

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

MAY 7, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 7, 2012, 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. Council members present were Berg, Gohman, Hontos, Johnson, Libert, and Masters. Council member Goerger was absent.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **MAYOR'S APPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed the Mayor's appointment of Debi Pack to the Heritage Preservation Commission for a term to commence immediately and expire April 30, 2015.
6. **REVISIONS TO THE EMPLOYMENT GUIDE.** ACTION TAKEN: Approved.
7. **RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATER, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2012 TO JUNE 30, 2013.** ACTION TAKEN: A public hearing was set for May 21, 2012.
8. **APPLICATION FROM VFW POST 428 FOR A SPECIAL EVENT SEASONAL OUTDOOR LIQUOR LICENSE AND AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE TO CONDUCT BEANBAG EVENTS AT THE LOCATION OF 9 -18TH AVENUE NORTH (WEEKENDS OF MAY 12, 2012 THRU SEPTEMBER 30, 2012)** ACTION TAKEN: Approved.
9. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE AND A SPECIAL EVENT OUTDOOR LIQUOR LICENSE FOR COWBOY JACKS FOR A BEANBAG TOURNAMENT TO BE HELD ON ST. GERMAIN STREET IN CONJUNCTION WITH THE CAN-AM GAMES ON JUNE 29, 2012.** ACTION TAKEN: A public hearing was set for May 21, 2012.
10. **APPLICATION FOR THE TRANSFER OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FROM RAE, LLC DBA CASH WISE LIQUOR 250 33RD AVENUE SOUTH TO RAE, LLC DBA PAYLESS LIQUOR, 3316 WEST DIVISION STREET.** ACTION TAKEN: A public hearing was set for May 21, 2012.

11. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH STEARNS COUNTY TO SHARE A JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$30,092. ACTION TAKEN: Resolution adopted and assigned number 2012-5-65.

12. RESOLUTION REGARDING CLASSIFICATION OF TAX FORFEITED LAND - SHERBURNE COUNTY. ACTION TAKEN: Resolution adopted and assigned number 2012-5-66.

13. AN ORDINANCE ADOPTING SECTION 301:00 OF THE 2007 CODE OF ORDINANCES ESTABLISHING A BUILDING APPEALS BOARD. ACTION TAKEN: A reading and public hearing was set for May 21, 2012 (Proposed Ordinance 2012-08).

14. RESOLUTION ESTABLISHING TERMS FOR PLATTING THE FAIRWAYS NORTH ADDITION LYING NORTHEAST OF 2ND STREET SOUTHEAST AND BENTON COUNTY ROAD NO. 8. ACTION TAKEN: Resolution adopted and assigned number 2012-5-67.

15. RESOLUTION APPROVING A COOPERATIVE CONSTRUCTION AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL INTERCONNECTION SYSTEM ALONG T.H. 15 FROM THE SAUK RIVER TO CSAH 1. ACTION TAKEN: Resolution adopted and assigned number 2012-5-68.

16. AN ORDINANCE AMENDING SECTION 700:15 OF THE 2007 CODE OF ORDINANCES ENTITLED "PARKING METER ZONE." ACTION TAKEN: A reading and public hearing was set for May 21, 2012 (Proposed Ordinance 2012-09).

17. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3313 COUNTY ROAD 74, ST. CLOUD, WHICH IS NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED T.H. 15/33RD STREET SOUTH INTERCHANGE IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2012-5-69.

18. AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS AGREEMENT BETWEEN THE CITY OF ST. CLOUD AND THE FEDERAL AVIATION ADMINISTRATION. ACTION TAKEN: Approved.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

19. **APPLICATION FOR THE ISSUANCE AND RENEWAL OF A WINE AND 3.2 PERCENT MALT LIQUOR LICENSE FOR FABER FIELD AT THE MUNICIPAL SPORTS COMPLEX.** City Clerk Gregg Engdahl explained that amended state law now allows wine and strong beer to be sold at Faber Field, but only during the Rox games. City Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Masters, seconded by Johnson, to approve the issuance of the new wine and 3.2 percent malt liquor license for the remainder of this license period and to then to approve the renewal of the wine and 3.2 percent malt liquor license for Faber Field for the renewal period of July 1, 2012 to June 30, 2013. The motion unanimously carried.

20. **(A) APPLICATION FOR THE TRANSFER OF AN ON SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM JOCAR INC. DBA D. B. SEARLES TO STAGE RIGHT, INC. DBA D. B. SEARLES, 18 - 5TH AVENUE SOUTH; AND (B) AN APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR STAGE RIGHT, INC. DBA D.B. SEARLES, 18 - 5TH AVENUE SOUTH.** City Clerk Gregg Engdahl spoke to the details of the transfer of the on-sale intoxicating and special Sunday liquor license for D.B. Searles establishment. Due to the timing of the transaction, the liquor license transfer should be approved for the remainder of this license period (ending June 30) and also for the renewal period of July 1, 2012 to June 30, 2013. Council President Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Gohman, seconded by Masters, to approve the transfer of the liquor license for the remainder of this license period and the renewal for next year, and also approve the application for an amusement device license. The motion unanimously carried.

21. **RESOLUTION ORDERING 2012 BITUMINOUS STREET RESURFACING IMPROVEMENTS.** City Engineer Steve Foss reviewed the estimated costs for the resurfacing improvement project. The project consists of resurfacing 9th/10th Avenue North from St. Germain Street to 15th Street North. City Council Libert opened the public hearing. No one spoke. The public hearing was closed. It was moved by Berg, seconded by Masters, to approve the resolution ordering the 2012 Bituminous Street Resurfacing Improvements. The motion carried by a Roll Call vote of 6-0. The adopted resolution was assigned number 2012-5-70.

OLD BUSINESS:

22. **FORGIVENESS OF 2004 CDBG ALLOCATION TO HOUSING COALITION OF THE ST CLOUD AREA FOR 611 8TH AVENUE SOUTH.** Council President Libert and Councilmember Hontos questioned why a forgiveness request was returning to the City Council. Both members noted that the City Council took final action on this matter on April 25, 2011. The vote on that date was to not forgive the debt of the 2004 CDBG award, in light of prior action of the St. Cloud HRA and its forgiveness of \$35,000. Community Development Director Matt Glaesman explained that a formal request was received asking the City to release the escrowed funds so that the Housing Coalition could settle accounts with local creditors in order to dissolve the Housing Coalition of the St. Cloud area. After a brief discussion, the Council took no action to reconsider this issue.

23. **RESOLUTION OF FINDINGS AND CONCLUSIONS ON A REQUEST FROM GOOD NEWS ASSEMBLY OF GOD CHURCH TO REZONE PROPERTY LOCATED AT 712 17TH AVENUE SOUTH AND 1602 7TH STREET SOUTH.** Council President Libert removed the agenda item from the table and closed the public hearing. Councilmember Hontos noted that the resolution presented accurately reflects the findings and conclusions. It was moved by Hontos, seconded by Berg, to adopt the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2012-5-71

OPEN DISCUSSION & ANNOUNCEMENTS:

Mayor Dave Kleis gave a brief update on the bonding bill status as the legislature nears the end of its session.

ADJOURNMENT:

There being no one else wishing to speak, the meeting was adjourned at 6:20 p.m.

City Council President John Libert

Respectfully submitted

Sandy Hilsgen
Recording Council Secretary