

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

MARCH 22, 2010

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 March 22, 2010, 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. All members were present: Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

3A. **SPECIAL RECOGNITION**: Mayor Dave Kleis recognized City Public Services Director/City Engineer Steve Gaetz, who will retire from City employment on March 31, 2010. Steve has served the City of St. Cloud in leadership roles with the Public Works Department for the past 31+years. Mayor Dave Kleis acknowledged Steve as a walking, talking Wikipedia of knowledge. On behalf of the City Council and the residents of the City of St. Cloud, Council President Johnson commended Steve for his expertise and dedication of service to the City of St. Cloud over the years. Mayor Dave Kleis announced that two City employees will be promoted to fill Steve Gaetz's leadership roles. Steve Foss will serve in the role of City Engineer and Pat Shea will serve in the role of Public Services Director.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of an additional item, as requested by Councilmember John Pederson, to discuss Health Insurance benefits for the City Council.

5. **CONFIRM MAYOR'S REAPPOINTMENT TO THE PLANNING COMMISSION.** ACTION TAKEN: Confirmed Mayor's reappointment to the Planning Commission of Jake Anderson to his first full term to commence May 1, 2010 and expires April 30, 2015.

6. **APPLICATION FOR THE TRANSFER OF AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FROM MARY TASTO, DBA ANGUSHIRE GOLF COURSE, INC. TO LYNN RICHERT DBA ANGUSHIRE GOLF CLUB, INC.** ACTION TAKEN: A public hearing on the application was set for April 5, 2010.

7. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY FOR A MUSIC EVENT TO BE CONDUCTED ON APRIL 10, 2010 AT RITSCHER AUDITORIUM.** ACTION TAKEN: Councilmember Pederson pulled this item for separate discussion. He asked who's responsible

for law enforcement and monitoring the sale of alcohol at the event, and who would benefit from the proceeds. City Clerk Gregg Engdahl responded that St. Cloud State University will be responsible for enforcement and control as it holds the temporary liquor license. SCSU Sodexo Dining Service will provide the food and liquor service, and SCSU will benefit from proceeds. Pederson/Berg moved approval of the application as presented. The motion unanimously carried.

8. RENEWAL OF LEASE AGREEMENT WITH CATHOLIC CHARITIES SENIOR DINING AT WHITNEY SENIOR CENTER (By Resolution). ACTION TAKEN: Resolution adopted and assigned Resolution 2010-3-45.

9. AN ORDINANCE AMENDING SECTION 238 OF THE 2007 CODE OF ORDINANCES THAT PROHIBITS ANY TYPE OF ALCOHOLIC BEVERAGES AT THE WHITNEY SENIOR CENTER OR ON ITS GROUNDS. ACTION TAKEN: Councilmember Garven pulled this item for separate discussion. She asked whether the Whitney Senior Center (WSC) Board surveyed the WSC users about the request and whether the Board surveyed other senior centers on their alcohol use policies. She asked whether our City's liquor liability insurance would provide coverage. Community Development Director Lyle Mathiasen responded that the request came forward from the users of the WSC, and that the City's insurance will provide coverage. Mayor Kleis noted that he had attended the last WSC Board meeting when the request was discussed. Garven/Masters moved approval of setting a reading and public hearing for April 5, 2010. The motion unanimously carried. (Proposed Ordinance 2010-05) A report on other communities and alcohol use policies relating to senior centers was requested.

10. ORDINANCE REPEALING SECTION 810:28 OF THE 2007 CODE OF ORDINANCES ENTITLED "PROXIMITY TO SCHOOLS, CHURCHES, RESIDENTIALLY ZONED PROPERTY AND THE ST. GERMAIN STREET BUSINESS DISTRICT." ACTION TAKEN: A reading and public hearing was set for April 5, 2010. (Proposed Ordinance 2010-05)

11. ORDINANCE AMENDING SECTION 424 - TOBACCO OF THE 2007 CODE OF ORDINANCES. ACTION TAKEN: A reading and public hearing was set for April 5, 2010. (Proposed Ordinance 2010-06)

12. AGENDA ITEM WITHDRAWN BY ADMINISTRATION - (Resolution Establishing a Joint Powers Agreement to Organize and Govern a Regional Human Rights Office.)

13. ACCEPTANCE OF 2009 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$70,000. ACTION TAKEN: Approved.

14. RESOLUTION AMENDING THE WESTWOOD PARKWAY PLANNED UNIT DEVELOPMENT (PUD) GENERAL DEVELOPMENT PLAN TO REDUCE THE 20 FOOT SETBACK FOR ACCESSORY BUILDINGS UPON SINGLE FAMILY

PARCELS. (DPA-2010-03) ACTION TAKEN: A public hearing was set for April 5, 2010.

15. ORDINANCE AMENDING ARTICLE 19 – OFF-SITE DEVELOPMENT STANDARDS, SECTION 19.11 – DRAINAGE IMPROVEMENTS, C. IN THE ST. CLOUD LAND DEVELOPMENT CODE. ACTION TAKEN: A reading and public hearing was set for April 5, 2010. (Proposed Ordinance 2010-07)

16. RESOLUTION AMENDING PLANNED UNIT DEVELOPMENT NUMBER 28 TO PERMIT THE INSTALLATION OF ONE FREE STANDING AND ONE BUILDING MOUNTED WIND ENERGY CONVERSION SYSTEMS (WECS) AT THE MAC. (LOCATION: 5001 8TH STREET NORTH - VETERANS DRIVE) (DPA-2010-02) ACTION TAKEN: A public hearing was set for April 5, 2010.

17. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR WESTWOOD AREA SIDEWALK IMPROVEMENTS, CONTRACT 2010-11. ACTION TAKEN: Resolution adopted and assigned number 2010-3-46.

18. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR APRIL 5, 2010, TO CONSIDER 10TH AVENUE NORTH NEIGHBORHOOD IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2010-3-47.

19. AN ORDINANCE AMENDING SECTION 244 AND SECTION 570 OF 2007 CODE OF ORDINANCES ESTABLISHING RULES AND FEES FOR USE OF THE CITY COMPOST SITE. ACTION TAKEN: A reading and public hearing was set for April 5, 2010. (Proposed Ordinance 2010-08)

20. RESOLUTION APPROVING A COOPERATIVE CONSTRUCTION AGREEMENT FOR THE REPLACEMENT OF THE TRAFFIC SIGNAL CONTROL SYSTEM AT THE INTERSECTION OF TH 10 AND 15TH AVENUE SE. ACTION TAKEN: Resolution adopted and assigned number 2010-3-48.

21. RESOLUTION AUTHORIZING THE PURCHASE OF 80,000 YARD WASTE BAGS FROM COLE PAPER COMPANY. ACTION TAKEN: Hontos pulled this item for separate discussion. Councilmember Hontos noted that in the past garbage and refuse bags were ordered together for best price/cost savings. City Engineer Gaetz responded that this purchase should not adversely affect the price of ordering refuse bags at a later date. He also noted that the City is looking into compostable refuse bags for the future. Hontos/Pederson moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2010-3-49.

22. RESOLUTION AGREEING TO THE ST. CLOUD AREA PLANNING ORGANIZATION'S REQUESTED LOCAL "OVERMATCH" FOR THE "33RD STREET SOUTH - PHASE 1" PROJECT (33RD STREET SOUTH EXPANSION AND

RECONSTRUCTION FROM STEARNS CSAH 75 TO SOUTHWAY DRIVE). ACTION TAKEN: Resolution adopted and assigned number 2010-3-50.

23. **RESOLUTION AGREEING TO THE ST. CLOUD AREA PLANNING ORGANIZATION'S REQUESTED LOCAL "OVERMATCH" FOR THE "BEAVER ISLAND TRAIL - PHASE 4" PROJECT (BEAVER ISLAND TRAIL EXTENSION FROM 33RD STREET SOUTH AND CLEARWATER ROAD AT STEARNS CSAH 75 TO ST. CLOUD RIVER BLUFFS REGIONAL PARK).** ACTION TAKEN: Resolution adopted and assigned number 2010-3-51.

24. **ACCEPTANCE OF LOW QUOTE FROM PARKING LOT MAINTENANCE FOR CRACK REPAIR AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING STATE FUNDS.** ACTION TAKEN: Approved.

25. **APPROVAL OF MODIFICATION #P00004 TO THE COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION (TSA) AND THE CITY OF ST. CLOUD FOR FINANCIAL ASSISTANCE WITH LAW ENFORCEMENT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Councilmember Garven pulled this item for a separate discussion. Council President Johnson asked about the source of the \$53,643.92 funding allocation listed in the Cooperative Agreement, suggesting that the City only provides security for a limited number of charter flights. He suggested that the balance of the funds could be used in other areas until another airline carrier is obtained, or carrying the fund balance over to next year. Mayor Kleis responded that the TSA funds are provided by the Federal Government and must be used for law enforcement at the airport only. The funds cannot be carried over, and if not used, the City risks losing its annual funding level. Berg/Masters approval of the cooperative agreement as submitted. The motion unanimously carried.

26. **AN ORDINANCE AMENDING SECTION 576 ENTITLED STREET LIGHT UTILITY OF THE 2007 CODE OF ORDINANCES.** ACTION TAKEN: A reading and public hearing was set for April 5, 2010. (Proposed Ordinance 2010-09)

OPEN FORUM: No one spoke.

OPEN DISCUSSION & ANNOUNCEMENTS:

26A. **ADD-ON ITEM: CITY COUNCIL HEALTH INSURANCE.** City Councilmember Pederson said that although the Council had several discussions during the budget process this past fall regarding the health insurance benefits for City Council members, he thought a task force was assigned to bring back a recommendation on a new City Council compensation package. He expressed the importance of this information for all individuals filing affidavits for City Council candidacy. Filing begins on May 18, 2010, and closes on June 1, 2010. Council discussion ensued. Mayor Kleis agreed that the compensation package should be reviewed every four years and that he would promptly resurrect/appoint a "Compensation Committee" to review

the mayor's and the City Council's compensation package. A public hearing process on the recommendation would be scheduled to follow.

27. REPORT ON "ALCOHOL, AND HOW IT RELATES TO THE COMMUNITY. (PRESENTED BY ROBERT C. REFF, PH.D. INTERIM ASSISTANT DEAN OF STUDENTS FOR CHEMICAL HEALTH AND OUTREACH PROGRAMMING). Rob Reff provided a handout and a presentation entitled, "Underage and High-Risk Alcohol Use: Data & Strategies, March 22, 2010." Following the informative presentation, Mayor Kleis stated that the City of St. Cloud will conduct three public informational meetings on the proposed changes to St. Cloud's liquor and alcohol related ordinances. St. Cloud City Attorney Matt Staehling will present the information. The informational meetings will be conducted in the near future, with one to be held at the University, one at Apollo High School, and one in the City Council Chambers. All meetings will be free and open to the public.

ADJOURNMENT:

There being no other business to discuss, City Council President Johnson adjourned the meeting at 7:32 p.m.

City Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary