

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

December 19, 2016

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on December 19, 2016 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. Councilmembers present: Johnson, Hontos, Laraway, Lewis, Libert and Masters. Councilmember absent: Goerger

CONSENT AGENDA:

Acting Council President Libert announced a revision to Item 19 - the Public Hearing shall be set for April 24, 2017 (versus March 24, 2017).

4. **APPROVAL OF AGENDA.** Action Taken: Approved.
5. **APPROVAL OF THE COUNCIL MINUTES FROM THE REGULAR SESSION HELD MONDAY DECEMBER 5, 2016.** Action Taken: Approved.
6. **MAYOR'S APPOINTMENT TO THE RSVP ADVISORY COUNCIL.** Action Taken: Approved.
7. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF SARTELL FOR LEGAL SERVICES IN 2017.** Action Taken: Councilmember Johnson pulled this item for further discussion. It was moved by Councilmember Johnson, seconded by Councilmember Laraway to approve. Councilmember Johnson inquired on if the city of Sartell sees a delay in due process rights or any issues with responses by staff addressing the needs of the city of Sartell. City Administrator/City Attorney Matthew Staehling stated that Sartell's cases are heard alongside St. Cloud cases and the process is seamless. There is minimal disruption. The motion unanimously carried 6-0. Approved. Resolution adopted and assigned 2016-12-201.
8. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITY OF ST. JOSEPH FOR LEGAL SERVICES IN 2017.** Action Taken: Approved. Resolution adopted and assigned 2016-12-202.
9. **APPLICATION FOR THE TRANSFER OF AN ON SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM ST. CLOUD IN, INC. DBA HOLIDAY INN & SUITES TO ST. CLOUD HOTEL GROUP, LLC DBA HOLIDAY INN – ST CLOUD, 75 37TH AVENUE SOUTH.** Action Taken: Public Hearing set for January 9, 2017.
10. **RESOLUTION REQUESTING FUND ASSISTANCE FROM THE MNDNR UNDER THE CONSERVATION PARTNERS LEGACY GRANT PROGRAM.** Action Taken: Approved. Resolution adopted and assigned 2016-12-203.
11. **RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE FEDERAL HIGHWAY ADMINISTRATION UNDER ITS TRANSPORTATION ALTERNATIVES PROGRAM FOR FY 2021 TO**

CONSTRUCT A BICYCLE/PEDESTRIAN TRAIL IN ST. CLOUD, MINNESOTA. Action Taken: Approved. Resolution adopted and assigned 2016-12-204.

12. INTRODUCTION OF THE BIT#8 PREFERRED TRAIL ALIGNMENT AND AUTHORIZE THE RIGHT OF WAY INVESTIGATION TO BEGIN BY SEEKING REAL ESTATE APPRAISALS FOR CERTAIN PARCELS. Action Taken: Approved.

13. CHANGE ORDER #1 – WHITNEY REGIONAL PARK, SAUK RIVER DAM REMOVAL AND STREAM BANK RESTORATION PROJECT. Action Taken: Approved.

14. PROFESSIONAL SERVICES AGREEMENT FOR THE BEAVER ISLAND REGIONAL TRAIL PHASE #8 PROJECT. Action Taken: Approved.

15. CHANGE ORDER #2 FOR HYDROELECTRIC GENERATION FACILITY SPILLWAY GATE RELACEMENT PROJECT; CITY CONTRACT NO. 2016-26. Action Taken: Approved.

16. RESOLUTION AUTHORIZING CITY ADMINISTRATION TO EXECUTE AGREEMENTS RELATED TO SOLAR ENERGY SUBSCRIPTIONS WITH US SOLAR. Action Taken: Councilmember Hontos pulled this item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Laraway to approve. Councilmember Hontos indicated that he had correspondence with staff over the weekend and received answers but was wondering what the city investment is in this project. Public Works Director Patrick Shea indicated that the city does not make a fiduciary investment but rather receives a discount for the energy we use. The Subscription Agreement is an agreement with US Solar to subscribe to a conservative amount of 6,000,000 kilowatt/hour of solar energy US Solar has an agreement with Xcel Energy for the use of solar energy. The City will be paying two bills moving forward. One to Xcel Energy and the other to US Solar. Tracey Hodel, Assistant Public Utilities Director, indicated that this is a 25-year agreement. 2018 will be our first full year of subscription. The city will have energy savings via a \$0.1223 bill credit. Total anticipated savings in 2018 \$33,020 based on this bill credit. There are 3 gardens in Sartell and 5 gardens in Sauk Rapids in which we will subscribe to. Councilmember Masters inquired on if residents will be able to buy in and received discount. Hodel stated that it is currently not available to residents but will be once gardens up and running. Councilmember Laraway inquired on if there is a connection between US Solar and SunEdison. Hodel stated that although similar in nature, they are separate companies. Councilmember Hontos inquired on what happen if US Solar goes out of business. Hodel stated that the City is not at risk. Costs will just revert back. The motion unanimously carried 6-0. Approved. Resolution adopted and assigned 2016-12-205.

17. WATER TREATMENT FACILITY EQUIPMENT PURCHASE REQUEST – FORKLIFT. Action Taken: Approved.

18. AGREEMENT WITH RIDLON PARKING MANAGEMENT FOR OPERATION AND MANAGEMENT SERVICES. Action Taken: Councilmember Lewis pulled this item for further discussion. It was moved by Councilmember Lewis, seconded by Councilmember Masters to approve. Councilmember inquired on why we are outsourcing parking ramp personnel. Public Works Director Patrick Shea stated that this is a continuation of practice we use today. We are just modifying agreement to include new ramp and

adjust times. Councilmember Masters inquired on if it is cost effective to open the Paramount Parking ramp on Saturday and Sunday. Mr. Shea stated that this ramp is staffed and opened only when coordinating with the Paramount for events. The motion unanimously carried 6-0. Approved.

19. SET PUBLIC HEARING SCHEDULE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2017 ANNUAL ACTION PLAN. Action Taken: Public Hearing set for April 24, 2017.

20. RESOLUTION DECLARING EXISTENCE OF A MINIMUM 66-FOOT WIDE PUBLIC RIGHT-OF-WAY AT 33RD STREET SOUTH, ST. CLOUD, MINNESOTA. Action Taken: Councilmember Lewis pulled this item for further discussion. It was moved by Councilmember Lewis, seconded by Councilmember Johnson to approve. Councilmember Lewis questioned on where the access currently is for the property. Community Development Director Matt Glaesman stated that this is just a clarification allowing property owner to gain access to right of way. There is no public record granting them the right to use easement. This will allow them to continue to maintain access. Councilmember Masters requested clarification on compact road. Glaesman indicated that state law dictates quiet title can be filed. This was filed within time frame. The quiet title is not an active condemnation but rather we are just clarifying the rights of the property owners to access, via quiet title, the western edge of parcel. There are 5+ parcels affected. The road will continue to be a public right of way for residents. The residents are concerned that the city may take that right of access away with a fence as we could restrict access if we so choose. This process is granting this as a road to eliminate property owner fears. The motion unanimously carried 6-0. Approved. Resolution adopted and assigned 2016-12-206.

21. ORDINANCE VACATING A 20' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE COMMON PROPERTY LINE BETWEEN LOTS 19 AND 20, BLOCK 2, SOMMERSBY PLAT 2. (LOCATION: 3875 AND 3879 21ST AVENUE SOUTH) (VAC-2016-10) Action Taken: Public Hearing set for January 9, 2017.

22. ORDINANCE VACATING A 75' WIDE DRAINAGE EASEMENT FROM THE 33RD STREET SOUTH AND TRUNK HIGHWAY 15 INTERSECTION AND 37TH AVENUE SOUTH. (LOCATION: 75 37TH AVENUE SOUTH AND 3850 2ND STREET SOUTH) (VAC-2016-11) Action Taken: Public Hearing set for January 9, 2017.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

23. PUBLIC HEARING REGARDING ORDINANCE AMENDMENTS TO SECTIONS 236 AND 560 OF THE 2007 CODE OF ORDINANCES ESTABLISHING RULES AND FEES FOR THE PARK & RECREATION DEPARTMENT. Park & Recreation Director Scott Zlotnik introduced this item and gave a brief overview of the action before council. This ordinance is not proposing a cross the board increase in fees, only sectional. Acting Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve. Councilmember Lewis requested clarification on the definition of an organized sporting

event and inquired on gate share fee. Organized sporting event fees obtained from participants. Gate share fees are spectator fees shared by the city. Criteria must be met to share in gate fees. Impacts two field that have controlled access. Councilmember Hontos requested further clarification. Zlotnik stated that under ordinance we are allowed a percentage of the fee. There have been no complaints related to gate fees over the 13 years Zlotnik has been employed with the city. The motion carried unanimously. Ordinance adopted and assigned.

24. APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR RINGNECK RESTAURANTS, INC. DBA OLDE BRICK HOUSE, 102 6TH AVENUE SOUTH. City Clerk Gregg Engdahl introduced this item and gave a brief overview of the action before council. Acting Council President Libert opened the public hearing. Co-Owners Pete Pepping and Brandon Gunderson spoke providing some detail on the project. No one else spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Hontos to approve. All councilmembers provided their congratulations on the project. The motion carried unanimously. Approved.

25. RESOLUTION ADOPTING 2017 BUDGETS FOR ENTERPRISE FUNDS. Mayor Dave Kleis introduced this item and gave a brief overview of the action before council. No increase in sack & wack fees for 2017; Increase in price per green garbage bag from \$2.00 to \$2.25 per bag; 2.5% increase in wastewater utility; no change in water; 3% increase in room rental rates at River's Edge. Acting Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Councilmember Hontos requested that the approval of the enterprise funds be done in two separate motions. First seven, which include water utility, wastewater utility, storm water utility, hydroelectric facility, street light utility, parking system, and refuse service, shall be in one motion. The final two, Municipal Athletic Complex and River's Edge Convention Center, shall be in a separate motion. Councilmember Johnson questioned revenue received on bile salts program. No charge for program. Revenue of \$0. It was moved by Councilmember Hontos, seconded by Councilmember Lewis to approve the first seven enterprise funds. The motion carried unanimously. Approved. Councilmember Hontos requested an amendment to motion on final two enterprise funds to allow for further discussion in study session. He would like to spend more time to discuss as he is not comfortable with answers and information received. After discussion, Councilmember Hontos withdrew his motion to amend. It was moved by Councilmember Hontos, seconded by Councilmember Laraway to approve. Motion carried unanimously. Approved. Councilmember Hontos moved to have a Study Session regarding the Municipal Athletic Complex and River's Edge Convention Center within the first two months of 2017. Motion carried unanimously. Approved.

Public Services Director Patrick Shea introduced two additional items at this time:

SET A PUBLIC HEARING AMENDING SECTION 570 OF THE 2007 CODE OF ORDINANCES "REFUSE, RECYCLING, AND YARD WASTE COLLECTION AND DISPOSAL CHARGES" and SET A PUBLIC HEARING AMENDING SECTION 575 OF THE 2007 CODE OF ORDINANCES ENTITLED "PUBLIC UTILITIES DEPARTMENT FEES." Shea gave a brief overview of the action before council. Requested public hearings be set for January 9, 2017 on both items. It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve. The motion carried unanimously. Public Hearing set for January 9, 2017 on both items.

26. CONSIDERATION OF RESOLUTION ORDERING 3RD STREET NORTH FROM 5TH TO 6TH AVENUE NORTH UTILITY AND STREET RECONSTRUCTION IMPROVEMENTS AND 5TH AVENUE NORTH FROM 2ND TO 4TH STREET NORTH BITUMINOUS RESURFACING IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED). City Engineer Steve Foss introduced this item and gave a brief overview of the action before council. The special assessments were discussed. Residents will be assessed at 50% for new water main and incur a 25% reduction for reconstruction portion. No assessments for sidewalks. Acting Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmembers Masters, seconded by Councilmember Laraway to approve. Council Secretary Alicia Jelliff performed a roll call. Motion carried unanimously. Approved.

27. CONSIDERATION OF RESOLUTION ORDERING 6TH AVENUE NORTH FROM THE BNSF TO 12TH STREET NORTH BITUMINOUS RESURFACING IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED). City Engineer Steve Foss introduced this item and gave a brief overview of the action before council. Acting Council President Libert opened the public hearing. No one spoke. The public hearing was closed. Foss stated that work will begin in 2017 and continue through 2018, working in sections to allow for traffic circulation. The expansion of the Beaver Island Trail to Hester Park will also be taken into consideration. It was moved by Councilmembers Masters, seconded by Councilmember Lewis to approve. Recording Council Secretary Alicia Jelliff performed a roll call. Motion carried unanimously. Approved.

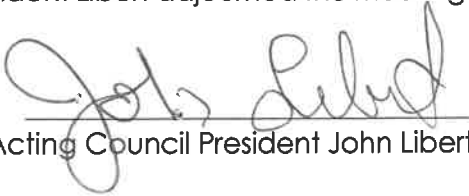
OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Dave Kleis wished everyone a Merry Christmas and Happy New Year. Kleis also invited everyone to join him tomorrow [Tuesday, December 20, 2016] for a Public Appreciation event for First Responders.

Next City Council Meeting is January 9, 2016 at 6pm.

ADJOURNMENT:

There being no one else to speak, Acting Council President Libert adjourned the meeting.


Acting Council President John Libert

Respectfully submitted by


Alicia Jelliff
Recording Council Secretary