

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

AUGUST 20, 2012

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 20, 2012, 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. Councilmembers Berg, Goerger, Gohman, Hontos, Johnson, Libert, and Masters were present.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPLICATION FROM UPB AT ST. CLOUD STATE UNIVERSITY FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE TO FACILITATE A WELCOME BACK EVENT FOR STUDENTS ON AUGUST 30, 2012, FEATURING THE JOHNNY HOLM BAND.** ACTION TAKEN: Approved.
6. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY FOR THE KYMA INTERNATIONAL SOUND SYMPOSIUM TO BE HELD SEPTEMBER 13, 2012, AT THE KIEHLE GALLERY DECK.** ACTION TAKEN: Approved.
7. **APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR THE BLUE LINE SPORTS BAR & GRILL - SOUTH, 1004 SUNRIDGE DRIVE.** ACTION TAKEN: Approved.
8. **(A) ACCEPTANCE OF A DONATION OF \$8,200 FROM THE ST. CLOUD AREA YOUTH BASKETBALL ASSOCIATION; and (B) AUTHORIZE CITY ADMINISTRATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR BASKETBALL ELECTRONIC SCOREBOARD EQUIPMENT AND SPONSORSHIP.** ACTION TAKEN: Approved. (Note: Following the public hearing portion of the meeting, City Council President Libert acknowledged St. Cloud Recreation Supervisor John Anderson who expressed gratitude for the generous donation that will be used to replace two of the scoreboards at the Whitney Senior Center. On behalf of the City of St. Cloud, Mayor Dave Kleis accepted the \$8200 check from Jay Caldwell and Michael Trewick, both representing the St. Cloud Area Youth Basketball Association.)
9. **JOB DESCRIPTION REVISIONS FOR CERTIFIED BUILDING OFFICIAL; SENIOR PLAN REVIEWER; AND PLAN REVIEWER.** ACTION TAKEN: Approved.
10. **POLICE CHIEF SALARY UPGRADE.** ACTION TAKEN: Councilmember Hontos removed the item for discussion. It was moved by Hontos, seconded by Goerger, to approve the

salary upgrade as submitted. Councilmember Hontos expressed his displeasure with administration and the process used to set the new salary range for police chief. He suggested the City Council should have been better informed and directly involved in the process. Mayor Dave Kleis replied that his administration, the search committee, and the Civil Service Board reviewed and approved the salary adjustment based on the market and findings of the LMC salary study survey. His role and mayoral duty is to offer a prudent salary contingent upon City Council approval. Following a brief discussion, the motion for approval carried by a vote of 5-2 with Hontos and Johnson voting against.

11A. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 10, 2012, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2012-8-106.

11B. RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 10, 2012, TO CONSIDER THE CERTIFICATION OF DELINQUENT UTILITY BILLS TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2013. ACTION TAKEN: Resolution adopted and assigned number 2012-8-107.

11C. RESOLUTION SETTING PUBLIC HEARING FOR SEOTEMBER 10, 2012, ON TREE REMOVAL ASSESSMENTS TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2012-8-108.

11D. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 10, 2012 TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2012-8-109.

11E. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 10, 2012 TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2012-8-110.

11F. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 10, 2012 TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION. ACTION TAKEN: Resolution adopted and assigned number 2012-8-111.

12. RESOLUTIONS DETERMINING VALUE OF PROPERTIES LOCATED NEAR 33RD STREET SOUTH AND COUNTY ROAD 74 WHICH ARE NEEDED TO BE ACQUIRED TO COMPLETE THE T.H. 15/33RD STREET SOUTH INTERCHANGE IMPROVEMENTS:

(A) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3225 COUNTY ROAD 74. ACTION TAKEN: Resolution adopted and assigned number 2012-8-112.

(B) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3319 COUNTY ROAD 74. ACTION TAKEN: Resolution adopted and assigned number 2012-8-113.

(C) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4434 – 33RD STREET SOUTH. ACTION TAKEN: Resolution adopted and assigned number 2012-8-114.

(D) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 4655 – 33RD STREET SOUTH. ACTION TAKEN: Resolution adopted and assigned number 2012-8-115.

(E) RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3550 HIGHWAY 15 SOUTH. ACTION TAKEN: Resolution adopted and assigned number 2012-8-116.

13. CHANGE ORDER NO. 1 TO THE 1ST AVENUE SOUTH IMPROVEMENTS, CONTRACT 2012-08. ACTION TAKEN: Approved.

14. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 10, 2012, TO CONSIDER SPECIAL ASSESSMENT ROLL 2 FOR 2011 PUBLIC IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2012-8-117.

15. AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE A GRANT AGREEMENT FOR FEDERAL FUNDS FOR THE MASTER PLAN UPDATE – PHASE II, RUNWAY 5-23 RECONSTRUCTION DESIGN, RUNWAY GUARD LIGHT CONSTRUCTION, AND A WILDLIFE HAZARD ASSESSMENT AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

16A. RESOLUTION ACCEPTING LOW BID FROM MP NEXLEVEL, LLC FOR THE RUNWAY GUARD LIGHT PROJECT AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Resolution adopted and assigned number 2012-8-118.

16B. APPROVE AGREEMENT BETWEEN THE CITY OF ST CLOUD AND MP NEXLEVEL, LLC RELATING TO THE INSTALLATION OF THE RUNWAY GUARD LIGHTS AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

16C. APPROVAL OF TASK ORDER #6 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC. AND THE CITY OF ST. CLOUD TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE RUNWAY GUARD LIGHT INSTALLATION AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

17. APPROVAL OF TASK ORDER #7 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC. AND THE CITY OF ST. CLOUD TO PROVIDE DESIGN SERVICES FOR THE RUNWAY 5-23 RECONSTRUCTION AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN Approved.

18. **APPROVAL OF TASK ORDER #8 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC. AND THE CITY OF ST. CLOUD TO PROVIDE PLANNING SERVICES FOR THE MASTER PLAN UPDATE II FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

19. **RESOLUTION APPROVING THE LOW QUOTE RECEIVED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) WILDLIFE SERVICES TO PROVIDE A WILDLIFE HAZARD ASSESSMENT AND WILDLIFE HAZARD MANAGEMENT PLAN UPDATE FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Resolution adopted and assigned number 2012-8-119.

20. **RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD TO PARTICIPATE IN THE SAUK RIVER WATERSHED DISTRICT'S COST-SHARE ASSISTANCE PROGRAM FOR THE PURCHASE OF A STREET SWEEPER.** ACTION TAKEN: Resolution adopted and assigned number 2012-8-120.

21. (A) **AN ORDINANCE AMENDING CHAPTER 1005 OF THE 2007 CODE OF ORDINANCES ENTITLED "PUBLIC NUISANCES AFFECTING HEALTH AND SAFETY" BY AMENDING SECTION 1005:60 ENTITLED "ENFORCEMENT."**

(B) **AN ORDINANCE AMENDING CHAPTER 1100 OF THE 2007 CODE OF ORDINANCES ENTITLED "ADMINISTRATIVE ENFORCEMENT BY THE SCHEDULE OF CIVIL FINES FOR VIOLATIONS OF SECTION 1005."** ACTION TAKEN: A reading and public hearing was set for September 10, 2012; proposed ordinances 2012-15 and 2012-16 respectively.

ADD-ON

21. C. **RESOLUTION ACCEPTING LOW QUOTE AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE HENKEMEYER EXCAVATING FOR DEMOLITION OF A HOUSE PURCHASED BY THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Resolution adopted and assigned number 2012-8-121.

OPEN FORUM:

Jerry Middlestadt, owner of Heritage House Bed & Breakfast at 402 6th Avenue S., extended an invitation to the City Council to stop in at his residence during St. Cloud State University Move-In Day on Saturday afternoon, August 25.

PUBLIC HEARINGS:

22. A. AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY ADDING A NEW ORDINANCE SECTION 473:00 ENTITLED "DESIGNATED DRIVER SERVICE," WHICH ESTABLISHES LICENSING CRITERIA FOR THE OPERATION OF DESIGNATED DRIVER SERVICES IN THE CITY OF ST. CLOUD; and

B. AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY AMENDING SECTION 472 ENTITLED "TAXICABS," AND BY AMENDING SECTION 472:95 ENTITLED "UNAUTHORIZED CARRYING OF PASSENGERS PROHIBITED;" and
C. AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY AMENDING SECTION 510 ENTITLED "BUSINESS LICENSES, PERMITS AND FEES," TO ESTABLISH LICENSE FEES FOR DESIGNATED DRIVER SERVICE.

City Attorney Matt Staehling gave a brief overview of the three proposed ordinances. He cited one correction to the new ordinance (Item A) that he would propose to change Section 473 to include similar language as listed for Taxicab drivers with regard to regulations regarding background checks. Council President Libert opened the public hearing. The following people spoke:

Brian Suess, 336 2nd Avenue, Waite Park; employed with Green Cab and had questions and concerns regarding insurance and liability for patrons and for the business.

Pete Rengel, 1922 7th Street N., intends to operate a designated driver service business in our community. He has worked with city administration to review and meet the necessary criteria and regulations. He researched the insurance aspect of the business for six years and will be able to secure insurance, noting his business will be highly insured.

Paul Weber, 109 4th Avenue, Sauk Rapids, Care Transportation representative; said he was just recently made aware of the proposed changes and the new ordinance and suggested that the licenses for the regulated taxi industry and this type of business should be combined. He said an Orange Cab owner indicated he tried a similar business approach, but it didn't work. He suggested there would be insurance liability issues. He asked the Council to table the issue at this time.

There being no one else wishing to speak, the public hearing was closed. Council discussion ensued. Goerger suggested that the proposed service would not only offer a patron the means to get their car home following social events, but it extends assistance to individuals who have medical procedures and need to get their vehicles home. It was moved by Goerger, seconded by Masters, to amend Ordinance A to include language to Section 473 that coincides with the same requirements of the taxicab ordinance. The motion unanimously carried. It was then moved by Goerger, seconded by Gohman, to adopt all three ordinances. The motion unanimously carried. The ordinances were assigned numbers 2533, 2534, and 2535 respectively.

OLD BUSINESS:

23. **RESOLUTION PLACING PROPOSED BALLOT QUESTION RELATING TO BOND REFERENDUM ON THE NOVEMBER 6, 2012, GENERAL ELECTION**

BALLOT. City Engineer Steve Foss spoke to the City's aging and failing infrastructure. No list of projects has been created or prioritized to date; however the approved projects will be phased in over a four-year period. Mayor Kleis added that the recent survey conducted in the city indicated that the top three issues were traffic congestion, public safety and job creation. Road conditions came in as #5. In addition the mayor mentioned there was unanimous recommendation of the Transportation Infrastructure Committee. Following a brief discussion, it was moved by Masters, seconded by Hontos, to approve the resolution placing the proposed ballot question relating to the bond referendum on the November 6 ballot. The motion unanimously carried. The adopted resolution was assigned number 2012-8-122.

ADJOURNMENT:

There being no further business to discuss, Council President Libert adjourned the meeting at 6:57 p.m.

City Council President John Libert

Respectfully submitted by

Sandy Hilsgen
Recording Secretary