$10.00 the day of the tour.

PUBLIC HEARINGS:

32. **RESOLUTION ORDERING REPLACEMENT OR REPAIR OF DEFECTIVE SIDEWALKS IN THE DOWNTOWN AREA.**

Public Services Director Steve Gaetz explained that sidewalks of seven properties in the downtown area need to be replaced and repaired to be in compliance with City ordinance. He displayed the “Sidewalk Condemnation List for the downtown area” on the overhead screen. He noted that property owners are allowed sufficient time to contract the corrective work; however, the property owners may choose to have the City contract the remedial construction and assess the fees. The total project cost is estimated at \$6,081.60. Of that amount, \$3,725.40 is proposed to be assessed and the City’s cost is \$2,356.20. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Libert/Masters moved approval of the resolution ordering replacement and/or repair of the defective sidewalks. The motion carried by a 6-0 roll call vote. The adopted resolution was assigned number 2009-8-131.

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Dave Kleis extended an invitation to the public to attend an Open House/Informational meeting regarding the findings of the Community Aquatic Center Feasibility Study. The event will held Tuesday evening, August 25, 2009, from 5:30-6:30 p.m. in the City Council Chambers.

Mayor Kleis read aloud an email that he recently received from an out-of-town parent who praised our local police officers for assisting his daughter who had accidentally locked her keys in her car. The kindness shown by the officers was deeply appreciated by the young woman and her parents.

ADJOURNMENT:

There being no further business to discuss, Council President Johnson adjourned the meeting at 6:20 p.m.

Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen, Recording Council Secretary