

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

January 11, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on January 11, 2010 at 6 p.m. in the City Council Chambers.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Berg, Garven, Hontos, Johnson, Libert, Masters, and Pederson.

Special Recognition:

4. **Presentation of the “Reflection of the Year” award to the 2009 recipient, NUCC (Neighborhood University Community Council).** Mayor Kleis presented Mary Matthews with a plaque.
5. **Proclamation highlighting our Sister City of Spalt, Germany, as it celebrates its 1200 year anniversary.** Mayor Kleis read a proclamation and presented it to Toby Peter, City Ambassador from Spalt, Germany.

Consent Agenda:

6. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
7. **(A) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF REGULAR CITY COUNCIL MEETING HELD DECEMBER 7, 2009.** ACTION TAKEN: Approved.
(B) APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF REGULAR CITY COUNCIL MEETING HELD DECEMBER 21, 2009. ACTION TAKEN: Approved.
8. **CONFIRM MAYOR’S RE-APPOINTMENTS TO THE ST. CLOUD LIBRARY BOARD.** ACTION TAKEN: Approved the re-appointment of Jim Pehler, M. Constance

Crane, and Fartun Hussein to terms commencing immediately and expiring on December 31, 2012.

9. **RENEWAL OF MISCELLANEOUS BUSINESS LICENSES AND PERMITS FOR THE PERIOD 1-1-10 TO 12-31-10.** ACTION TAKEN: Approved.
10. **RESOLUTION AUTHORIZING THE CITY OF ST. CLOUD AND ITS POLICE DEPARTMENT TO CONTINUE THE GRANT CONTRACT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$100,000 FOR THE METRO GANG STRIKE FORCE.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-1-01.
11. **REQUEST PAYMENT OF PURCHASE REQUISITION FOR SWEEPER AND ACCESSORIES TO CLEAN AND MAINTAIN THE PARKING LOT AREA OF THE ST. CLOUD POLICE DEPARTMENT.** ACTION TAKEN: Hontos/Garven moved approval. Motion carried unanimously.
12. **APPROVAL OF GROUP TWELVE CHANGE ORDERS AND BIDS FOR POLICE HEADQUARTERS.** ACTION TAKEN: Hontos/Libert moved approval. Motion carried unanimously.
13. **SETTING A PUBLIC HEARING ON THE ORDINANCE AMENDING SECTION 520:10 OF THE CODE OF ORDINANCES BY ESTABLISHING STORAGE FEES RELATING TO MOTOR VEHICLE FORFEITURES.** ACTION TAKEN: Reading and public hearing were set for January 25, 2010. Assigned proposed ordinance number 2010-01.
14. **REPAYMENT RESOLUTION FOR A LOW INTEREST DRINKING WATER REVOLVING FUND LOAN FOR THE WATER TREATMENT FACILITY REHABILITATION PROJECT.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-1-02.

15. **APPLICATION FOR RENEWAL OF SPECIAL PARKING ZONE PERMITS FOR 2010.** ACTION TAKEN: Approved.
16. **A) APPLICATION FOR RENEWAL OF VALET PARKING LICENSE FOR PRESTIGE PARKING FOR PARKING SERVICES PROVIDED AT MI FAMIGLIA RESTAURANT, 912 ST. GERMAIN STREET.**
B) APPLICATION FOR RENEWAL OF VALET LOADING ZONE PERMIT FOR 2010. ACTION TAKEN: Berg/Masters moved approval. Motion carried 6-1; Councilmember Berg voted against.
17. **RESOLUTION SETTING PUBLIC HEARING FOR FEBRUARY 8, 2010, TO CONSIDER SPECIAL ASSESSMENT ROLL 1 FOR 2009 PUBLIC IMPROVEMENTS.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2010-1-03.
18. **CIVIC CENTER EXPANSION ROADWAY AND UTILITY IMPROVEMENTS:**
A) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR CIVIC CENTER EXPANSION ROADWAY AND UTILITY IMPROVEMENTS, CONTRAT 2010-05.
B) RESOLUTIO RELATING TO PARKING RESTRICTIONS ON 5TH AVENUE NORTH, 4TH AVENUE SOUTH AND ST. GERMAIN STREET. ACTION TAKEN: Hontos/Masters moved approval of both A and B. Motion carried unanimously. Item A was adopted and assigned number 2010-1-04 and Item B was adopted and assigned number 2010-1-05.
19. **APPROVAL OF CHANGE ORDER #2 FOR THE TRI-CITY LIFTSTATION PROJECT.** ACTION TAKEN: Approved.
20. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT**

WITH HOISINGTON PRESERVATION CONSULTANTS FOR CONSULTANT SERVICES ASSOCIATED WITH THE PREPARATION OF THE RIVER WALK AND PANTOWN TOURS. ACTION TAKEN: Masters/Berg moved approval. Motion carried unanimously.

21. **RESOLUTION IN SUPPORT OF APPLICATION FOR A \$10,000 GRANT FROM THE INITIATIVE FOUNDATION FOR CREATION OF THE ST. CLOUD URBAN AREA MISSISSIPPI RIVER CORRIDOR MASTER PLAN. ACTION TAKEN:** Hontos/Garven moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2010-1-06.

22. **COOPER AVENUE SOUTH CORRIDOR IMPROVEMENTS FROM CSAH 75 TO TRAVERSE ROAD:**

A) RESOLUTION CERTIFYING AVAILABILITY OF LOCAL MATCH AND OTHER LOCAL COSTS FOR FY 2014 AND 2015 FEDERAL TRANSPORTATION PROJECT SUBMITTAL TO THE ST. CLOUD AREA PLANNING ORGANIZATION FOR THE COOPER AVENUE SOUTH (CSAH 75 TO TRAVERSE ROAD) IMPROVEMENTS; AND

B) RESOLUTION CERTIFYING PUBLIC INVOLVEMENT FOR A PROJECT SUBMITTED TO THE ST. CLOUD AREA PLANNING ORGANIZATION FOR FY 2014 AND 2015 FEDERAL TRANSPORTATION FUNDING FOR COOPER AVENUE SOUTH (CSAH 75 TO TRAVERSE ROAD) IMPROVEMENTS.

ACTION TAKEN: Approved. Item A was adopted and assigned number 2010-1-07. Item B was adopted and assigned number 2010-1-08.

23. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE STATE AGREEMENT 94929 BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION, OFFICE OF AERONAUTICS, AND THE ST. CLOUD REGIONAL AIRPORT FOR FINANCIAL ASSISTANCE RELATED TO MAINTENANCE AND OPERATING EXPENSES. ACTION**

TAKEN: Approved. Resolution was adopted and assigned number 2010-1-09. Councilmember Berg requested that Administration request money from the State for maintenance and update her at a future meeting.

Open Forum:

No one testified.

Public Hearings:

24. **AN ORDINANCE AMENDING THE HOME RULE CHARTER OF THE CITY OF ST. CLOUD.**

Jan Petersen, City Attorney, gave a brief overview of the ordinance and noted that items were primarily housekeeping issued. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Garven/Masters moved approval. Motion carried unanimously. Ordinance was assigned number 2447.

25. **A) AN ORDINANCE AMENDING SECTION 800:48 OF THE CODE OF ORDINANCES BY ADDING A LIMITED EXCEPTION FOR HOTELS TO THE 300 FOOT DISTANCE BUFFER BETWEEN ON-SALE LIQUOR LICENSE HOLDERS AND RESIDENTIALLY ZONED PROPERTY; AND
B) AN ORDINANCE AMENDING SECTION 810:28 OF THE CODE OF ORDINANCES BY ADDING A LIMITED EXCEPTION FOR HOTELS TO THE 300 FOOT DISTANCE BUFFER BETWEEN ON-SALE LIQUOR LICENSE HOLDERS AND RESIDENTIALLY ZONED PROPERTY.**

Matt Staehling, Assistant City Attorney, gave a brief overview of the ordinances pertaining to Homewood Suites and their application for an on-sale liquor license to host receptions. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Hontos/Libert moved approval of both items A and B. Motion carried unanimously. Item A was assigned Ordinance number 2448 and Item B was assigned ordinance number 2449.

26. **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF ITS HEALTH CARE REVENUE BONDS (CENTRACARE HEALTH SYSTEM), SERIES 2010, AUTHORIZING EXECUTION OF AN INDENTURE OF TRUST, A LOAN AGREEMENT AND A BOND PURCHASE AGREEMENT, ALL RELATING TO SAID BONDS, AND AUTHORIZING OTHER ACTION TO BE TAKEN WITH RESPECT TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS.**

John Norman, Finance Director, gave a brief overview of the resolution. Council Vice President Libert opened the public hearing. No one testified. Council Vice President Libert closed the public hearing. Garven/Masters moved approval. Motion carried 6-0-1; Council President Johnson abstained from the item. Resolution was adopted and assigned number 2010-1-10.

27. **AN ORDINANCE VACATING THE WESTERLY 28' OF 5TH AVENUE NORTH ABUTTING LOTS 6, 7, AND 8 OF BLOCK 101 OF LOWRY'S ADDITION. (LOCATION: 507 8TH STREET NORTH) (VAC-2009-04).**

Matt Glaesman, Community Development Director, gave an overview of the ordinance and noted that the Planning Commission recommended approval. Council President Johnson opened the public hearing. No one testified. Council President Johnson closed the public hearing. Masters/Berg moved approval. Motion carried unanimously. Ordinance was assigned number 2450.

28. **CONSIDERATION OF 9TH AVENUE NORTH CORRIDOR STUDY.**

Steve Foss, City Engineer, presented an overview of the 9th Avenue North Corridor Study. He noted that the Planning Commission recommended approval of the Study on 11-10-09. Council President Johnson opened the public hearing. The following individuals testified:

Glen Evens

1333 9th Avenue North; Mr. Evans spoke against a 4-lane road being built because it would take much of their property.

Cynthia A. Cappel	1258 9 th Avenue North; Ms. Cappel spoke against the study. She feels that the property owners haven't had their questions answered. Property values are currently down and her fear is that this would lower them further.
Bernie Evans	1008 9 th Avenue North; Spoke against the study. He is concerned that if the road is widened it will be right at his front steps. He also expressed concern for the safety of walkers.
Herb Kelly	1429 9 th Avenue North; He spoke against the study citing that he doesn't want to see trees removed. He feels that there is only a traffic issue in the morning.
Angelo Gambrino	1339 9 th Avenue North; Mr. Gambrino questioned the statement made years ago that the road had to only be widened 3 more feet to accommodate 4 lanes. He wondered about making these roads one-way.
Pegg Gustafson	Ms. Gustafson is the Executive Director of the Downtown Council. She commented that her Board of Directors voted unanimously in favor of conducting a study.
Steve Ludwig	Mr. Ludwig, Vice President for Administrative Affairs at SCSU stated that the University is supportive of the study.
David Larson	Mr. Larson, Representative of the St. Cloud Hospital noted that they are supportive of the study.
Lori Kloos	Vice President of Finance and Facilities at St. Cloud Technical College stated the College supports the study.

Council President Johnson closed the public hearing. Councilmember Garven expressed that she will not support this because the neighborhood has worked very hard to maintain the neighborhood. Administration commented that this is just a study and that further action would need to come before the City Council. Public Services Director Steve Gaetz noted that if traffic projections hold true, it may eventually be necessary to widen/improve 9th Avenue in order to maintain an acceptable level of service. This

improvement, however, would not be for many years in the future. Libert/Masters moved approval. Motion carried 5-2; Councilmembers Berg and Garven voted against.

Old Business:

29. **REQUEST TO EXTEND THE DOWNTOWN PARKING METER REMOVAL PROGRAM.** Hontos/Garven moved to extend the Downtown Parking Meter Removed Program until June 30, 2010. Motion carried unanimously.

30. **WASTEWATER TREATMENT FACILITY REHABILITATION, UPGRADE AND EXPANSION PROJECT.**

There was some discussion among the Council about Waite Park and St. Augusta and the fact that they haven't approved the project in their cities. Hontos/Berg moved approval of the 1) Resolution to Award Bid to Knutson Construction Services; 2) Resolution of Repayment for a Clean Water Revolving Fund Loan; and 3) Approval of Amendment #1 to the Professional Services Agreement with Black & Veatch Incorporated. Motion carried unanimously. The first resolution was adopted and assigned number 2010-1-11 and the second resolution was adopted and assigned number 2010-1-12.

Adjournment: There being no further business to discuss the meeting was adjourned at 8:32 p.m.

City Council President
Bob Johnson

Jennifer Burrows, Recording Council Secretary