

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

November 9, 2009

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on November 9, 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, Johnson, Libert, Masters, and Johnson. Councilmember Hontos was absent.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 12, 2009.**
ACTION TAKEN: Approved.
6. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 26, 2009.**
ACTION TAKEN: Approved.
7. **RESOLUTION RELATING TO A REFINANCING UNDER MINNESOTA STATUTES, CHAPTER 462C AND SECTIONS 469.152 THROUGH 469.165, AS AMENDED, ON BEHALF OF CENTRACARE HEALTH SYSTEM AND ITS AFFILIATES; CALLING FOR A PUBLIC HEARING THEREON.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-11-175. Council President Johnson abstained.
8. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION INFRASTRUCTURE MANAGEMENT FUND REFUNDING**

BONDS, SERIES 2009D. ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-11-176.

9. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE MINNESOTA FISHING MUSEUM FOR ACTIVITIES TO BE CONDUCTED AT SPEEDSTOP ON 23, 16 14TH AVE. NE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-11-177.
10. **MEMORANDUM OF UNDERSTANDING BETWEEN STEARNS COUNTY AND THE CITY OF ST. CLOUD FOR CONTINUING JOINT OPERATIONS AFTER THE POLICE DEPARTMENT MOVES TO THE NEW POLICE HEADQUARTERS.”** ACTION TAKEN: Libert/Garven moved approval. Motion carried unanimously.
11. **THE 4TH OF JULY COMMUNITY FIREWORKS CELEBRATION – ACCEPT GRANT FUNDS FROM THE CENTRAL MINNESOTA COMMUNITY FOUNDATION.** ACTION TAKEN: Masters/Garven moved approval. Motion carried unanimously.
12. **ACCEPT GRANT FUNDS FROM THE KNIFE RIVER PARTNER FOR PARKS PROGRAM, AN MDU RESOURCES FOUNDATION.** ACTION TAKEN: Approved.
13. **REPLACEMENT OF HIGH VOLTAGE CABLES FROM THE TRANSFORMER TO THE SUBSTATION AT THE HYDROELECTRIC GENERATION FACILITY.** ACTION TAKEN: Approved.
14. **FINAL PLAT OF ST. CLOUD RIGHT OF WAY PLAT 6.** ACTION TAKEN: Approved as presented.

15. **PARKING FOR MINNESOTA QUILTERS ASSOCIATION CONVENTION TO BE HELD ON JUNE 16-19, 2010.** ACTION TAKEN: Approved.
16. **CHANGE ORDER TO 2009 SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT – PHASE I, CONTRACT 2009-13.** ACTION TAKEN: Approved.
17. **PROPOSALS TO PROVIDE SERVICES FOR A LIMITED PETROLEUM LEAK INVESTIGATION, MPCA LEAK #1776, AND AUTHORIZING PAYMENT OF EXPENSES RELATED TO CLEANUP.** ACTION TAKEN: Approved.
18. **RESOLUTION ESTABLISHING THE POLICY FOR GRANTING CREDITS AGAINST SPECIAL ASSESSMENTS TO LOW INCOME PROPERTY OWNERS FOR 2010 IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-11-178.
19. **RESOLUTION RECEIVING CITY ENGINEER’S REPORT AND SETTING A PUBLIC HEARING FOR NOVEMBER 23, 2009, TO CONSIDER CIVIC CENTER EXPANSION UTILITY AND ROADWAY IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2009-11-179.
20. **APPROVAL OF ADDENDUM NO. 2 TO AGREEMENT BY AND BETWEEN THE CITY OF ST. CLOUD AND KNIFE RIVER RELATED TO MINING OPERATIONS NEAR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Berg/Libert moved approval. Motion carried unanimously.
- 20A. **APPROVAL OF A VOICE LOGGER AND ADDITIONAL IP PHONES FOR NEW POLICE STATION.** ACTION TAKEN: Approved.

Open Forum:

No one testified.

Public Hearings:

21. **PUBLIC HEARING REGARDING REVOCATION/SUSPENSION OF TAXICAB LICENSE ISSUED TO CHRISTOPHER OSLUND, PURSUANT TO SECTION 472:60 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.**

Matt Staehling, Assistant City Attorney, presented documentation of the violations made by the license holder. A public hearing was not held. Pederson/Berg moved approval of revocation of the taxicab license. Motion carried unanimously.

22. **PUBLIC HEARING REGARDING THE REVOCATION/SUSPENSION OF TAXICAB LICENSE ISSUED TO TAMEKA ALAMIR, PURSUANT TO SECTION 472:60 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.**

Matt Staehling, Assistant City Attorney, presented documentation of the violations made by the license holder. A public hearing was not held. Berg/Masters moved approval of revocation of the taxicab license. Motion carried unanimously.

Old Business:

23. **CONSIDERTAION OF RELATION ORDERING SIDEWALK IMPROVEMENTS ON 33RD AVENUE NORTH.**

Steve Gaetz, Public Services Director, gave a brief overview. He noted that the public hearing was held on October 26, 2009. At this meeting Garven/Masters moved approval. The item was then tabled to the November 9, 2009 meeting. Tom Cruikshank, MTC, addressed the Council on the need for improvements because of the bus shelters in the which are not in compliance with ADA requirements. Ann Callan, representative from North Village Apartments, requested that they contract the sidewalk work out themselves to save on cost. Steve Gaetz noted that the City will look at their plan and approve it if it meets City standard. The original motion, as made on October 26, 2009, for approval was approved unanimously by roll call vote. Resolution was adopted and assigned number 2009-11-180.

24. **PRESENTATION OF “PRESERVING ST. CLOUD” HISTORY TOURS.**

Tammy Campion, Senior Planner, gave a brief presentation of the “Preserving St. Cloud” History Tours.

Open Discussion:

25. **DISCUSSION REGARDING CITY COUNCIL ROLE IN QUASI-JUDICIAL DECISIONS.**

This item relates to a number of issues that come before the City Council but more specifically land use and other quasi-judicial decisions. Jan Petersen, City Attorney, discussed a court case against the City of Minneapolis where the decision ruled against the City finding that the applicant’s right to due process had been compromised by the actions of the City Councilmembers throughout the City’s deliberation of the request. Mr. Petersen cautioned the City Council on their discussions with citizens and reminded them to not come to a conclusion on an issue without hearing all sides.

Other Open Discussion:

- Councilmember Pederson announced an Open House at the Whitney Senior Center Woodshop on Thursday, November 12, 2009 from 9 a.m. – 1 p.m.
- Mayor Kleis announced that Truth in Taxation public hearing will be held on December 7, 2009 and Administration will be setting another special meeting before that as soon as the budget forecast from the state is released.

Adjournment: There being no further business to discuss the meeting was adjourned at 7:34 p.m.

City Council President

Bob Johnson

Jennifer Burrows, Recording Council Secretary