

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

JUNE 8, 2015

1. 5:00 p.m. - There was a Special Meeting at 5:00 p.m. in CR#1 to continue with discussion on the May 11th Study Session regarding public safety and crime statistics.
2. 6:00 p.m. - Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on June 8, 2015, at 6:00 p.m. in the City Council Chambers.
3. A Moment of Silence was observed for our men and women serving in the Armed Forces.
4. Council members Goerger, Hontos, Johnson, Lewis, Libert and Masters were present.

CONSENT AGENDA:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of an item under Open Discussion requested by Councilmember Masters.
6. **APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING HELD MAY 4, 2015.** ACTION TAKEN: Approved.
7. **APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MAY 18, 2015.** ACTION TAKEN: Approved.
8. **RESOLUTION APPOINTING JOHN LIBERT TO THE ST. CLOUD METROPOLITAN TRANSIT COMMISSION.** ACTION TAKEN: Resolution adopted and assigned number 2015-6-67.
9. **MAYOR'S APPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY.** ACTION TAKEN: Appointment of Chris Jacques was confirmed for a term to commence immediately and expire September 30, 2020.
10. **AN ORDINANCE AMENDING SECTION 1002 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED, "DISRUPTIVE INTOXICATION."** ACTION TAKEN: A reading and public hearing was set for June 22, 2015. (Proposed Ordinance 2015-18)
11. **APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE; A BLOCK PARTY PERMIT; A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE; AND THE CLOSING OF A PORTION OF 1ST ST S, ALL TO BE USED IN CONJUNCTION WITH THE ANNUAL ST. MARY'S BLOCK PARTY TO BE HELD SEPTEMBER 12, 2015, AT ST. MARY'S CATHEDRAL.** ACTION TAKEN: Approved.
12. **RESOLUTION ADOPTING UPDATED DATA PRACTICES POLICIES FOR THE CITY OF ST. CLOUD.** ACTION TAKEN: Councilmember Hontos removed this item for separate discussion. It was moved by Hontos, seconded by Johnson, to approve the resolution as presented. City Clerk Gregg Engdahl gave a brief overview of our current Data Practices policies. Recent legislation set the requirement for governmental entities to adopt policies as

set forth by Minnesota Statutes, Chapter 13. The motion unanimously carried. The adopted resolution was assigned number 2015-6-68.

13. RENEWAL OF ON-SALE AND OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD JULY 1, 2015 TO JUNE 30, 2016. ACTION TAKEN: Approved.

14. RESOLUTION AUTHORIZING SPONSORSHIP OF CROSS-COUNTRY SKI TRAILS OPERATED BY THE NORDIC SKI CLUB OF CENTRAL MINNESOTA. ACTION TAKEN: Resolution adopted and assigned number 2015-6-69.

15. RESOLUTION APPROVING APPLICATION FOR A \$296,973.59 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, 2015 THROUGH SEPTEMBER 30, 2016 AT NO COST TO THE CITY OF ST. CLOUD. ACTION TAKEN: Resolution adopted and assigned number 2015-6-70

16. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH STEARNS COUNTY TO SHARE A JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$28,911. ACTION TAKEN: Resolution adopted and assigned number 2015-6-71.

17. RESOLUTION AUTHORIZING CITY ADMINISTRATION AND ST. CLOUD POLICE DEPARTMENT TO MAKE APPLICATION FOR A C.O.P.S. - COMMUNITY POLICING DEVELOPMENT 2015 GRANT TO THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$375,000 OF FEDERAL FUNDS OVER THREE YEARS FOR THE PURPOSE OF EMPLOYING THREE (3) OFFICERS FOR THE CITY OF ST. CLOUD. ACTION TAKEN: Resolution adopted and assigned number 2015-6-72.

18. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2015 BITUMINOUS RESURFACING IMPROVEMENTS IN GOETTENS AREA AND 6TH AVENUE NORTH AREA, CONTRACT 2015-14. ACTION TAKEN: Resolution adopted and assigned number 2015-6-73.

19. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2015 SEAL COAT IMPROVEMENTS, CONTRACT 2015-15. ACTION TAKEN: Introduce resolution, waiving reading, and adopt.

20. RESOLUTION REJECTING THE BIDS FOR THE RIVER'S EDGE PARKING RAMP PROJECT. ACTION TAKEN: Councilmember Lewis removed the item for separate discussion. It was moved by Lewis, seconded by Masters, to adopt the resolution as presented. Lewis felt that further delay would cause downtown business owners frustration and suggested looking into alternate ways to move the project forward. Mayor Dave Kleis, City Administrator Mike Williams, and Assistant Public Works Director Steve Lawrence each spoke to the issue. Administration will bring back a proposal to the Council at the June 22nd meeting. The adopted resolution was assigned number 2015-6-75.

OPEN FORUM:

No one spoke.

PUBLIC HEARINGS:

21. **RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2015 TO JUNE 30, 2016.**

City Clerk Gregg Engdahl gave a brief overview on the cross-checking process being followed and noted the listed conditions for the renewals. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Libert, to approve the renewal of the licenses as submitted and recommended. The motion unanimously carried.

22. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR THE ST. CLOUD MUNICIPAL ATHLETIC COMPLEX, 5001 VETERAN'S DRIVE.**

City Clerk Gregg Engdahl gave a brief update on the special legislation (Omnibus Liquor Bill of 2015) that recently passed that will allow for an on-sale intoxicating liquor license for the Athletic Complex as of July 1, 2015. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Lewis, to approve the application as submitted for the Municipal Athletic Complex. The motion unanimously carried.

23. **AN ORDINANCE AMENDING SECTION 810 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED "INTOXICATING LIQUOR" BY AMENDING SECTION 801:05 AND SECTION 810:35, AND ADDING SECTION 810:05 SUBD. 13 ENTITLED "SUNDAY GROWLER OFF SALE INTOXICATING".**

City Clerk Gregg Engdahl explained that recent changes to Minnesota statutes now allows for Sunday On-Sale of intoxicating liquor beginning at 8:00 a.m. In addition, the bill authorizes breweries and brew pubs to sell growlers on Sundays during hours set by the City. Staff proposes that the hours be the same as all other days - 8 a.m. to 10 p.m. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Masters to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned 2621.

24. **AN ORDINANCE AMENDING SECTION 511 OF THE 2007 CODE OF ORDINANCES ENTITLED "LIQUOR LICENSING FEES" BY ADDING A FEE FOR SUNDAY GROWLER OFF-SALE INTOXICATING LICENSES.**

City Clerk Gregg Engdahl stated that recent changes in State law allows breweries and brew pubs to sell growlers Off-Sale on Sundays. This ordinance amendment establishes a \$50 annual license fee for Sunday growler sales. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It

was moved by Masters, seconded by Johnson, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2622.

25. **A RESOLUTION APPROVING THE MAIN LIFTSTATION FACILITIES PLAN.** Tracy Hodel, Assistant Public Utilities Director, provided a brief summary of the 2015 Main Liftstation Facilities Plan. The Plan provides guidance and recommendations for the Liftstation's upgrade and rehabilitation. The facility began its operation in 1976. A formal public hearing and adoption of a resolution are required by the Minnesota Pollution Control Agency and Minnesota Statutes. Council 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 presented. The motion unanimously carried. The adopted resolution was assigned number 2015-6-76.

26. **AN ORDINANCE VACATING A 5' WIDE DRAINAGE AND UTILITY EASEMENT THAT PARALLELS THE WESTERN LOT LINE OF LOT 2, BLOCK 1, D AND J FERKINHOFF PLAT AND VACATING A 10' WIDE UTILITY EASEMENT THAT PARALLELS THE EASTERN PROPERTY LINE OF LOTS 1 AND 2, BLOCK 2, APOLLO INDUSTRIAL PARK. (LOCATION: 305 FRANKLIN AVE. NE, 520 APOLLO AVE. NE, AND 540 APOLLO AVE. NE) (VAC-2015-01)** Community Development Director Matt Glaesman gave a brief overview of the applicants' request to seek vacation of the drainage and utility easements to accommodate the subdivision and reconfiguration of an intervening parcel between their properties. The property owners are responsible for relocation of existing private utilities. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned number 2623.

27. **AN ORDINANCE VACATING A 66' WIDE UTILITY EASEMENT ACROSS THE 300 BLOCK OF THE FORMER 31ST AVENUE NORTH. (LOCATION: 345 30TH AVENUE NORTH)(VAC-2015-02)** Community Development Director spoke to the applicant's request to vacate the public easement in the area of 345 30th Avenue North. An aerial photo was displayed on the overhead. The request comes forward to allow for the expansion of the Boys and Girls Club Roosevelt Park. The Planning Commission and staff recommend approval. Council President Goerger opened the public hearing. The following individual spoke:

Mark Sakry, Executive Director of the Boys and Girls Club of Central MN, expressed gratitude for the community's support.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to adopt the ordinance as presented. The motion unanimously carried. The adopted resolution was assigned number 2624.

NEW BUSINESS:

28. **(A) RESOLUTION DECLARING A VACANCY IN THE WARD 2 COUNCIL SEAT; AND (B) APPROVAL OF A PROCESS TO FILL THE WARD 2 VACANCY.** City Administrator Mike Williams gave a brief overview of a proposed procedure to establish a schedule to fill the Ward 2 seat vacated by the resignation of Nancy Gohman on May 26, 2015. It was moved by Councilmember Hontos, seconded by Councilmember Lewis, to adopt the resolution to declare a vacancy. Councilmember Hontos cited a grammatical error within the resolution in the third paragraph, fifth word that should correctly read “she” rather than “he”. The Council suggested possible dates to conduct the special meeting. The questionnaire and availability of members to attend the meeting were also discussed. Applications will be comprised of nine questions and a standard petition for nomination requiring at least 25 registered voters’ signatures from Ward 2. After further discussion, it was moved by Councilmember Lewis, seconded by Councilmember Masters, to amend the original motion to include that the deadline for submitting applications to the City Clerk’s office will be Thursday, June 18, 2015, at 4:30 p.m. Applicants’ information will be distributed to the Council members by Friday, June 19th, and placed on the City’s website. If more than five candidates apply, a 3-minute personal statement by each candidate will be given at the Monday, June 22nd, Council meeting. If less than five candidates apply, the 3-minute personal statements would be heard at a Special meeting to be held on Tuesday, June 23, at 4:00 p.m., at which time the Council will deliberate and make its appointment. The motion unanimously carried. The original motion as amended unanimously carried. The adopted resolution was assigned number 2015-6-88. (Number is intentionally out of sequence.)

OPEN DISCUSSION & ANNOUNCEMENTS :

Councilmember Masters asked for clarification on Sauk Rapids’ new housing inspection ordinance and how it aligns with the City of St. Cloud’s ordinance. Community Development Director Matt Glaesman noted he had reviewed Sauk Rapids’ ordinance and its 21 provisions that follow the Property Maintenance Code, a national document. Glaesman confirmed that the City of St. Cloud’s ordinance includes all the same provisions and has for many years.

Mayor Kleis encouraged the public to attend the first ‘2015 Summertime by George’ event on Wednesday evening, June 10th, at Lake George.

ADJOURNMENT :

There being no further business to discuss, Council President Goerger adjourned the meeting at 7:17 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary