

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

APRIL 26, 2010

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on April 26, 2010, at 6 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. Councilmembers Berg, Garven, Hontos, Johnson, Masters and Pederson were present. Councilmember Libert was absent.

SPECIAL RECOGNITION:

4. Members of the St. Cloud Blue Sox Traveling Baseball Team, their parents, and coaches were in attendance and presented Mayor Kleis with the Class A - Age 14 Under - 2009 Minnesota State Championship youth baseball plaque and the No. 12 player's jersey (framed). Blue Sox Coach Tom Frerichs spoke to the success of the St. Cloud Blue Sox Traveling Baseball program and its growing membership and achievements.

CONSENT AGENDA:

5. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the inclusion of an Open Discussion item regarding loud road noise as requested by Councilmember Hontos.
6. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 5, 2010.** ACTION TAKEN: Approved.
7. **RESOLUTION APPOINTING MAYOR DAVE KLEIS AND COUNCIL PRESIDENT BOB JOHNSON AS ST. CLOUD REPRESENTATIVES TO THE REGIONAL HUMAN RIGHTS JOINT POWERS BOARD.** ACTION TAKEN: Resolution adopted and assigned number 2010-4-59.
8. **RESOLUTION IN SUPPORT OF APPROVING AMENDMENT NO. 2 TO JOINT POWERS AGREEMENT ESTABLISHING THE NORTHSTAR CORRIDOR DEVELOPMENT AUTHORITY.** ACTION TAKEN: Resolution adopted and assigned number 2010-4-60.
9. **AN ORDINANCE AMENDING SECTION 105 OF THE 2007 CODE OF ORDINANCES ENTITLED, ADMINISTRATIVE CODE, BY COMBINING THE PARKS DEPARTMENT AND THE RECREATION DEPARTMENT INTO A SINGLE DEPARTMENT.** ACTION TAKEN: A reading and public hearing was set for May 10, 2010. (Proposed Ordinance 2010-10).

10. APPLICATION BY THE ST. CLOUD WESTSIDE SERTOMA CLUB FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE TO BE USED IN CONJUNCTION WITH THE GREAT MINNESOTA AIR SHOW AT THE ST. CLOUD REGIONAL AIRPORT ON JUNE 26 & 27, 2010. ACTION TAKEN: Approved.

11. APPLICATION FOR ST. AUGUSTINE/ST. MARY'S SCHOOL FOR A) AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE AND B) AN APPLICATION FOR TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE BOTH TO BE USED IN CONJUNCTION WITH A MAYFEST SCHOOL FUNDRAISER EVENT TO BE HELD AT 428 2ND STREET SE ON MAY 27, 2010. ACTION TAKEN: Approved.

12. AN ORDINANCE AMENDING ARTICLE IV OF THE HOME RULE CHARTER ENTITLED "NOMINATIONS AND ELECTIONS" TO PROVIDE FOR CHANGES IN THE CITY'S ELECTION CALENDAR IN RESPONSE TO CHANGES IN STATE ELECTION LAWS. ACTION TAKEN: A reading and public hearing was set for May 24, 2010. (Proposed Ordinance 2010-11).

13. AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY ADDING A NEW SECTION 820:00 ENTITLED, SOCIAL HOST ORDINANCE, WHICH ESTABLISHES PENALTIES FOR PERSONS HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED OR CONSUMED BY PERSONS UNDER TWENTY-ONE YEARS OF AGE. ACTION TAKEN: Councilmember Pederson removed four agenda items (No.13, 14, 15, & 16) all alcohol-related proposed ordinances, for separate discussion. He asked for the Hospitality Association, St. Cloud State University, and the neighborhoods to work towards a compromise regarding these proposed ordinances, rather than holding a public hearing at this time. Mayor Dave Kleis and City Attorney Matt Staehling said that dialogue has been on-going and that the public hearings should be held. Council President Johnson noted that he would be out of town on May 10, 2010, and asked if the Council would consider holding the public hearings on May 24, 2010. After a brief discussion, it was moved by Berg/Masters to set a reading and public hearing for May 24, 2010. The motion unanimously carried. (Proposed Ordinance 2010-12)

14. AN ORDINANCE AMENDING SECTION 810:30, SUBDIVISION 14, OF THE 2007 CODE OF ORDINANCES, ENTITLED PROMOTING RESPONSIBLE CONSUMPTION. ACTION TAKEN: Berg/Master moved approval of setting a reading and public hearing on May 24, 2010. The motion unanimously carried. (Proposed Ordinance 2010-13)

15. AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES BY ADDING A NEW SECTION 1002, A DISRUPTIVE INTOXICATION ORDINANCE, WHICH ESTABLISHES PENALTIES FOR INTOXICATED PERSONS WHO ARE ENGAGING IN PUBLIC BEHAVIOR THAT IS DISRUPTIVE TO OR OTHERWISE DISTURBS THE PEACE. ACTION TAKEN: Berg/Masters moved approval of setting a reading and public hearing on May 24, 2010. The motion unanimously carried. (Proposed Ordinance 2010-14)

16. AN ORDINANCE AMENDING SECTIONS 800 AND 810 OF THE 2007 CODE OF ORDINANCES RESPECTIVELY ENTITLED, 3.2 PERCENT MALT LIQUOR, AND INTOXICATING LIQUOR, BY ESTABLISHING NEW SECTIONS 800:85 AND 810:75 ENTITLED PROVISIONAL LIQUOR LICENSE. ACTION TAKEN: Berg/Masters moved approval of setting a reading and public hearing on May 24, 2010. The motion unanimously carried. (Proposed Ordinance 2010-15)

17. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH CENTRACARE HEALTH FOUNDATION FOR PROGRAM SERVICES PROVIDED BY THE RETIRED & SENIOR VOLUNTEER PROGRAM (RSVP). ACTION TAKEN: Resolution adopted and assigned number 2010-4-61. (Council President Johnson abstained due to his employment with Central Minnesota Heart Center, St. Cloud Hospital, and its affiliation with CentraCare.)

18. CIVIC CENTER EXPANSION ROADWAY AND UTILITY IMPROVEMENTS, CONTRACT 2010-05: (A) RESOLUTION ACCEPTING LOW BID FOR CIVIC CENTER EXPANSION ROADWAY AND UTILITY IMPROVEMENTS, CONTRACT 2010-05; 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 2010-05. ACTION TAKEN: Resolutions adopted and assigned numbers 2010-4-62 and 2010-4-63 respectively.

19. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2010 ALLEY IMPROVEMENTS, CONTRACT 2010-07. ACTION TAKEN: Resolution adopted and assigned number 2010-4-64.

20. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING PUBLIC HEARING FOR MAY 10, 2010, TO CONSIDER DOWNTOWN STREET AND PARKING MODIFICATIONS ON 7TH AVENUE FROM 2ND STREET SOUTH TO 2ND STREET NORTH. ACTION TAKEN: Resolution adopted and assigned number 2010-4-65.

21. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT – PHASE 3, CONTRACT 2010-10. ACTION TAKEN: Resolution adopted and assigned number 2010-4-66.

22. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE FOR MISCELLANEOUS CRACK REPAIR AT THE ST. CLOUD REGIONAL AIRPORT - MN DOT AGREEMENT NO. 96531. ACTION TAKEN: Resolution adopted and assigned number 2010-4-67.

23. **ACCEPTANCE OF LOW QUOTE(S) FOR SURFACE AND STREET LIGHTING IMPROVEMENTS FOR FIFTH AVENUE LIVE 300 WEST.** ACTION TAKEN: Approved.

24. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 10TH AVENUE NORTH AREA NEIGHBORHOOD IMPROVEMENTS - PHASE 1, CONTRACT 2010-12.** ACTION TAKEN: Resolution adopted and assigned number 2010-4-68.

25. **ACCEPTANCE OF LOW QUOTE FROM ASPHALT SURFACE TECHNOLOGIES CORPORATION (ASTECH) FOR SLURRY SEAL PROJECT, ALTERNATE 1, AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING STATE FUNDS.** ACTION TAKEN: Approved.

26. **AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE (LDC) BY REZONING FROM AG, AGRICULTURAL DISTRICT TO R1, SINGLE FAMILY RESIDENTIAL DISTRICT PROPERTY LOCATED AT 2519 AND 2521 40TH STREET SOUTH (REZ-2010-01).** ACTION TAKEN: Set reading and public hearing for May 10, 2010. (Proposed Ordinance 2010-16)

27. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO CONTRACT WITH EOR FOR SERVICES ASSOCIATED WITH PHASE 2 OF THE REGIONAL SUSTAINABILITY FRAMEWORK PLAN.** ACTION TAKEN: Hontos/Garven moved approval with the notation that the steps in the Sustainability Framework Action Plan for Best Practices Areas listed as *Task 2-D, Task 2-E, Task 2-F;* and *Task 2-G* are all discretionary actions. The motion unanimously carried.

OPEN FORUM: Mike Jamnick expressed his thanks to the mayor and City Council for helping him achieve a successful year as the SCSU Student Services Chair of the Student Government Association. He introduced Amanda Bardonner who will be replacing him as the new SCSU Student Government Chair.

PUBLIC HEARINGS:

28. APPLICATION FOR (A) THE TRANSFER OF AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FROM MT'S ON 8TH, INC. (ANNE MIDAS) DBA MT'S ON 8TH, TO MT'S ON 8TH BAR AND GRILL, INC. (KEVIN FREIHAMMER) DBA MT'S ON 8TH, 2022 8TH ST N.; and (B) AN APPLICATION FOR AN AMUSEMENT DEVICE LICENSE IN CONNECTION WITH THE ABOVE TRANSFER. City Clerk Gregg Engdahl gave a brief overview of the transfer request noting that all departmental reports were favorable. The liquor license transfer would take effect in July 2010. City Council President Bob Johnson opened the public hearing. No one spoke. The public

hearing was closed. Berg/Garven moved approval of (A) the transfer of the on-sale intoxicating and special Sunday liquor license from MT's on 8th Inc. (Anne Midas) dba MT's on 8th to MT's On 8th Bar and Grill, Inc. (Kevin Freihammer) dba MT's on 8th located at 2022 8th Street North. The motion unanimously carried. Masters/Garven moved approval of (B) an application for an amusement device license in connection with the above transfer. The motion unanimously carried.

29. PUBLIC HEARING ON AMENDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN FOR ONE YEAR USE OF FUNDS FOR THE CDBG PROGRAM YEAR 2010; APPROVE THE PRELIMINARY OBLIGATION FOR REGIONAL HUMAN RIGHTS OFFICE FOR THE CDBG PROGRAM FOR YEARS 2011 THROUGH 2014; APPROVAL OF THE FIVE YEAR 2010 TO 2014 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN; AND APPROVAL OF AN AMENDMENT OF THE MARCH 3, 2005 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING IN THE CITY OF ST. CLOUD, MINNESOTA.

Leslie Henson, Community Development Manager of the St. Cloud Housing and Redevelopment Authority, gave an overview of the various plans. He thanked the St. Cloud Planning office staff for all their assistance. He reviewed the amended Community Development Block Grant (CDBG) 2010 Entitlement funding sources and use of funds. The 2010 Year CDBG Fund allocation is \$517,494; and the projected program income for 2010/2011 is \$22,000; which provides for a total available amount of \$539,494 for use in 2010. The uses of Funds include the following activities: Home Owner Housing Rehabilitations Core City Neighborhood Priority - \$250,000; the Regional Human Rights Office - \$70,000; the Parks Department Southside Park Improvements - \$45,000; The Paramount Theatre Handicap Restroom Access Doors - \$10,000; the New Beginnings Renovation - \$32,489; and Fair Housing Assistance - \$3,000; and Consolidated Housing and Community Development Plan - \$10,000; General Administration - \$80,000; and the Whitney Senior Center Renovation - \$39,005; providing for a total 2010 CDBG budget of \$539,494. City Council President Johnson opened the public hearing. The following individual spoke:

ELLEN MORK, 1013 BORGERT AVENUE N., representative of the League of Women Voters; commended all involved in seeking and obtaining funding for a Regional Human Rights office.

The public hearing was closed. Following a brief discussion, a motion by Councilmember Garven, seconded by Councilmember Berg, was made to approve the amended Community Development Block Grant (CDBG) Consolidated Housing and Community Development Plan for One Year Use of Funds for the CDBG program for year 2010; then a motion by Councilmember Garven, seconded by Councilmember Berg, was made to approve the Application and Budget for the Preliminary Obligation for the Regional Human Rights office for the CDBG program for years 2011 through 2014; and (3.) a motion by Councilmember Garven, seconded by Councilmember Berg, was made to approve the Five Year 2010 to 2014 Consolidated Housing and Community Development Plan. All three motions unanimously carried. The adopted resolution was assigned number 2010-4-69. Lastly, a motion by Councilmember Berg, seconded by Councilmember Masters, was made to approve the amended Analysis of Impediments to Fair Housing in the City of St. Cloud, dated April 26, 2010. The motion unanimously carried.

OLD BUSINESS:

30. **INDEPENDENT STUDY COMMITTEE'S RECOMMENDATION FOR MAYOR/COUNCIL SALARY AND BENEFITS.** Human Resources Director Dede Gaetz gave a brief overview of the recommendation forwarded by the Salary Study Committee. (Members of the committee included former mayor Chuck Winkelman; former Councilmember John Severson; Charter Commission Chair Garner Moffat; SCSU Political Science Chair Steve Wagner; and City of St. Cloud Human Resources Director Dede Gaetz.) The recommended changes include status quo on mayor and city council salaries, maintaining status quo on mayor's insurance contribution; and reducing the City Council insurance contribution to 50% of full-time benefit. City Council discussion ensued. Councilmember Pederson noted that filings open on May 18, 2010, so it is imperative to take action in a timely manner. Hontos/Berg moved to place this issue as a discussion item at the next Study Session (May 3, 2010), and to conduct the public hearing at the May 10, 2010, City Council meeting. The motion unanimously carried.

OPEN DISCUSSION & ANNOUNCEMENTS: Councilmember Hontos was concerned that many residents are complaining about loud road noise, including noise created by motorcycles, and the lack of enforcement. Mayor Kleis noted that a police officer has to personally hear

“loud noise” before he/she can issue any citation. The City is being proactive by monitoring areas, and recently the 25th Avenue area. The City and will continue to monitor areas of the City. City Council President Bob Johnson alerted the public that the State of Minnesota has changed this year’s Primary Election date to August 10, 2010; and, therefore, filings in St. Cloud open already on May 18, 2010, and close on June 1, 2010. The City of St. Cloud City Council has four Ward seats that will be listed on this year’s ballot.

ADJOURNMENT:

There being no one else wishing to speak, the meeting was adjourned at 6:59 p.m.

City Council President Bob Johnson

Respectfully submitted by:

Sandy Hilsgen, Recording Council Secretary