

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM:

JULY 14, 2104

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on July 14, 2014, 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, and Libert were present. Councilmembers Lewis and Masters were absent.

### CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with five additional discussion items added by Councilmember Hontos and Councilmember Johnson under Open Discussion.
5. **APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE REGULAR MEETING HELD ON JUNE 9, 2014.** ACTION TAKEN: Approved.
6. **RESOLUTION APPOINTING ELECTION JUDGES FOR 2014.** ACTION TAKEN: Resolution adopted and assigned number 2014-7-73.
7. **APPLICATION FROM ACE BAR AND GRILL FOR (1) SEASONAL OUTDOOR SALES OF LIQUOR, AND (2) EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN EVENT TO BE HELD FROM 3:30 P.M. TO 7:30 P.M. ON AUGUST 23, 2104, IN THE RESTAURANT'S PARKING LOT AT 425 EAST ST. GERMAIN.** ACTION TAKEN: Approve with conditions noted.
8. **APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM GMRI, INC. DBA RED LOBSTER #493 TO RED LOBSTER HOSPITALITY, LLC DBA RED LOBSTER #0493, 2920 DIVISION STREET.** ACTION TAKEN: A public hearing was set for July 28, 2014.
9. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR MICHAEL JAMES SOULE, DBA MIKES WHISKEY BUSINESS, 701 WEST ST. GERMAIN, SUITE 100.** ACTION TAKEN: A public hearing was set for July 28, 2014.
10. **REPLACEMENT OF MAIN WASTEWATER LIFTSTATION PUMP NO. 1 VARIABLE FREQUENCY DRIVE (VFD) CONTROLLER.** ACTION TAKEN: Approved.

**11. APPROVAL OF PROFESSIONAL SERVICE AGREEMENT RELATED TO THE REVISION OF THE HYDROELECTRIC FACILITY'S DAM BREAK ANALYSIS.** ACTION TAKEN: Approved.

**12. PROFESSIONAL SERVICE AGREEMENT FOR THE PRELIMINARY DESIGN PHASE OF THE HYDROELECTRIC FACILITY'S TRIP GATE SYSTEM REPLACEMENT PROJECT.** ACTION TAKEN: Approved.

**13. RESOLUTION AMENDING TEMPORARY EXCAVATION PERMIT 2014-02 TO INCREASE MINERAL EXTRACTION AT 3319 COUNTY ROAD 74.** ACTION TAKEN: Resolution adopted and assigned number 2014-7-74.

**14. RESOLUTION AMENDING THE HOSPITALITY HOUSE PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE ADDITION OF 16 LIVING UNITS TO THE GORECKI GUEST HOUSE AT 1309 6TH AVENUE NORTH. (DPA-2014-03)** ACTION TAKEN: A public hearing was set for July 28, 2014.

**15. ORDINANCE REZONING PROPERTY AT 405 AND 407 33RD AVENUE NORTH FROM C1, BUSINESS OFFICE DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT. (REZ-2014-07)** ACTION TAKEN: A reading and public hearing was set for July 28, 2014. (Proposed Ordinance 2014-16)

**16. ORDINANCE REZONING PROPERTY LOCATED AT 1706 11TH AVENUE SOUTH FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R2, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT. (REZ-2014-06)** ACTION TAKEN: A reading and public hearing was set for July 28, 2014. (Proposed Ordinance 2014-17)

**17. APPLICATIONS FOR RENEWAL OF LOADING ZONE PERMITS IN DOWNTOWN METERED PARKING AREA AND IN THE "E" AND "G" PARKING PERMIT ZONES FOR JULY 1, 2014, THROUGH JUNE 30, 2015.** ACTION TAKEN: Approved.

**18. REQUEST FROM STEARNS COUNTY FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION TO RESURFACE EMPLOYEE PARKING LOT LOCATED AT THE INTERSECTION OF 2ND STREET NORTH AND 9TH AVENUE NORTH.** ACTION TAKEN: Approved.

**19. APPROVE GRANT AGREEMENT AMENDMENT 03941 BETWEEN MN DOT AERONAUTICS AND THE CITY OF ST CLOUD RELATED TO AN INCREASE IN THE GRANT AMOUNT FOR THE ST CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

**OPEN FORUM:** Jackie Jones, 112 4<sup>th</sup> Avenue SE, St. Cloud, spoke about safety concerns within her immediate neighborhood. She noted that there are issues with four empty houses, car vandalism, and faulty street lights.

**PUBLIC HEARINGS:**

20. **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF ITS HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2014 ON BEHALF OF CENTRACARE HEALTH SYSTEMS, AUTHORIZING AN INDENTURE OF TRUST, LOAN AGREEMENT AND ANCILLARY DOCUMENTS RELATING TO SAID BONDS AND AUTHORIZING OTHER ACTION TO BE TAKEN WITH RESPECT TO THE ISSUANCE, SALE AND DELIVERY OF THE SERIES 2014 BONDS.**

Finance Director John Norman gave a brief overview of the bond issue noting the City is not obligated in any manner to make the debt service payments. The Hospital is benefitting by using the City's tax exempt status per State Statutes. President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Johnson, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-7-75.

21. **ORDINANCE AMENDING ARTICLE 14 - USE STANDARDS, SECTION 14.3 - USE STANDARDS, P. MICRO-BREWERY OF THE ST. CLOUD LAND DEVELOPMENT CODE, TO INCREASE THE BUILDING SIZE AND PRODUCTION VOLUME STANDARDS OF MICRO-BREWERIES.**

Community Development Director Matt Glaesman gave a brief overview of the request to amend Article 14, Subd. 1.43, of the Land Development Code. With the recent popularity of micro-breweries and brew pubs, development prospects have questioned the City's standard finding it overly restrictive. Glaesman reviewed the Planning Commission's recommendations. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Gohman, to adopt the ordinance as submitted to increase the building size and production volume standards of micro-breweries. The motion unanimously carried. The adopted ordinance was assigned number 2596.

**NEW BUSINESS:**

22. **RESOLUTION ADOPTING THE FINDINGS OF FACT, CONCLUSION, AND RECOMMENDATION OF THE ADMINISTRATIVE HEARING OFFICER REGARDING AN INTOXICATING LIQUOR LICENSE VIOLATION OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES.**

City Attorney Matt Staehling gave a brief overview regarding the alcohol compliance check conducted at the Red Carpet establishment after hours on November 30, 2013. The Findings of Facts indicate that this is the licensee's first violation

of Section 810 in the past twenty-four months and thereby issued a fine of \$750 to be paid by the Red Carpet within 30 days. It was moved by Councilmember Goerger, seconded by Councilmember Libert, to adopt the Findings of Facts as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-7-76.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Hontos asked when the Government Efficiency Task Force report on the St. Cloud Police Department would be available. City Administrator Williams said a preliminary public safety report is being prepared by the consultant (ICMA) and would be provided to the task force in the very near future. That preliminary report will provide a good analysis of the police department's workload and operations and provide a good insight to staffing needs and technology needs for preparation of the 2015 budget.

Councilmember Hontos asked when a continued discussion regarding inspections and nuisances, neighborhood code enforcement, and the fee & fines penalty structure would be held. City Administrator Williams indicated that discussion will take place at the Study Session of Monday, July 21, 2014.

Councilmember Johnson acknowledged Dr. Roy & Dr. Barbara Saigo for their past leadership roles in the St. Cloud community. He congratulated Dr. Roy Saigo as he assumes his new position as the interim president at Southern Oregon University.

Councilmember Johnson suggested inviting local landlords/property owners to the Study Session, or to an informal setting (open house), where there could be a group discussion/brainstorming of ideas regarding neighborhood code enforcement and rental inspections.

Councilmember Johnson commented on the recent editorial in the St. Cloud Times with regard to the lease agreement between the J.A. Wedum Foundation and St. Cloud State University regarding Coborn Plaza apartments, which opened in August 2010.

**ADJOURNMENT:**

There being no further business to discuss, the meeting was adjourned at 6:36 p.m.

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Council President Jeff Goerger

Respectfully submitted by  
Sandy Hilsgen  
Recording Council Secretary

