

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM:

APRIL 6, 2015

1. Following the Pledge of Allegiance, a regular meeting of the St. Cloud City Council was held on April 6, 2015, 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. Roll Call: Jeff Goerger, Nancy Gohman, George Hontos, Jeff Johnson, Carol Lewis, John Libert, and Dave Masters were present.

### CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of a meeting proposal by Councilmember Masters under Open Discussion.
5. **APPLICATIONS FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE; AND A SPECIAL EVENT OUTDOOR LIQUOR SALES FOR MT'S ON 8TH (KEVIN FREIHAMMER) FOR A BUSINESS ANNIVERSARY EVENT TO BE HELD IN THE CENTENNIAL PLAZA SHOPPING CENTER PARKING LOT FROM 11:00 AM TO 10:00 PM ON SATURDAY, JULY 18TH.** ACTION TAKEN: Approved.
6. **APPLICATION FOR A TOBACCO LICENSE FOR MADISON09, INC. (JEREMY HUTT) DBA KNOTTY PINE LIQUOR, 21 WILSON AVE NE.** ACTION TAKEN: Approved.
7. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE WHITNEY SENIOR CENTER, CLEMENS HALL, 1527 NORTHWAY DRIVE FOR A "PARADISE LUAU" EVENT TO BE HELD ON MAY 28TH TO KICK OFF THE 2015 MN SENIOR GAMES.** ACTION TAKEN: Item removed by Councilmember Gohman for separate discussion. It was moved by Gohman, seconded by Masters, to approve the application. The motion unanimously carried. Aging Services Director Laura Hood highlighted the upcoming events scheduled for the MN Senior Games in St. Cloud on May 28-31, 2015.
8. **APPLICATION FOR TWO TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSES FOR THE PARAMOUNT ARTS RESOURCE TRUST FOR EVENTS TO BE HELD ON APRIL 24TH AND JUNE 12TH AT THE GALLERY ST. GERMAIN, 913 WEST ST. GERMAIN STREET.** ACTION TAKEN: Approved.
9. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE TWENTY-EIGHT (28) RUGGEDIZED COMPUTER TABLETS FROM GETAC CORPORATION AND THE REQUIRED COMPUTER VEHICLE MOUNTS AND ACCESSORIES FROM KEEPRS FOR THE ST. CLOUD POLICE DEPARTMENT.** ACTION TAKEN: Item removed by Councilmember Johnson for a separate discussion. It was moved by Johnson, seconded by Lewis, to adopt the resolution as submitted. Johnson asked what measures were in place to assure security and recovery should computer theft/stolen information occur. Chief of Police Anderson said he would check into the company's security program and report back. The motion unanimously carried. Resolution adopted and assigned number 2015-4-34.

**10. RESOLUTION REGARDING CLASSIFICATION OF TAX FORFEITED LAND.** ACTION TAKEN: Councilmember Lewis removed this item for a separate discussion and asked for further information regarding the properties. It was moved by Lewis, seconded by Libert, to adopt the resolution as presented. City Administrator Williams spoke to the classification process, noting these were the last of the tax-forfeited properties to come forward. The City will put these residential lots up for public sale (auction) in late May or early June. The motion unanimously carried. The adopted resolution was assigned number 2015-4-35.

**11. APPROVAL FOR SERVICES RELATED TO THE HYDROELECTRIC GENERATION FACILITY TRIP GATE PROJECT.** ACTION TAKEN: Councilmember Lewis removed this item for separate discussion. It was moved by Lewis, seconded by Johnson, to approve the design agreement and proposal for additional services. Public Services Director Pat Shea spoke to the 10<sup>th</sup> Street dam project and the new automatic gate system. The motion unanimously carried.

**12. PROFESSIONAL SERVICES FOR DESIGN PHASE AND BIDDING SERVICES FOR THE SOUTH WATER DISTRIBUTION SYSTEM IMPROVEMENTS.** ACTION TAKEN: Councilmember Lewis removed this item for separate discussion. It was moved by Lewis, seconded by Masters, to approve the amendment as detailed in the memorandum. Pat Shea, Public Services Director, spoke to the South St. Cloud water distribution system project. He noted that the proposed new water tower location has not yet been selected. Councilmember Hontos suggested the City look at available public land before considering any acquisition or purchase of private property. The motion unanimously carried.

**13. RAYMOND AVENUE N.E. AREA NEIGHBORHOOD IMPROVEMENTS-AREA A, CONTRACT 2015-02A, S.A.P. 162-106-013.:**

**A. RESOLUTION ACCEPTING LOW BID FOR RAYMOND AVENUE N.E. AREA NEIGHBORHOOD IMPROVEMENTS-AREA A, CONTRACT 2015-02A, S.A.P. 162-106-013; AND**

**B. RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2015-02A, S.A.P. 162-106-013. REQUESTED ACTION: INTRODUCE RESOLUTION, WAIVING READING, AND ADOPT.** ACTION TAKEN: Resolutions adopted and assigned numbers 2015-4-36 and 2015-4-37 respectively.

**14. SEBERGER NEIGHBORHOOD IMPROVEMENTS - AREA E, CONTRACT 2014-02E.**

**A. RESOLUTION ACCEPTING LOW BID FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS - AREA E, CONTRACT 2014-02E.:**

**B. RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2014-02E.**

**C. LOW QUOTE FOR CONSTRUCTION MATERIAL TESTING SERVICES FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS-AREA E, CONTRACT 2014-02E. REQUESTED ACTION: INTRODUCE RESOLUTION, WAIVING READING, AND ADOPT.** ACTION TAKEN: Approved

quote for construction material testing services and adopted resolutions were assigned numbers 2015-4-38 and 2015-4-39 respectively.

15. **RESOLUTION STATING THE CITY OF ST. CLOUD'S SUPPORT FOR SAFETY IMPROVEMENTS AT THE INTERSECTION OF 12TH STREET NORTH AND 29TH AVENUE NORTH.** ACTION TAKEN: Adopted Resolution assigned 2015-4-40.

16. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ST. CLOUD RELATED TO MARKETING FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Item removed by Councilmember Hontos for discussion. It was moved by Hontos, seconded by Lewis, to adopt the resolution as presented. Hontos asked whether administration is currently speaking to any potential commercial airlines about service to and from St. Cloud. Airport Director Bill Towle reported that there are no discussions at this time. He reported on the ongoing success of Allegiant Airlines and noted that these grant funds can be used to advertise and market Allegiant. Towle hopes to engage in future discussion with Allegiant Airlines to promote additional leisure destinations. Councilmember Johnson encouraged administration to contact small airport consultant, Don Smithey, former director of Eppely Airfield in Omaha, who is taking on the challenge of transforming the Des Moines Airport. The motion to adopt the resolution unanimously carried. The adopted resolution was assigned number 2015-4-41.

**OPEN FORUM:** No one spoke.

**PUBLIC HEARINGS:**

17. **APPLICATION FOR THE TRANSFER OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FROM LUKE INC., (DENNIS PURSLEY) DBA KNOTTY PINE LIQUOR TO MADISON09, INC., (JEREMY HUTT) DBA KNOTTY PINE LIQUOR, 21 WILSON AVENUE NE.** City Clerk Gregg Engdahl gave a brief overview of the transfer request that is scheduled to take effect on April 13, 2015. 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 approve the application with conditions as noted. The motion unanimously carried.

18. **RESOLUTION ORDERING 24TH STREET NORTH FROM 67TH TO 68TH AVENUE STREET LIGHTING IMPROVEMENTS.** City Engineer Steve Foss gave a brief overview of the safety improvement project in the area of 24<sup>th</sup> Street North from 67<sup>th</sup> and 68<sup>th</sup> Avenue N. that will move one existing street light and install an additional street light as petitioned by the neighborhood. The affected properties will be charged the Street Light Utility fee. Council President Goerger opened the public hearing. The following individual spoke:

**Kimberly Markwardt, 6758 24<sup>th</sup> Street N.**, one of the street lights will be installed on her property line and she was concerned about displacing her existing lawn sprinkling system. (*City Engineer Foss responded that the street light will be installed on the public right-of-way and Gopher State One would be called prior to installation. Any sprinkler heads that would need to be moved would be at the owner's expense.*)

There being no one else wishing to speak, the public hearing was closed. It was moved by Councilmember Masters, seconded by Council member Johnson, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-4-42.

**OLD BUSINESS:**

**19. CONSIDERATION OF SETTING A PUBLIC HEARING FOR APRIL 20, 2015 ON THE FOLLOWING FOUR-RELATED ITEMS:**

**A. AN ORDINANCE GRANTING A FRANCHISE TO CC VIII OPERATING, LLC, L/K/A CHARTER COMMUNICATIONS ("GRANTEE") TO CONSTRUCT, OPERATE, AND MAINTAIN A CABLE SYSTEM IN THE CITY OF ST. CLOUD, MINNESOTA ("CITY"); SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.**

**B. RESOLUTION APPROVING AN AGREEMENT WITH CHARTER COMMUNICATIONS REGARDING THE REMOVAL OF ABANDONED PLANT AND CABLE FACILITIES.**

**C. RESOLUTION GRANTING CHARTER COMMUNICATIONS A WAIVER FROM ITS CABLE FRANCHISE REQUIREMENT AND ALLOWING CHARTER TO RELOCATE LOCAL COMMUNITY PROGRAMMING TO NEW CHANNEL NUMBER LOCATIONS.**

**D. AN AGREEMENT GOVERNING CHARTER BUSINESS SERVICES.** City Attorney Matthew Staehling recommended these items be tabled to the April 20<sup>th</sup> meeting as all four documents were not in final format at this time. Once the documents are fully prepared, final documents will be attached to the April 20<sup>th</sup> agenda packet with a request to set the public hearing for May 4, 2015. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to table this issue to the April 20, 2015 meeting. The motion unanimously carried.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

20. **David Turch of David Turch & Associates, Federal Lobbyist for City of St. Cloud and the St. Cloud Area Planning Organization**, provided an update on congress, the federal budget and appropriations, the transportation bill, and legislative issues in Washington DC that pertain our community.

Councilmember Dave Masters reported that he recently conducted a neighborhood listening session at his home as requested by his constituents regarding the Refugee Resettlement Program. It was determined that more accurate information is needed about this Program. A "Q. & A Session" is being planned with the Program stakeholders. Masters invited his colleagues to attend and is asking Greg Vandal of Lutheran Social Services, District 742 School Board member Dennis Whipple, MN House Representative Jim Knobloch, and U.S. Representative Tom Emmer to participate in the session. The event will be scheduled in late May/early June and will be posted.

Mayor Dave Kleis invited the Council and public to attend his 10<sup>th</sup> annual State of the City Address scheduled for Tuesday, April 7, 2015, at 12:30 p.m. at Rivers Edge Convention Center.

**ADJOURNMENT:** There being no further business to discuss, Council President Goerger adjourned the meeting at 6:52 p.m.

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Council President Jeff Goerger

Respectfully submitted by

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Sandy Hilsen  
Recording Council Secretary