

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM:

APRIL 8, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on April 8, 2013, at 6:00 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 Goerger, Gohman, Hontos, Johnson, Lewis, Libert and Masters were in attendance.

### CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of mayor's appointment to the Transportation Infrastructure Advisory Committee (Agenda Item 15A).
5. **MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS.** ACTION TAKEN: Confirmed the mayor's appointment of Drew Hultgren to his first term to commence May 1, 2013 and expire April 30, 2016.
6. **MAYOR'S APPOINTMENT TO THE HERITAGE PRESERVATION COMMISSION.** ACTION TAKEN: Confirmed mayor's appointment of Betsy Rakotz to her first term to commence May 1, 2013 and expire April 30, 2016.
7. **MAYOR'S APPOINTMENT TO THE PLANNING COMMISSION.** ACTION TAKEN: Confirmed mayor's appointment of Evan Larson to the Planning Commission for a term to commence May 1, 2013 and expire April 30, 2018.
8. ~~**APPLICATION FOR RENEWAL OF 2013 AMUSEMENT DEVICE LICENSES FOR RUM RUNNERS SPIRITS AND BREW CLUB.**~~ ACTION TAKEN: ITEM WITHDRAWN BY ADMINISTRATION.
9. **RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND HENRY ROSS CORPORATION DBA RUM RUNNER'S SPIRITS & BREW PUB REGARDING A VIOLATION OF 810:70 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.** ACTION TAKEN: Resolution adopted and assigned number 2013-4-48.
10. **RESOLUTION ADOPTING THE FINDINGS OF FACT AND RECOMMENDATION OF THE ADMINISTRATIVE HEARING WITH THE LIQUOR SHOPPE ON 25TH, INC. REGARDING TOBACCO VIOLATION OF SECTION 424 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.** ACTION TAKEN: Councilmember Gohman removed this item for discussion. It was moved by Gohman, seconded by Libert, to adopt the resolution as presented. Gohman asked why such a lengthy process for a tobacco violation that had occurred back in June 2011. City Attorney Matt Staehling responded to the

query. President Goerger suggested re-evaluating the City's fines/penalties as it relates to tobacco violations versus alcohol violations. Both Goerger and Hontos spoke to the state statute's inequality between the two violations. Mayor Kleis said this issue could be added as a discussion item at either the May or June Study Session. The motion unanimously carried. The adopted resolution was assigned number 2013-4-49.

11. **RESOLUTION APPROVING A GRANT IN THE AMOUNT OF \$500,000 AND RELATED GRANT AND LOAN DOCUMENTS WITH THE MINNESOTA INVESTMENT FUND (GERINGHOFF MANUFACTURING LLC).** ACTION TAKEN: Resolution adopted and assigned number 2013-4-50.

12. **PURCHASE OF A TANDEM TRUCK, DUMP BODY AND ANCILLARY EQUIPMENT.** ACTION TAKEN: Approved.

13. **PURCHASE OF AUTOMATED RECYCLE TRUCKS, BODIES AND ANCILLARY EQUIPMENT.** ACTION TAKEN: Councilmember Hontos removed this item for separate discussion. Hontos moved, seconded by Masters, to approve the purchase of equipment as presented. Public Services Director Pat Shea responded to questions regarding the new 90-gallon carts and also spoke to future use of compressed natural gas for the city's fleet of vehicles. The motion unanimously carried.

14. **AWARD THE BID FOR THE WATER SERVICE CONNECTION IMPROVEMENT PROJECT.** ACTION TAKEN: Approved.

15. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR BEAVER ISLAND TRAIL PHASE 4, CONTRACT 2013-11.** ACTION TAKEN: Resolution adopted and assigned number 2013-4-51.

15a. **ADD-ON:** **MAYOR'S APPOINTMENT TO THE TRANSPORTATION INFRASTRUCTURE ADVISORY BOARD.** ACTION TAKEN: Confirmed the mayor's appointment of Kurt Franke to fill a vacant term to commence immediately and expire April 30, 2014.

**OPEN FORUM:** No one spoke.

**PUBLIC HEARINGS:**

16. **ORDINANCE VACATING HERB BROOKS WAY FROM 4TH AVENUE SOUTH TO 3RD AVENUE SOUTH (VAC-2013-01)** Community Development Director Matt Glaseman provided a schematic on the overhead of Herb Brooks Way which is to be vacated for use as a pedestrian plaza and a primary entrance to the National Hockey Center. The plaza is proposed to have special paving near the center of the plaza with special pedestrian scale lighting

and landscaping features. City staff and the Planning Commission recommend approval with conditions (see conditions listed in Planning Memorandum dated March 4, 2013 from Senior Planner Dave Broxmeyer). Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Libert, seconded by Masters, to adopt the ordinance as submitted. The motion unanimously carried. The adopted Ordinance was assigned number 2551.

17. **ORDINANCE AMENDING ARTICLE 19 - OFF-SITE DEVELOPMENT STANDARDS, SECTION 19.12 - EROSION AND SEDIMENT CONTROL, OF THE LAND DEVELOPMENT CODE REGARDING LAND DISTURBANCE PERMIT PROCESS (LDC-2013-01).** Community Development Director Glaesman noted that the amendment was initiated by city staff to better serve the customer by providing easier reference of the Land Disturbance Permit process currently found in the Land Development Code, to now find the same information in the City Code of Ordinances. There is no language change to the process, only an additional reference source. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Johnson, seconded by Hontos, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2552.

**NEW BUSINESS:**

18. **RESOLUTION ACCEPTING AND AUTHORIZING DISTRIBUTION OF THE ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR THE PROPOSED CHARCOAL 3 GRANITE QUARRY ON APPROXIMATELY 30 ACRES LOCATED WITHIN PORTIONS OF SECTIONS 21, 27, AND 28 OF TOWNSHIP 124 NORTH, RANGE 28 WEST, (FORMER ST. CLOUD TOWNSHIP) IN THE CITY OF ST. CLOUD, STEARNS COUNTY, MINNESOTA IN ACCORDANCE WITH MINNESOTA RULES CHAPTER 3310.4300, SUBPART 12.B (NONMETALLIC MINERAL MINING)** Community Development Director Matt Glaesman explained that the request is the first of several actions necessary in the process to expand the quarry on the southwest side of the city (Cold Spring Granite Company). As he displayed a schematic of the area on the overhead, he explained the four steps associated with the City's review (as the regulatory governmental unit) of the environmental worksheet. Councilmember Lewis asked if an Environmental Impact

Statement (EIS) would be completed. Glaesman said that would be determined with the completion of the process/phases of the next four months which include public discussion of the proposed expansion, an amended conditional use permit, and an Environment and Development Team (EDT) review by the City. It was moved by Hontos, seconded by Lewis, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-4-52.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Mayor Kleis noted that the Park & Recreation Advisory Board recently recommended that Barden Park become a smoke-free park. He said, however, that the real issue/problem is littering of cigarette butts. He was not open to creating a city policy to address the problem, as littering is already a misdemeanor enforceable by state law. If directed by Council, administration would draft a city ordinance for review. Council discussion ensued. The Council discussed its options including: setting a public hearing; requesting administration develop a draft ordinance; ask St. Cloud State University to allow designated smoking areas; or discuss the issue further at a Study Session. It was moved by Hontos, seconded by Masters, to put this issue on the April 29<sup>th</sup> Study Session. The motion carried by a 6-1 vote with Councilmember Lewis voting against.

Councilmember Lewis congratulated St. Cloud State University Husky Hockey Team for advancing to the Frozen Four. She encouraged the community get involved and show its support for the team!

Councilmember Hontos announced that the third annual Sustainability Event will be held on Sunday, April 21, from 11 a.m. to 3 p.m. at the River's Edge Convention Center. It is a free event and open to the public!

**ADJOURNMENT:**

There being no further business to discuss, Council President Goerger adjourned the meeting at 7:00 p.m.

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City Council President Jeff Goerger

Respectfully submitted by

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Sandy Hilsgen  
Recording Council Secretary