

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

SEPTEMBER 27, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on Monday, September 27, 2010, at 6 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 Berg, Garven, Hontos, Libert, Johnson, Masters and Pederson were present.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **REQUEST TO REVISE THE NOVEMBER 2010 CITY COUNCIL MEETING SCHEDULE.** ACTION TAKEN: Approved.
6. **APPLICATION BY GARY HILER AND ELIZABETH JOHNSON FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR A WEDDING EVENT TO BE HELD IN RIVERSIDE PARK ON OCTOBER 16, 2010, FROM 4 P.M. TO 10 PM.** ACTION TAKEN: Approved subject to conditions noted by the Police Department.
7. **APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SUPER BUFFET REST, INC. DBA SUPER BUFFET, 1020 4TH STREET SE.** ACTION TAKEN: A public hearing was set for October 11, 2010.
8. **RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY, CASUALTY, AUTOMOBILE AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD 10-1-10 TO 9-30-11.** ACTION TAKEN: Councilmember Hontos removed agenda item for separate discussion. Robert L. Mahowald of the Mahowald Insurance Agency was in attendance to give a brief overview of the insurance program. It was moved by Councilmember Hontos, seconded by Councilmember Libert, to approve the resolution as presented. The motion unanimously carried. Resolution adopted and assigned number 2010-9-181.
9. **COMMUNITY PROJECT AT LAKE GEORGE.** ACTION TAKEN: Approved recommended Items 1-8 as listed in City Council Packet memo submitted by Community Services & Facilities – Parks & Recreation Division.
10. **NORTHSTAR RESOLUTIONS: (A) RESOLUTION OF SUPPORT OF A "SMALL START" GRANT APPLICATION FOR THE COMPLETION OF NORTHSTAR FROM BIG LAKE TO ST. CLOUD.** ACTION TAKEN: Resolution adopted and assigned number 2010-9-182.

(B) RESOLUTION OF SUPPORT FOR A NCDA MARKET ASSESSMENT OF THE PROPOSED STATION AREA ALONG THE NORTHSTAR CORRIDOR.
ACTION TAKEN: Resolution adopted and assigned number 2010-9-183.

11. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH ST. CLOUD FIRE OFFICERS ASSOCIATION, LOCAL 1712S. ACTION TAKEN: Resolution adopted and assigned number 2010-9-184.

12. ACCEPTANCE OF LOW BID FOR SELF-CONTAINED BREATHING APPARATUS (SCBA) AND AUXILIARY EQUIPMENT AND APPROVAL TO REQUEST GRANT AMENDMENT TO EXPEND REMAINING GRANT DOLLARS IN ACCORDANCE WITH GRANT GUIDELINES. ACTION TAKEN: Approved.

13. REQUEST TO PURCHASE A REPLACEMENT LOADER FOR THE WASTEWATER TREATMENT FACILITY. ACTION TAKEN: Approved.

14. AN ORDINANCE AMENDING ARTICLE 8 – RESIDENTIAL DISTRICTS, 8.2 – PERMITTED AND CONDITIONAL USES, TABLE 8-1: RESIDENTIAL DISTRICTS PERMITTED AND CONDITIONAL USES; ARTICLE 9 – COMMERCIAL DISTRICTS, 9.2 – PERMITTED AND CONDITIONAL USES, TABLE 9-1: COMMERCIAL DISTRICTS PERMITTED AND CONDITIONAL USES; ARTICLE 10 – INDUSTRIAL DISTRICTS, 10.2 – PERMITTED AND CONDITIONAL USES, TABLE 10-1: INDUSTRIAL DISTRICTS PERMITTED AND CONDITIONAL USES; ARTICLE 14 – USE STANDARDS, 14.3 – USE STANDARDS, U. – SERVICE STATION; ARTICLE 15 – ON-SITE DEVELOPMENT STANDARDS, 15.6 PERMITTED OBSTRUCTIONS, TABLE 15-4: PERMITTED OBSTRUCTIONS; ARTICLE 16 – OFF-STREET PARKING AND LOADING, 16.7 – LOCATION OF OFF-STREET PARKING SPACES, E.; ARTICLE 16 – OFF-STREET PARKING AND LOADING, 16.8 – DESIGN STANDARDS, D. LANDSCAPING AND SCREENING; ARTICLE 16 – OFF-STREET PARKING AND LOADING, 16.13 – REQUIRED OFF-STREET PARKING SPACES – TABLE 16-3 REQUIRED OFF-STREET PARKING; ARTICLE 17 – LANDSCAPING, SCREENING, AND BUFFERING; ARTICLE 21 – DEFINITIONS, 21.4 USE DEFINITIONS, PRINT SHOP AND PUBLISHING; ARTICLE 21 – DEFINITIONS, 21.5 GENERAL TERMS DEFINITIONS, FLOOR AREA RATIO – FIGURE; IN THE ST. CLOUD LAND DEVELOPMENT CODE. ACTION TAKEN: A reading and public hearing was set for October 11, 2010. (Proposed Ordinance number 2010-26)

15. ORDINANCE VACATING THE 5' WIDE DRAINAGE AND UTILITY EASEMENT ALONG THE INTERIOR SIDE YARDS OF THE FOLLOWING PROPERTIES: LOTS 1-6, BLOCK 8; LOTS 1 & 2, 4 & 5, 7 & 8, AND 10-13, BLOCK 9; LOTS 2 & 3, 6 & 7, 9-13, 16-20, AND 22-27, BLOCK 10; AND LOTS 1-4, BLOCK 11 OF WEST PRAIRIE POINT. (LOCATION: 6738-7118

NORTHWOOD LANE AND 6814-7014 22ND STREET NORTH) (VAC-2010-04)
ACTION TAKEN: A reading and public hearing was set for October 11, 2010. (Proposed Ordinance number 2010-27)

16. VETERANS GOLF COURSE IMPROVEMENTS, CONTRACT 2010-28:A. RESOLUTION ACCEPTING LOW BID FOR VETERANS GOLF COURSE IMPROVEMENTS, CONTRACT 2010-28.

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 2010-28. ACTION TAKEN: Hontos removed this item for discussion. He asked for an update regarding the status of the Memorandum of Agreement (MOA). City Administrator Mike Williams confirmed that the Veterans Administration had not officially signed the MOA as of this date; however, City Engineer Steve Foss was assured that the agreement would be signed. The projected weather forecast is timely for the golf course improvements. It was moved by Councilmember Libert, seconded by Councilmember Garven, to adopt both resolutions as presented. The motion unanimously carried. The adopted resolutions were assigned numbers 2010-9-185 and 2010-9-186 respectively.

17. REQUEST FOR COMBINED TIME-LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG BOTH SIDES OF 8TH AVENUE NORTH FROM 15TH STREET NORTH TO APPROXIMATELY 600 FEET NORTH OF 15TH STREET NORTH. ACTION TAKEN: Approved.

18. SUPPLEMENTAL AGREEMENT NO. 1 FOR CIVIC CENTER EXPANSION UTILITY AND ROADWAY IMPROVEMENTS, CONTRACT 2010-05, PROVIDING FOR RIVERBANK STABILIZATION. ACTION TAKEN: Approved.

19. AGREEMENTS FOR RENTAL OF SNOW REMOVAL EQUIPMENT FOR THE STREET DIVISION AND AIRPORT DIVISION FOR THE 2010 - 2011 YEAR. ACTION TAKEN: Approved.

20. ACCEPTANCE OF PROPOSALS FOR SIDEWALK SNOW REMOVAL SERVICES FOR THE PERIOD NOVEMBER 1, 2010, THROUGH MAY 1, 2011. ACTION TAKEN: Approved.

21. (A) RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$2,055,000 GENERAL OBLIGATION SEWER REVENUE BONDS, SERIES 2010A. ACTION TAKEN: Berg removed the agenda item for discussion. Finance Director John Norman introduced Terry Heaton of Springsted, Inc., who reviewed the results of awarding the two bonds on today's date. She commended St. Cloud for carrying the second highest credit rating available by Standard and Poor's - AA+. She attributed the high rating to St. Cloud's strong financial management. The bond results were as follows: the 10-year General Obligation Sewer Revenue Bonds,

Series 2010A, was awarded to Robert W. Baird & Company, Incorporated and Syndicate at the interest rate of 1.9928%. The Taxable General Obligation Tax Abatement Bonds, Series 2010B for the Civic Center Expansion project, was also awarded to Robert W. Baird & Company, Incorporated and Syndicate at the interest rate of 4.8446%. She noted that 23 financial institutions bid on these bonds. It was moved by Berg, seconded by Masters, to approve the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-9-187.

(B) RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$22,425,000 GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2010B. ACTION TAKEN: It was moved by Berg, and seconded by Masters, to approve the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-9-188.

OPEN FORUM:

Beth E. Knutson-Kolodzne, SCSU Volunteer Connection Coordinator, addressed the City Council on the upcoming event, "Give It Get It" Volunteer Days, which will be held Friday, October 8 – Sunday, October 10, 2010. There are approximately 90 projects registered on the "Give It Get It" web site with over 700 people already signed up to volunteer, and 1200 more volunteers still needed. Beth encouraged everyone in the community to participate during the 3-day event. City Administrator Mike Williams noted that the City of St. Cloud has four projects registered: Highway 23 Landscaping project; Storm Water Drain Stenciling project; Cleaning brush at the Children's Garden at Heritage Park with the Mayor; and the Youth Commission's painting bleachers project at Whitney Park.

PUBLIC HEARINGS:

22. **APPLICATION FOR THE TRANSFER OF AN ON SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM APPLEBEE'S RESTAURANTS NORTH, LLC DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR TO APPLE MINNESOTA, LLC DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 4190 W DIVISION STREET.** City Clerk Gregg Engdahl explained that this is a corporate ownership change only; current management and menu will remain the same. Council President Bob Johnson opened the public hearing. No one spoke. The public hearing was closed. Berg/Garven moved approval of the application for transfer of the on-sale intoxicating and special Sunday liquor license for Applebee's Neighborhood Grill & Bar. The motion unanimously carried.

23. **CONSIDERATION OF RESOLUTION AMENDING 2009 ASSESSMENT ROLL 1.** (NOTE: THE CITY COUNCIL MET IN CLOSED SESSION AT 5 P.M. IN CONFERENCE ROOM 1 ON

THIS DATE TO DISCUSS LITIGATION REGARDING PLATTED PROPERTIES OF SUNDANCE COMMERCIAL DISTRICT TWO. ASSISTANT CITY ATTORNEY GARY GUSTAFSON RECORDED THE CLOSED SESSION MEETING AND AUDIO TAPE IS ON FILE IN THE LEGAL OFFICE.) City Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Garven, to approve the Resolution Amending Assessment Roll 1 for the 2009 Public Improvements. Council President Johnson noted that the City Council had met with legal counsel and reviewed the matter. The motion unanimously carried. The adopted resolution was assigned number 2010-9-189.

OLD BUSINESS:

24. **RESOLUTION IN SUPPORT OF THE ST. CLOUD JOINT PLANNING DISTRICT REGIONAL SUSTAINABILITY FRAMEWORK PLAN.** Council President Johnson announced that the Council had received a complete presentation on the Framework Plan at its Study Session on September 20, 2010. Community Development Director Glaesman said that a copy of the draft is now circulating through the participating cities and counties so that a recommendation can be made to the St. Cloud Joint Planning District Board on October 28, 2010. It was moved by Councilmember Berg, seconded by Councilmember Hontos, to adopt the resolution in support of the St. Cloud Joint Planning District Regional Sustainability Framework Plan. Councilmember Berg commended the work of the committee and requested a brief overview of the Plan by Community Development Director Glaesman. Following his comments, it was moved by Councilmember Berg, seconded by Councilmember Hontos, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2010-9-190.

ADJOURNMENT:

There being no further business to discuss, Council President Johnson adjourned the meeting at 6:33 p.m.

Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary