

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

SEPTEMBER 8, 2014

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 8, 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. Council members Goerger, Gohman, Hontos, Johnson, Lewis, Libert and Masters were present.

SPECIAL RECOGNITION:

St. Cloud HRA Board Chair/Council member Nancy Gohman presented St. Cloud Housing and Redevelopment Authority's Executive Director Louise Reis with a plaque signifying the 2014 Agency Award of Merit from the National Association of Housing and Redevelopment officials. The St. Cloud HRA was selected for its innovative Neighborhood Improvement Grant program. As of August 2014, four grants have been awarded to neighborhood associations within the City of St. Cloud.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with Add-On Item 24A (Old Business) requested by Council member Hontos regarding the scheduling of a future budget meeting and his request to discuss the local Farmer's Market under Open Discussion.
5. **RESOLUTION RELATING TO A REFINANCING UNDER MINNESOTA STATUTES, CHAPTER 462C AND SECTIONS 469.152 THROUGH 469.165, AS AMENDED, ON BEHALF OF CENTRACARE HEALTH SYSTEM AND ITS AND ITS AFFILIATES; CALLING FOR A PUBLIC HEARING ON OCTOBER 6, 2014.** ACTION TAKEN: Council member Lewis removed this item for separate discussion. It was moved by Lewis, seconded by Masters, to adopt the resolution. Finance Director John Norman explained that the City is not obligated in any manner to make the debt service payments. Approval of the resolution only allows Centracare to benefit by using the City's tax exempt status per State Statutes. The motion unanimously carried. The adopted Resolution was assigned number 2014-9-100.
6. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION INFRASTRUCTURE MANAGEMENT FUND BONDS, SERIES 2014A.** ACTION TAKEN: Council member Lewis removed this item for separate discussion. It was moved by Lewis, seconded by Libert, to adopt the resolution. Finance Director John Norman gave a brief explanation of the bonds that will finance various City improvement projects under

contract in 2014. The motion unanimously carried. The adopted Resolution was assigned number 2014-9-101.

7. RESOLUTION SETTING DECEMBER 8, 2014, FOR THE PUBLIC HEARING ON THE 2015 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY. ACTION TAKEN: Resolution adopted and assigned number 2014-9-102.

8. RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MNDNR UNDER THE REGIONAL TRAIL LEGACY GRANT PROGRAM. ACTION TAKEN: Council member Hontos removed this item for separate discussion. It was moved by Council member Hontos, seconded by Council member Johnson, to adopt the resolution. Park & Recreation Director Scott Zlotnik gave a brief overview of the grant program. The funds will be used to construct 1.75 miles of paved trail and a bridge crossing--Phase #7 of the Beaver Island Regional Trail. He also spoke to the issue of trail maintenance. The motion unanimously carried. The adopted Resolution was assigned number 2014-9-103.

9. RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE MNDNR UNDER THE REGIONAL PARK LEGACY GRANT PROGRAM. ACTION TAKEN: Resolution adopted and assigned number 2014-9-104.

10. RESOLUTION APPROVING APPLICATION FOR A \$299,173.59 GRANT FUNDED BY THE US/DOT NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) THROUGH THE DEPARTMENT OF PUBLIC SAFETY'S OFFICE OF TRAFFIC SAFETY (OTS) FOR A PROJECT ENTITLED TOWARDS ZERO DEATH DURING THE PERIOD OF OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015 AT NO COST TO THE CITY OF ST. CLOUD. ACTION TAKEN: Resolution adopted and assigned number 2014-9-105.

11. RESOLUTION APPROVING THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2013 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER). ACTION TAKEN: A public hearing was set for October 6, 2014.

12. RESOLUTION APPROVING SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR CDBG PROGRAM YEAR 2012 AND 2013 FOR 9TH AVENUE NORTH ADA ACCESSIBILITY IMPROVEMENTS. ACTION TAKEN: Councilmember Hontos removed this item for separate discussion. It was moved by Hontos, seconded by Lewis, to set the public hearing date for October 6, 2014. Community Development Director Matt Glaesman spoke to the compromise reached with HUD regarding reallocating the funds from the Human Rights Office to another qualified project that was completed during the CDBG program years of 2012 and 2013. The motion unanimously carried.

13. ACCEPTANCE OF QUOTE FOR CCTV INSPECTION FOR SANITARY SEWER SYSTEM FOR RAYMOND AVENUE N.E. AREA IMPROVEMENTS. ACTION TAKEN: Councilmember Hontos removed this item for separate discussion. It was moved by Councilmember Hontos, seconded by Councilmember Gohman, to accept the low quote from Infratech. City Engineer Steve Foss spoke to the reasons for televising the sanitary sewer lines to assist in

location of services, the condition of the sewer, and assisting in the connection of services to the homes. The motion unanimously carried.

14. I-94 BUSINESS PARK 11 IMPROVEMENTS - (A) RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND ORDERING I-94 BUSINESS PARK 11 IMPROVEMENTS; AND (B) QUOTE FOR I-94 BUSINESS PARK 11 UTILITY IMPROVEMENTS. ACTION TAKEN: Council President Goerger removed this item for a separate discussion. It was moved by Goerger/Masters to approve the resolution as submitted along with the quote from Kuechle Underground, Inc. to be added as a Supplemental Agreement to the open contract with Seberger Neighborhood Improvements,-Area C. City Engineer Steve Foss confirmed that the work could be accomplished this fall. The motion unanimously carried. The adopted resolution was assigned number 2014-9-106.

15. RESOLUTION AUTHORIZING CITY ADMINISTRATION TO APPLY FOR A PETITION WITH THE FEDERAL RAILROAD ADMINISTRATION FOR A WAIVER TO INSTALL THE RAILROAD QUIET ZONE AT 4½ STREET N.E. WITH EXISTING MOTION DETECTION SIGNAL CIRCUITRY ON SPUR TRACK. ACTION TAKEN: Councilmember Lewis removed this item for a separate discussion. It was moved by Lewis, seconded by Gohman, to adopt the resolution as presented. Lewis asked how this would impact the Python's recycling center. City Engineer Steve Foss said the proposed installation will minimize the impact to Python's. The motion unanimously carried. The adopted resolution was assigned number 2014-9-107.

16. (A) RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 22, 2014, TO CONSIDER SOUTH SIDE/SCSU NEIGHBORHOOD SAFETY LIGHTING.; AND (B) SET PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING SECTION 576 OF THE 2007 CODE OF ORDINANCES ESTABLISHING AN ALLEY SECURITY LIGHTING RATE. REQUESTED ACTION: INTRODUCE RESOLUTION, WAIVING READING, AND ADOPT. ACTION TAKEN: Councilmember Masters removed this item for separate discussion. He spoke favorably of the proposed security lighting improvements for the south side area. City Engineer Foss spoke briefly to establishing a monthly fee rate for alley security lighting. It was moved by Masters, seconded by Johnson, to approve the resolution to set a public hearing for September 22 to consider South Side/SCSU neighborhood safety lighting; and to set a public hearing for same date to consider the proposed ordinance to establish an alley security lighting rate. The motion unanimously carried. The resolution was assigned number 2014-9-108 and the proposed ordinance public hearing was set for September 22, 2014 (proposed ordinance 2014-19).

17. AGREEMENT WITH ENTERPRISE LEASING COMPANY OF MINNESOTA FOR CAR RENTAL SERVICES AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

OPEN FORUM:

Wendell Jones, 3- 23rd Avenue NE, former resident of Louisiana; a first-time homeowner in our community who wanted to express his gratitude to the City of St. Cloud for the opportunity to call St. Cloud his home.

PUBLIC HEARINGS:

18. **RESOLUTION CERTIFYING DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2015.** Public Services Director Pat Shea provided a brief overview, noting that 22 accounts remain delinquent. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Johnson, seconded by Libert, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-9-109.

19. **RESOLUTION CERTIFYING DELINQUENT WATER, SEWER AND REFUSE ACCOUNTS TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2015.** City Clerk Gregg Engdahl gave a brief overview of the repayment process to allow delinquent accounts to be paid thru 4:30 p.m. of this meeting date. Council President Goerger opened the public hearing. The following individual spoke:

Wendell Jones, 3- 23rd Avenue NE, apologized and explained that he was not personally aware of his family's delinquent utility bill as his spouse pays the bills. He asked if he could work with the city on a repayment plan.

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Gohman, seconded by Councilmember Lewis, to table action on this resolution to the September 22, 2014 City Council meeting. The motion unanimously carried.

20. **RESOLUTION CERTIFYING DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION.** Community Development Director Matt Glaesman provided opening comments. President Goerger opened the public hearing. The follower individual spoke:

Dan Borgert, 1735 Lucille Lane, representing B K Foley Land and Development Inc. The home at 426 6th Avenue S. is a nine bedroom lodging house. He suggested that tenants should be held more responsible. He also suggested that either the statutes change or the assessment of fees be changed as landlords are being overcharged.

It was moved by Councilmember Libert, seconded by Councilmember Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-9-110.

21. **RESOLUTION CERTIFYING DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION.** Community Development Director Matt Glaesman provided opening comments. 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 resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-9-111.

22. **RESOLUTION CERTIFYING DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION.** Community Development Director Matt Glaesman provided opening comments. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. There was a brief discussion concerning those repeat violators who realize they can take advantage of paying a discounted city rate for mowing if there has been a complaint filed on their property. Hontos suggested the repeat violators should be assessed a higher fee. It was the general consensus of the Council to discuss this issue further at a future Study Session. It was moved by Hontos, seconded by Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-9-112.

23. **RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 2 FOR 2013 PUBLIC IMPROVEMENTS.** Council President Goerger announced the public hearing for the consideration of Clearwater Road Realignment Improvements. City Engineer Steve Foss displayed a schematic of the area on the overhead. Council President Goerger opened the public hearing. The following individuals spoke:

Ken and Dorothy Korman, 4412 Heatherwood Road, felt their assessment was too high. They could see no benefit to them or their property and felt the prior road was in good condition and didn't need improvements. Now there is a curve in the road that hinders sight at the end of their driveway. *(City Engineer Foss responded that the property assessment is being reduced 50% which is the standard credit. There will not be any assessment for the sidewalk and the assessments are consistent with city policy. He encouraged the Kormans to check into possible cost-reduction options, including the assessment stabilization program, by contacting Janice Koetter in his office.)*

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Gohman, to adopt the

resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-9-113.

OLD BUSINESS:

24. **RESOLUTION ADOPTING THE PRELIMINARY TAX LEVY AND BUDGET FOR THE 2015 GOVERNMENTAL FUNDS.** Mayor Dave Kleis announced that the Truth in Taxation public hearing on the final 2015 budget will take place on December 8, 2014. The preliminary tax levy and budget sets the cap. The 2015 budget continues an investment in our core services of public safety and administration intends to conduct an additional budget meeting. He spoke about the proposed budget that includes the addition of five police officers to be funded in part by a federal grant, two staff members for records and a building maintenance worker, as recommended by the Task Force; one Health & Inspections Inspector to be funded by rental license fees; two firefighters to provide mandated protection at the airport; and two airport operations employees. It was moved by Councilmember Hontos, seconded by Councilmember Libert, to adopt the resolution as presented. Hontos provided favorable comments regarding the proposed budget. The motion unanimously carried. The adopted resolution was assigned number 2014-9-115.

ADD-ON 24A. - SET SPECIAL BUDGET MEETING. Councilmember Hontos asked to schedule an additional budget meeting to discuss Whitney Senior Center funding, the police department's Task Force report, and speed trailers. It was moved by Councilmember Hontos, seconded by Councilmember Gohman, to set an additional budget meeting for the first Wednesday in October. The motion unanimously carried. The meeting will take place October 1, 2014, at 5:00 p.m. in City Hall Conference Room #1.

25. **RESOLUTION AUTHORIZING A TAX LEVY FOR THE HOUSING AND REDEVELOPMENT AUTHORITY FOR PAYMENT IN 2015.** HRA Finance Director Karen Rizer provided opening comments requesting approval. The annual request was discussed at the City Council budget meeting held August 20, 2014. It was moved by Councilmember Gohman, seconded by Councilmember Lewis, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-0-116.

26. **RESOLUTION ADOPTING THE 2015 TAX LEVY AND BUDGET FOR THE ECONOMIC DEVELOPMENT AUTHORITY.** Economic Development Director Cathy Mehelich provided a brief introduction. It was moved by Councilmember Libert, seconded by Councilmember Lewis, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2014-10-117.

27. **RESOLUTION ENFORCING CABLE TELEVISION FRANCHISE AGREEMENT, ALLEGING THAT CHARTER COMMUNICATIONS HAS COMMITTED A VIOLATION OF THE FRANCHISE AND DEMAND THAT THE VIOLATION BE CURED.** City Attorney Matthew Staehling reported that on July 28, 2014, the City Council approved a resolution extending the franchise agreement with Charter Communications for a 60-day period to September 30, 2014. On August 18, 2014, City and Charter representatives met and discussed PEG relocation, delinquent franchises and PEG fees as well as other general franchise agreement issues. The parties were unable to reach a mutually acceptable agreement, although he reported that progress was made in some areas. On August 26, 2014, Charter unilaterally relocated the City's PEG channels without the City's written consent which constituted a violation of the Cable Television franchise. When the agenda for this evening's meeting went on-line for publication, Jane Bremer, Regional Legal Counsel for Charter Communications, immediately called to request a meeting. That meeting is scheduled for September 9, 2014. Ms. Bremer also discussed the franchise fee audit that disclosed that Charter owed the City certain fees and interest from 2010 and 2011, as well as owing delinquent PEG fees. As a goodwill gesture, she stated that Charter Communications will settle the financial audit with a payment of \$44,000. Administration has agreed to accept that payment to remedy the financial audit issue, which he clarified as being a "stand alone" issue. City Attorney Staehling said that Ms. Bremer also requested that the City Council not take action on the resolution submitted this evening. Attorney Staehling concurred and recommended that the City Council table this issue for two weeks to the September 22nd meeting to allow him to continue with negotiations on the enforcement of the franchise and the franchise extension. He further commented that the digital transition (black boxes) required for its customers, although confusing and frustrating, is a company business choice. The City can only ask to have the PEG channels relocated back – past channels 6, 12, 19, 20, and 21, and that date is set as October 10th. Discussion

ensued. Council members expressed frustration with Charter Communications on their past actions. It was then moved by Councilmember Hontos, seconded by Councilmember Johnson, "to exercise the rights of the contract and proceed with the franchise enforcement procedures as outlined in the contract." After a discussion period, there was a motion by Councilmember Masters, seconded by Councilmember Lewis, to table the issue as requested by City Attorney Staehling. The motion failed by a 3-4 vote with Goerger, Gohman, Hontos, and Johnson voting against. President Goerger then read the motion on the floor, " to approve the Resolution enforcing Cable Television Franchise agreement, alleging that Charter Communications has committed a Violation of the Franchise and demand that the Violation be cured." The motion carried by a 4-3 vote with Lewis, Libert and Masters voting against. The adopted resolution was assigned number 2014-9-118.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos brought up a concern regarding the local Farmer's Market. The Council members received an email from a concerned party who was denied participation at the market. City Administrator Mike Williams and Community Development Director Matt Glaesman confirmed that the city owns the property and has a signed lease with the Farmer's Market organization. Staff has requested more specifics/facts regarding the issue from both parties.

ADJOURNMENT:

There being no further business to discuss, Council President Goerger adjourned the meeting at 8:20 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary