

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

SEPTEMBER 11, 2017

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 11, 2017 at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present: Johnson, Hontos, Laraway, Lewis, Libert and Masters.
Councilmember Absent: Goerger

Consent Agenda:

4. **Approval of agenda.** Action Taken: Approved.
5. **Approval of August 7, 2017 and August 21, 2017 Council Meeting Minutes.**
Action Taken: Approved.
6. **Request for Approval of Special Tax Levy for the St. Cloud HRA.** Action Taken: Approved. Resolution adopted and assigned. 2017-9-153.
7. **Resolution Adopting the 2018 Special Levy and Budget for the Economic Development Authority (EDA)** Action Taken: Approved. Resolution adopted and assigned. 2017-9-154.
8. **Resolution accepting a grant funded by the US/DOT National Highway Traffic Safety Administration through the Department of Public Safety's Office of Traffic Safety for a project entitled "DUI Enforcement Officer" during the period of October 1, 2017 through September 30, 2019.** Action Taken: Council President Carol Lewis pulled this item for further discussion. It was moved by Council President Lewis, seconded by Councilmember Masters to approve. Council President Lewis' initial question is if we have any match on the grant and once it is over, do we lose the officer? City Administrator Matthew Staehling addressed the questions stating that this is an annual process and every year the city receives a grant specifically for DUI enforcement. The state has renewed this grant annually over the past several years. Motion passed unanimously. Approved. Resolution adopted and assigned. 2017-9-155.
9. **Resolution Authorizing the Mayor and City Clerk to enter into Agreement Amendment #2 between the City of St. Cloud and the State of MN, Department of Military Affairs, Related to the Lease at the St. Cloud Regional Airport.** Action Taken: Councilmember Johnson pulled the item for further discussion. It was moved by Councilmember Johnson, seconded by Councilmember Laraway to approve. Councilmember Johnson inquired on if the city had to go through DNR approval for impact to natural area. Airport Director Bill Towle indicated that additional approval is not needed as the approval obtained in 2005 is sufficient. Motion passed unanimously. Approved. Resolution adopted and assigned. 2017-9-156.

10. Resolution Declaring the City's Intent to Accept the Federal Aviation

Administration (FAA) Grant Award for FY2017 Action Taken: Councilmember Johnson pulled this item for further discussion. It was moved by Councilmember Johnson, seconded by Councilmember Masters for approval. Councilmember Johnson questioned on if there is some overlap in items 10 and 11. The Taxilane Pavement Rehabilitation Project. Item 10 is a preapproval of the FAA Grant. Item 11 is an item within the Grant – a contract for the Taxilane Pavement Rehabilitation Project. Approved. Resolution adopted and assigned. 2017-9-157.

11. Authorize the Mayor and City Clerk to enter into a construction agreement with Hardrives, Inc., related to the Taxilane Pavement Rehabilitation Project at the St. Cloud Regional Airport. Action Taken: Approved.

12. Resolution authorizing the renewal of the City's property, casualty, automobile and workers' compensation insurance program for the period of October 1, 2017 to September 30, 2018. Action Taken: Councilmember Laraway pulled this item for further discussion. It was moved by Councilmember Laraway, seconded by Councilmember Libert to approve. Councilmember Laraway requested clarification on the increase in the premium of \$45,000 (\$39,000 increase due to increase in property value of city properties). Bob Mohowald clarified that the increase of \$39,000 is due to a number of factors – the library fire, the rating basis, as well as property value). Councilmember Laraway commented on the volunteer accident insurance as a good addition to the policy. Councilmember Laraway requested clarification on the equipment breakdown coverage and equipment tied into property values. Mahowald clarified stating that the equipment coverage was previously called boiler/machine coverage and that the largest exposure the city has to equipment breakdown is the hydroelectric plant. Covers all the mechanical systems in the facilities. Increased due to increase in values of property. Councilmember Hontos inquired on the liquor premiums for the MAC and Paramount. Mahowald indicated that it is the premiums for the Dram Shop liability. Councilmember Hontos also inquired on the Wellness Program. Participation is a bit low for the city of St. Cloud. Ideas in increasing this participation. Mohowald explained that 20% of the employees use 80% of the insurance. Focus is on the 80% to utilizing the Wellness Program. Motion passed unanimously. Approved. Resolution adopted and assigned. 2017-9-158.

13. Application for a temporary on-sale intoxicating liquor license for the Paramount center for the Arts in regards to a fundraiser to be held on September 29 entitled "Autumn Moon." Action Taken: Approved.

14. Application for a temporary on-sale liquor license for a Whitney Senior Center fundraiser on October 12, 2017. Action Taken: Approved.

15. Application for a temporary on-sale intoxicating liquor license for St. Cloud Pride for an event to be held at Lake George on Saturday, September 16, 2017. Action Taken: Approved.

16. Application for a special events permit for the 2017 Takin' It To The Streets event to be held on September 16, 2017 on 5th Avenue, downtown St. Cloud. Action Taken: Approved.

17. Resolution authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with St. Cloud Firefighters Association, Local 1712. Action Taken: Approved. Resolution adopted and assigned. 2017-9-159.

18. Resolution Establishing the Policy for Granting Credits Against Special Assessments to Low Income Property Owners for 2018 Improvements. Action Taken: Councilmember Masters pulled this item for further discussion. It was moved by Councilmember Masters, seconded by Councilmember Johnson to approve. Councilmember Masters questioned the stipulations to qualify, specifically on the requirements for applying for the program. Is there only a ten-day window in which applicants can apply; and what information do we provide to these homeowners to determine eligibility? City Engineer Steve Foss addressed the question stating that there are two separate times information is provided: 1) time at the initial public hearing ordering the improvements (approximately a year in advance); and 2) at the public hearing adopting the assessment role. Councilmember Masters commented on the program and wanted to make certain Public was made aware of opportunities. Annual adjustment to earnings made for this year. Available online. Accounting Supervisor Deanna Fah explained that the Finance Department asks the homeowners to set up a meeting with finance to discuss and complete the application. Motion unanimously approved. Resolution adopted and assigned. 2017-9-160.

Open Forum:

Mark Busche, 1738 Maple Lane, St. Cloud, MN 56304 – Mark discussed Refugee Resettlement. Questioning if the council is excluding citizens outside St. Cloud merely because of their input regarding refugee resettlement.

Public Hearings:

19. Public Hearing to Consider Certification of Delinquent Tree Removal Charges to the Counties for Collection with Taxes Payable in 2018. Action Taken: Park & Recreation Director Scott Zlotnik introduced this item addressing only three properties with delinquent tree removal assessments. Two are working with the department with consideration to the matter, one property has been condemned and due diligence has been provided. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Motion passed unanimously. Resolution adopted and assigned 2017-9-161.

20. Public Hearing to Consider Certification of Delinquent Snow Removal Charges to the Counties for Collection with Taxes Payable in 2018. Action Taken: City Engineer Steve Foss introduced this item addressing five properties. One property has settled their account; the other four properties remain outstanding with total assessments equal to \$560. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Libert to approve. Motion passed unanimously. Resolution adopted and assigned 2017-9-162.

21. Public Hearing to Consider Certification of Delinquent Administrative Citation Charges to the Counties for Collection with Taxes Payable in 2018. Action Taken: Health Director Lisa Schreifels introduced this item addressing outstanding administrative charges that are property related. 153 accounts remain outstanding with total assessments of \$106,772.50. Council President Lewis opened the Public Hearing.

Jason Ehlert, 912 13th Ave S, St Cloud, MN 56301 – dog waste citation. Notice received and dog waste cleaned up. Process was confusing and the fines unclear.

Chris Hubby, 1811 Clearwater Rd, St Cloud, MN 56301 – property owner at 1408 10th Ave S, St. Cloud, MN 56301. Daughter and three grandchildren live at the 1408 property. Letters not received. Thought that the matter was taken care of. Unclear process.

Delori Bonjol, 1522 9th Ave N, St. Cloud, MN 56303 – unpaid citation received for property that was previously a rental. Purchased property with no intention to rent. Received a fine for unlicensed rental for a home that was no longer a rental.

Thomas Garrison, 1515 Washington Memorial Drive, St. Cloud, MN 56303 – unpaid citation received for lack of maintenance on home. Improvements needed but special circumstances do not allow him to move forward with those improvements. Would like to speak with someone outside the hearing regarding the assessments.

Wendy Nelson, 1052 34th Ave N, St. Cloud, MN 56303 – unpaid citation for wood and items in yard that need to be cleared up. Initial letter not received. Service Master arrived to pick up the wood and she was unaware of what was going on. Did not get an opportunity to set an appeal. Unclear process.

Council President Lewis closed the Public Hearing. City Administrator Matthew Staehling recommended the item be tabled to address each issue. It was moved by Councilmember Libert, seconded by Councilmember Laraway to table the item. Motion passed unanimously. Item tabled.

22. Public Hearing to Consider Certification of Delinquent Weed Removal/Grass Mowing Charges to the Counties for Collection with Taxes Payable in 2018. Action Taken: Health Director Lisa Schreifels introduced this item addressing unpaid moving charges. Pass through charges and administrative charges assessed. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Councilmember Masters inquired on the Fairways Investors properties and if they are considered rental properties. Schreifels stated that they are not rental properties, but rather undeveloped land. Inquired on if the properties were cut only one time. Schreifels confirmed that the majority were cut once. Councilmember Hontos inquired on the fees and questioned to increase fees to make the consideration of the city mowing the property less appealing and more expensive. City Administrator Matthew Staehling addressed Councilmember Hontos' question stating that the city has the ability to charge for the service as well as administrative time. We need to keep the fee close to the cost. The city can increase fees on the administrative citation side and can also assess abatement charge and civil penalty charges. Councilmember Hontos still concerned that Fairway Investors may feel the city is providing "cheap service." Schreifels indicated that long grass currently not considered an administrative violation. As of this past summer, charges can be assessed only if the property is a rental property. A discussion at a study session may be warranted as progressive charges should be discussed. Motion passed unanimously. Resolution adopted and assigned 2017-9-163.

23. Public Hearing to Consider Certification of Delinquent Nuisance Abatement Charges to the Counties for Collection with Taxes Payable in 2018. Action Taken: Health Director Lisa Schreifels introduced this item addressing properties that require abatement clean up. The list provided is the actual charge for the cleanup, not the administrative fines. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Johnson to approve. Motion passed unanimously. Resolution adopted and assigned 2017-9-164.

24. Public hearing to consider Certification of Delinquent Water, Sewer and Refuse accounts to the Counties for collection with taxes payable in 2018. Action Taken: Accounting Supervisor Deanna Fah introduced this item addressing properties that require abatement clean up. The list provided is the actual charge for the cleanup. The administrative fines are separate. Currently there are 596 accounts totaling \$466,224.00. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Johnson to approve. Councilmember Hontos discussed cutoff dates. The cutoff date for utility bills is July 1st. Administrative citations is August 1st. Motion passed unanimously. Resolution adopted and assigned 2017-9-165.

25. Application for an on-sale 3.2 percent malt liquor license and wine license for JJ Garden, LLC dba JJ Garden, 2104 8th Street North. Action Taken: City Clerk Seth Kauffman introduced this item addressing. Recommend approval. Council President Lewis opened the Public Hearing.

Sheng Cho Dong, 2104 8th St N, St. Cloud, MN 56303 – 100% owner.

Council President Lewis closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Johnson to approve. Motion passed unanimously. Approved.

26. Resolution Adopting the Preliminary Tax Levy and Budget for the 2018 Governmental Funds. Action Taken: Mayor Dave Kleis introduced this item as the Preliminary Levy Public Hearing. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Libert to approve. Motion passed unanimously. Resolution adopted and assigned 2017-9-166.

27. Public Hearing to Consider Resolution Adopting Special Assessment Roll 2 for 2016 Public Improvements. Action Taken: City Engineer Steve Foss introduced this item addressing Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Libert, seconded by Councilmember Laraway to approve. Motion passed unanimously. Resolution adopted and assigned 2017-9-167.

28. A. Ordinance rezoning 3305 Cooper Avenue South from R4, Townhouse Residential District to Planned Unit Development (PUD). (REZ-2017-08).

B. Resolution adopting the Savannah Ridge Planned Unit Development (PUD) General Development Plan.

Action Taken: Community Development Director Matt Glaesman introduced this item addressing commercial development on the southwest quadrant of 33rd Street South and

Cooper Ave. Planning Commission recommended approval. Before council tonight is the site plan and details associated with it. Open for a tabling action or proceed directly to action. Item A requires super majority vote. Council President Lewis opened the Public Hearing.

Brian Uhlenkamp, 3550 Wildflower Rd, St. Cloud, MN 56301 – Concerns regarding traffic flow, traffic safety & neighborhood appeal. Lives in Deer Creek East neighborhood. Submitted an email to Council. Disappointed with planning meeting and neighborhood meeting with developer. Access point is unclear. 33rd should be used, not Cooper Ave. Another item is the concern about the amount of anticipated traffic. Misleading information provided.

Mike Banks, 3714 Deer Creek Trail, St. Cloud, MN 56301 – President of the Deer Creek Homeowner’s Association. Concerns about traffic and appearance. Plan presented tonight is not the plan approved by the Planning Commission. Information requested on August 8th and not provided until Thursday, September 7th. Parking lot should be reduced to 56 spots, not 76. Commercial property surrounded by residential. Would like a buffer added between the property and the wetlands. Requested the item be tabled.

Glen Chalupsky, 2213 Heritage Dr, St. Cloud, MN 56301 – R1 to R2 in 2005 and assured at that time that the property would remain zoned for townhomes. Property purchased in area because of no commercial development. Commercial office in the area does not add to the aesthetic and value of homes. They do not belong in this area. Undeveloped area east of this location that is already zoned commercial.

Bill Schnettler, 2502 Serenity Drive, St. Cloud, MN 56301 – The City was encouraged to zone property R4 in 2005. Property already stood out at higher density than everything around it. If project scaled down to allow buffering, and allows screening to be created. Issue with the scale of the project and how much is being “crammed on to it.” Surrounding neighbors should be allowed to provide significant information in landscaping.

Ed Schnettler, Developer of Deer Creek Crossing – When property sold there was no discussion of rezoning the property.

Mike Stine – Deer Creek East – not opposed to commercial project. Just feels the scale is too large.

Wendy Hulsebus/Doug Boser, Inventure Properties, LLC – Developer of property. Addressing concerns brought forward by neighborhood. Requested that the letters and communications to council be forwarded to them for review.

Council President Lewis closed the Public Hearing. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve. Councilmember Hontos addressed the right in and right out and why 33rd is not an option. After looking at other commercial properties, this would not be the first time a right in and right out occurs on 33rd. Uncomfortable with what is presented in the packet and would like rational to why right in and right out is not supported by staff. Also, why is the proposed parking lot so large? Developer needs to address neighborhood concerns prior to

approval. Supports tabling the matter. Councilmember Masters questioned Glaesman regarding the original plan brought to Planning Commission. Original plan included an addition to the building not shown in the meeting this evening. Glaesman indicates the deadline will need to be extended as September 12, 2017 is the 60-day deadline. Supports tabling the matter. Councilmember Johnson confirmed access to property and questioned why it was so close to round-about on Cooper. Right only on Cooper would require people to potentially turn around in driveways. Supports access via 33rd. Councilmember Hontos brought another point that the intersection is all residential. Deserves sensitivity to the residential area. Downsizing may be appropriate. Need to quiet the project down. Not against the project, just the size of it. Council President Lewis remarked that corners are spots for commercial, as people would rather not live on the corner. Also confirmed that Cooper is a two-lane road, not four lane. The Council has an obligation to table the item. It was moved by Councilmember Libert, seconded by Councilmember Laraway to table the item. Motion passed unanimously.

29. Resolution Approving the City of St. Cloud Community Development Block Grant Program Year 2016 Consolidated Housing and Community Development Annual Evaluation Report (CAPER). Action Taken: Community Development Director Matt Glaesman introduced CAPER, offering information on how the prior used funds were utilized. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Hontos to approve. Councilmember Hontos questioned the goals and outcomes. Would like clarification on neighborhood core enforcement. Glaesman clarified that the numbers are the targets they had. Council President Lewis questioned CAPER and the process of reporting on how the City spent the grant money. Motion passed unanimously. Resolution adopted and assigned 2017-9-168.

30. A. Ordinance rezoning 1048 33rd Street South and 3351 Roosevelt Road from PUD #69 to C5, Highway Commercial District and from C5, Highway Commercial District to PUD #69. (REZ-2017-09)

B. Ordinance vacating drainage and utility easements located along the common boundary of Lot 2, Block 2, Zinken Addition and Outlot A, Plum Creek Square. (Location: 1048 33rd Street South and 3351 Roosevelt Road) (VAC-2017- 12)

C. Final Plat of Plum Creek Square Plat 2.

Action Taken: Community Development Director Matt Glaesman introduced this item. Land swap occurring two adjacent property owners. Staff does not have authority to rezone property. Abnormal property line currently and two property owners agreed to straighten the line. Straightforward item. Council President Lewis opened the Public Hearing. No one spoke.

David Forshay, Developer of 1048 33rd St S – intention is to create land swap to improve building. Allows the opportunity to make the back of the building now the front of the building. Improving the property and the PUD.

Council President Lewis closed the Public Hearing. It was moved by Councilmember Hontos, seconded by Councilmember Johnson to approve Item A. Motion passed unanimously.

Ordinance adopted and assigned 2723.

It was moved by Councilmember Laraway, seconded by Councilmember Libert to approve Item B. Motion passed unanimously. Ordinance adopted and assigned 2724.

It was moved by Councilmember Masters, seconded by Councilmember Hontos to approve Item C. Councilmember Masters commented on the improvements. Inquired on the purpose of the building. Building is vacant. Intent to be Forshay office space and added showroom. Councilmember Hontos had same inquiry on the purpose of the building. Motion passed unanimously.

Open Discussion & Announcements:

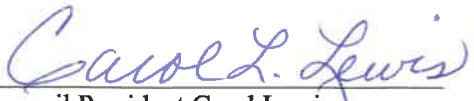
Councilmember Johnson brought up a legal opinion regarding the Refugee Act of 1980 and thanked staff for responding in a timely matter. Two arguments developed: Staff is correct that mandates not created on local governments. However, we still have a responsibility. There is some expectation of local governments, although not a mandate. Lutheran Social Services having quarterly meetings and council has been invited to “the dance.” Requested regular involvement by council. We need to be educated on the capacity of 225. Proposing that a councilmember attend quarterly meetings held by Lutheran Social Services. Propose a motion to add one councilmember to attend meetings. Councilmember Hontos seconded the motion to discuss. Should not take lightly the list of committees in which councilmembers participate. Support that Local governments should be involved and although not comfortable with putting it on as a committee. Rather, Councilmember Johnson should just volunteer to attend the meetings. The Council should be talking about the issue as it has a significant impact on the community. Why the council can’t talk about it is surprising. Putting it on as a formal committee is not where the council should go with this. Councilmember Masters questioned if the meetings can be attended freely and openly. Councilmember Johnson commented that the meeting is invite only. Concern of open meeting laws. City Administrator Matthew Staehling indicated that Council may attend to receive information only. Councilmember Masters not in favor of specifically designating someone to attend the meetings. All Councilmembers should be provided an opportunity to attend. Councilmember Johnson does not want nothing to happen. Council needs to “get off home plate.” To go nowhere for 12 months is problematic. Councilmember Masters inquired on if the minutes of the meetings are public information. City Administrator Matthew Staehling indicated that LSS is a private agency, not a public agency. Not required to publicize the minutes. Councilmember Masters asked Staehling that if a representative attends the meetings, will it be perceived that that is the viewpoint of the entire council. Is there a conflict of interest from the city’s point of view? Staehling does not see it as a conflict of interest. Councilmember Masters requested that the council be made aware of times and locations of the meetings and given the opportunity to attend if a member decides to do so. Motion failed 1-5.

Councilmember Johnson commented on Governor Dayton’s action on legislative funding and his line item veto. Is it possible for the legislative to overwrite a veto? Mayor Dave Kleis indicated that the Minnesota Supreme Court held that Governor has the authority to veto and direct mediation. Final say is the Minnesota Supreme Court. Vetos can be overwritten. Legislature session will be required to move the item forward and for mediation to occur. Councilmember Johnson inquired on if this has precedence in local governments. Mayor Kleis indicated that city operates a bit differently. Court has ruled the Governor has the authority to line item. Under the City’s charter, the Council has a great authority.

Councilmember Masters remarked on the September 5th Joint Cities Meeting in St. Augusta and a presentation from Tobacco 21 regarding an ordinance restricting sale to age 21 versus 18. Five states have currently adopted the Tobacco 21 law statewide started at a grassroots level prior to bringing to state level. Councilmember Masters sees a need for such an ordinance and would like the Council to move forward with the item. Requested administration to research and draft an ordinance that would be applicable for the city of St. Cloud. Would also like to ask area cities to join in on this endeavor. Need to help regulate tobacco use in our society. It was moved by Councilmember Masters to request administration to prepare an ordinance restricting the age in which a person can purchase tobacco to age 21, seconded by Councilmember Laraway seconded the motion. Councilmember Hontos requested clarification on the motion. Councilmember Johnson believes that the Council is getting way ahead of themselves. Mixed feelings about the issue. The city needs to think this through before proceeding. Councilmember Masters responded to Councilmember Johnson's comments, reiterating that other states also started at a grassroots level and that he would feel good about helping young people. He supports the change. Motion passed 4-2.

ADJOURNMENT:

There being no one else to speak, Council President Lewis adjourned the meeting at 8:35PM.


Council President Carol Lewis

Respectfully submitted by


Seth Kauffman
Recording Council Secretary