

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

JULY 26, 2010

1. Following the Pledge of Allegiance, a regular meeting of the St. Cloud City Council was held on July 26, 2010, at 6 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. Councilmembers Berg, Garven, Hontos, Johnson, Libert, Masters and Pederson were present.

SPECIAL RECOGNITIONS:

4. A proclamation declaring Tuesday, August 3, 2010, to be the 27th annual "National Night Out in the City of St. Cloud" was read by Mayor Dave Kleis. St. Cloud Police Department's Crime Prevention Specialist John Justin gave a brief overview of the neighborhood events scheduled. A list of this year's neighborhood events will be ready for distribution on Friday, July 30, 2010.
5. Mayor Kleis acknowledged the members and directors of the St. Cloud All-City Marching Band for achieving first place honors at the 2010 Huntington Beach and Pacific Palisades (California) annual 4th of July parades. Band director Gary Zwach was in attendance and accepted the commendation certificate on behalf of the band and expressed his appreciation to the City Council and the St. Cloud community for its support.

CONSENT AGENDA:

6. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
7. **APPROVAL OF MINUTES AND SUMMARY OF PROCEEDINGS OF THE REGULAR CITY COUNCIL MEETING HELD JULY 12, 2010.** ACTION TAKEN: Approved.
8. **APPLICATION FOR THE TRANSFER OF AN OFF-SALE INTOXICATING LIQUOR LICENSE FOR A STORE LOCATED AT 250 33RD AVENUE SOUTH FROM TOWN AND COUNTRY SUPER MARKETS, INC. DBA CLUB LIQUOR TO RAE, LLC (RACHEL SULLIVAN) DBA "CASH WISE LIQUOR."** ACTION TAKEN: A public hearing was set for August 9, 2010.
9. **REQUEST TO SET SPECIAL MEETING OF THE CITY COUNCIL FOR 12:00 NOON ON FRIDAY, AUGUST 13, 2010, TO CANVASS THE RESULTS OF THE AUGUST 10, 2010, 2ND WARD PRIMARY ELECTION.** ACTION TAKEN: A

special meeting was set for noon in Conference Room #1 of St. Cloud City Hall on Friday, August 13, 2010.

10. APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR DUCK'S PUB AND BILLIARDS, 3606 WEST DIVISION STREET, FOR A SPECIAL EVENT TO BE HELD SATURDAY, JULY 31, 2010, FROM 4:00 TO 9:00 PM. ACTION TAKEN: Approved with conditions as noted in attachment (refer to Council packet of July 26, 2010, page 10-5).

11. RESOLUTION ACCEPTING FUNDING ASSISTANCE FROM THE MNDNR UNDER THE 2010 FEDERAL RECREATIONAL TRAIL GRANT PROGRAM. ACTION TAKEN: Resolution adopted and assigned number 2010-7-121.

12. RESOLUTION AUTHORIZING THE RENEWAL OF DELEGATION AGREEMENT WITH THE MINNESOTA DEPARTMENT OF HEALTH RELATING TO FOOD, BEVERAGE, LODGING, AND PUBLIC SWIMMING POOLS. ACTION TAKEN: Councilmember Pederson removed this item for discussion. He asked about turning this program back to the MN Department of Health as a cost saving measure for the City. Health Director Lisa Schreifels responded that the local program pays for itself and operates with the same rules as the state. She, along with Mayor Kleis and Community Development Director Matt Glaesman, concurred that having local control offers residents a prompt response time and provides for a better quality of service for our residents. Pederson/Berg moved approval of the resolution. The motion unanimously carried. The adopted resolution was assigned number 2010-7-122.

13. AN ORDINANCE AMENDING SECTION 440: FOOD ESTABLISHMENTS. ACTION TAKEN: A reading and public hearing was set for August 9, 2010. (Proposed Ordinance 2010-19.)

14. AN ORDINANCE AMENDING SECTION 441: LODGING ESTABLISHMENTS. ACTION TAKEN: A reading and public hearing was set for August 9, 2010. (Proposed Ordinance 2010-20.)

15. AN ORDINANCE AMENDING SECTION 470: SWIMMING POOLS, PUBLIC, STATE REGULATIONS ADOPTED BY REFERENCE. ACTION TAKEN: A reading and public hearing was set for August 9, 2010. (Proposed Ordinance 2010-21.)

16. APPROVAL OF CHANGE ORDER #6 FOR THE WATER TREATMENT FACILITY FILTER & CLARIFIER REHABILITATION PROJECT. ACTION TAKEN: Councilmember Hontos removed this item for discussion. He asked whether the rehabilitation project can stay within its allowed contingency budget. Public Services Director Pat Shea responded that the project is substantially complete and that only a few cleanup items possibly remain. Hontos/Libert moved approval of Change Order #6. The motion unanimously carried.

17. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING FROM C5, HIGHWAY COMMERCIAL, TO R2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT, PROPERTY LOCATED AT 17 19 ½ AVENUE SOUTH (REZ-2010-03) ACTION TAKEN: A reading and public hearing was set for August 9, 2010. (Proposed Ordinance 2010-22.)

18. ORDINANCE VACATING THE ENTIRE 33' WIDTH OF THE SHOLING DRIVE RIGHT-OF-WAY FROM COOPER AVENUE SOUTH EASTWARD, LOCATED ADJACENT TO LOT 1, BLOCK 1, SHOLING PLACE. (LOCATION: 4334 COOPER AVENUE SOUTH) (VAC-2010-02) ACTION TAKEN: A reading and public hearing was set for August 9, 2010. (Proposed Ordinance 2010-23.)

19. ORDINANCE VACATING THE 5' WIDE DRAINAGE AND UTILITY EASEMENT ALONG THE SOUTHERN PROPERTY LINE OF LOT 1, BLOCK 1, QUARRY WOODS 4TH ADDITION. (LOCATION: 3407 GRANITE WAY SOUTH) (VAC-2010-03) ACTION TAKEN: A reading and public hearing was set for August 9, 2010. (Proposed Ordinance 2010-24.)

20. DOWNTOWN STREET AND PARKING MODIFICATIONS ON 7TH AVENUE, CONTRACT 2010-14, S.A.P. 162-110-016: (A.) RESOLUTION ACCEPTING LOW BID FOR DOWNTOWN STREET AND PARKING MODIFICATIONS ON 7TH AVENUE, CONTRACT 2010-14, S.A.P. 162-110-016. (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 2010-14. ACTION TAKEN: Resolutions adopted and assigned numbers 2010-7-123 and 2010-7-124 respectively.

21. 33RD AVENUE NORTH SIDEWALK IMPROVEMENTS, CONTRACT 2010-04: (A.) RESOLUTION ACCEPTING LOW BID FOR 33RD AVENUE NORTH SIDEWALK IMPROVEMENTS, CONTRACT 2010-04. (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 2010-04. ACTION TAKEN: Resolutions adopted and assigned numbers 2010-7-125 and 2010-7-126 respectively.

22. REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION FOR PHASE 3 OF THE SEWER INTERCEPTOR SYSTEM REHABILITATION PROJECT. ACTION TAKEN: Approved.

23. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR AUGUST 9, 2010, TO CONSIDER 33RD AVENUE SOUTH SIDEWALK IMPROVEMENTS. ACTION TAKEN: Resolution adopted and assigned number 2010-7-127.

24. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR AUGUST 9, 2010, TO CONSIDER PEDESTRIAN BLINKER SIGNS.** ACTION TAKEN: Resolution adopted and assigned number 2010-7-128.

25. **SIZZLING SUMMER ART CRAWL: (A.) REQUEST FROM THE DOWNTOWN COUNCIL TO CLOSE PORTIONS OF 8TH AVENUE NORTH AND COURTHOUSE SQUARE FOR THE SIZZLING SUMMER ART CRAWL ON AUGUST 13, 2010; and (B.) APPLICATION FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR THE DOWNTOWN COUNCIL TO BE USED IN CONJUNCTION WITH THE SIZZLING SUMMER ART CRAWL ON AUGUST 13, 2010, FROM 5 PM TO 9 PM.** ACTION TAKEN: Approved both requests.

26. **AUTHORIZATION ALLOWING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NUMBER 1 TO GRANT AGREEMENT NO. 92851 BETWEEN MN DOT AERONAUTICS AND THE CITY OF ST. CLOUD RELATED TO THE TERMINAL BUILDING EXPANSION PROJECT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Libert removed this item for separate discussion. Airport Director Bill Towle responded to questions regarding the use of local sales tax for this project. After discussion, Libert/Masters moved approval of Amendment No. 1 to Grant Agreement No. 92851 between MnDOT Aeronautics and the City of St. Cloud. The motion unanimously carried.

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

27. **APPLICATION FOR AN ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSE FOR KAM INTERNATIONAL, INC., (JAGJIT SINGH) DBA STAR OF INDIA, 2812 WEST DIVISION STREET.** City Clerk Gregg Engdahl gave a brief overview of the application request for an on-sale 3.2 percent malt liquor and wine license for a new restaurant called "Star of India" to be located at 2812 West Division Street. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Councilmember Berg asked the applicant, Karamjit Sidler, 13755 Wellstead, Rogers, MN, to speak to his previous experience with food/liquor service. Mr. Sidler stated that he has owned and operated one other food and liquor establishment. Garven/Berg moved approval of the application contingent upon favorable reviews from the Health and Building Safety departments. The motion unanimously carried.

28. **APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING, SPECIAL SUNDAY AND SEASONAL OUTDOOR SALES LIQUOR LICENSE**

GREEN MILL RESTAURANT AND BAR TO GM ST. CLOUD VENTURES, LLC. DBA GREEN MILL RESTAURANT AND BAR, 100 4TH AVENUE SOUTH.

City Clerk Gregg Engdahl gave a brief overview on a request to transfer the liquor license for the Green Mill effective on August 2, 2010. Council President Johnson opened the public hearing. No one spoke. The public hearing was closed. Masters/Libert moved approval of the request contingent upon receipt of a copy of the lease agreement for the liquor service area between the Sterling St. Cloud Ventures and GM St. Cloud Ventures. The motion unanimously carried.

OLD BUSINESS:

29. **REQUEST TO DISPOSE OF SURPLUS LAND ALONG THE NORTH SIDE OF 1ST STREET SOUTH.** City Engineer Steve Foss gave a brief overview of the request. He explained that the Council approved the sale of the surplus land to the adjoining property owners December 21, 2009. The portion of the parcel that lies more than 12 feet from the back of the curb is considered surplus, and Mahowald Properties, LLC, is offering to purchase the 1,368 sq.ft. for a cost of \$14,000.00. Berg/Garven moved approval of the sale. The motion unanimously carried.

NEW BUSINESS:

30. 2010 SEAL COAT IMPROVEMENTS, CONTRACT 2010-16, S.A.P. 162-030-04 (A.) RESOLUTION ACCEPTING LOW BID FOR 2010 SEAL COAT IMPROVEMENTS, CONTRACT 2010-16, S.A.P. 162-030-04.; and (B.) A 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 16, S.A.P. 162-030-04. City Engineer Steve Foss gave a brief update on the bid process that took place on Friday, July 23, 2010. Two bids were received with a low bid submitted by Caldwell Asphalt Co, Inc. of Hawick, MN, coming in at seven percent under the final Engineer's estimate. It was moved by Hontos/Garven to accept the low bid of \$76,829.52 from Caldwell Asphalt Co. and to declare the City's official intent to reimburse certain expenditures from the proceeds of bonds, Contract 2010 16, S.A.P.

162-030-04. The motion unanimously carried. The adopted resolutions were assigned numbers 2010-7-129 and 2010-7-130 respectively.

31. **REQUEST FOR COMBINED TIME-LIMIT PARKING AND RESIDENT PARKING-BY-PERMIT ZONE ALONG BOTH SIDES OF 12TH AVENUE NORTH BETWEEN 2ND AND 3RD STREET NORTH.** City Engineer Steve Foss gave a brief overview of the request to establish time-limit parking and resident parking-by-permit zone. The parking restrictions would include signage indicating “2-hour Parking - 8 A.M. – 5 P.M. - Except by Permit.” The petition was signed by 9 out of 13 affected property owners and submitted to Engineering at the end of June. Garven/Masters moved to set a public hearing for August 9, 2010, on this request. City Engineer Foss confirmed that a written notification of the public hearing would be sent to all 13 affected property owners. The motion unanimously carried.

OPEN DISCUSSION & ANNOUNCEMENTS:

City Council President Johnson announced that there is no scheduled City Council meeting on Monday, August 2, 2010. The August Council meeting schedule is as follows:

- August 2 - NO MEETING
- August 9 - Council Meeting, Chambers, 6 p.m.
- August 16 - Governmental Fund Budget Meeting, CR#1, 4:30 p.m.
- August 16 - Study Session, CR#1, 6 p.m.
- August 18 - Governmental Fund Budget Meeting, CR#1, 4:30 p.m.
- August 23 - Governmental Fund Budget Meeting, CR#1, 4:30 p.m.
- August 23 - Council Meeting, Chambers, 6 p.m.
- August 25 - Governmental Fund Budget Meeting, CR#1, 4:30 p.m.
- August 30 - NO MEETING

ADJOURNMENT:

There being no further business to discuss, the meeting was adjourned at 6:41 p.m.

City Council President Bob Johnson

Respectfully submitted by

Sandy Hilsgen
Recording Secretary