

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

SEPTEMBER 25, 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 25, 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, Masters, and Goerger.
4. **Presentation of the 2017 St. Cloud GREATER Photo Contest Awards.**
5. **Presentation of September's Neighbor of the Month**

### Consent Agenda:

6. **Approval of agenda.** Action Taken: Approved.
7. **Mayor Kleis' appointment of Frank Osga to the Board of Examiners for Heating Installers with a term to commence immediately and expire on March 1, 2020. Mayor Kleis' appointment of Justin Tadych to the Park and Recreation Board with a term to commence immediately and expire on June 30, 2020.** Action Taken: Approved.
8. **An Ordinance Amending Section 424 of the 2007 Code of Ordinances for the City of St. Cloud Entitled "Tobacco"** Action Taken: Councilmember Libert pulled this item for further discussion upon the request of City Administrator Matthew Staehling in order to allow for the 30-day notice requirement. Councilmember Libert requests the Public Hearing be moved to October 23, 2017. It was moved by Councilmember Libert, seconded by Councilmember Goerger to approve. Councilmember Masters requested a Study Session to be set prior to bringing the item back to Council for approval. Councilmember Masters also inquired on if all members of Council will be present at the October 23, 2017 Council Meeting. Council President Lewis indicated that if a Study Session set, the item will be brought back to Council in November. City Administrator Matthew Staehling commented on the changes made to the ordinance, utilizing the existing ordinance and incorporating parts of the city of Edina's ordinance approved earlier this year. With respect to scheduling the Public Hearing, Staehling recommends moving it to a later meeting. Council President Lewis requests that any changes to ordinances be brought to Study Session first prior to Public Hearing. Council President Lewis agrees with Councilmember Masters that a Study Session should be set. It was moved by Councilmember Libert to table the item until after Study Session. Councilmember Libert withdrew his motion. It was moved by Councilmember Hontos, seconded by Councilmember Laraway to schedule a study session in October and bring the item back to Council in November. Councilmember Masters requested that administration determine where the other area cities are at with regard to moving forward with potential change to ordinance. Motion passed 6-1 with Councilmember Goerger opposing.
9. **Application for a temporary on-sale intoxicating liquor license for St. Cloud Youth**

**Hockey for “Hockey Day MN” January 19-20. Action Taken: Approved.**

**10. Application for temporary on-sale intoxicating liquor license from St. Cloud Technical & Community College Foundation for an event to be held on October 26, 2017 entitled “Brewlash.” Action Taken: Approved.**

**11. Application for a temporary on-sale intoxicating liquor license for an event that will be held on October 21 for a Craft Beer Tasting Action Taken: Approved.**

**12. Application for a temporary on-sale intoxicating liquor license for the SCSU Foundation for the Atwood 50<sup>th</sup> Celebration on November 4, 2017. Action Taken: Approved.**

**13. Application for transfer of an on-sale intoxicating liquor license with Sunday sales from White Horse St. Germain Inc. dba The White Horse, to White Hourse St. Germain Inc. dba The White Horse, 809 W. St. Germain St. Action Taken: Approved.**

**14. Resolution authorizing the Mayor and City Clerk to enter into an Airport Improvement agreement with the Minnesota Department of Transportation’s Office of Aeronautics. Action Taken: Approved. Resolution adopted and assigned. 2017-9-169.**

**15. Resolution authorizing an agreement with the MN Department of Public Safety for the provision of Chemical Assessment Team services by the Hazardous Materials Response Team of the St. Cloud Fire Department. Action Taken: Approved. Resolution adopted and assigned. 2017-9-170.**

**16. Resolution regarding the support of a Job Creation Fund Application in Connection with Geringhoff Manufacturing, LLC Project. Action Taken: Approved. Resolution adopted and assigned. 2017-9-171.**

**17. Resolution setting December 4, 2017 for the Public Hearing on the Final 2018 Governmental Funds Budget and Tax Levy. Action Taken: Approved. Resolution adopted and assigned. 2017-9-172.**

**18. Resolution Authorizing Issuance and Sale of \$3,565,000 General Obligation Street Reconstruction Bonds, Series 2017A. Action Taken: Approved. Resolution adopted and assigned. 2017-9-173.**

**19. Resolution Authorizing Issuance and Sale of \$3,230,000 General Obligation Parking Revenue Refunding Bonds, Series 2017B Action Taken: Approved. Resolution adopted and assigned. 2017-9-174.**

**20. Resolution Authorizing Issuance and Sale of \$21,270,000 General Obligation Public Safety Facilities Refunding Bonds, Series 2016C. Action Taken: Approved. Resolution adopted and assigned. 2017-9-175.**

**21. An Ordinance Granting Stearns Cooperative Electric Association an Electric Franchise to Furnish Electric Energy to the City of St. Cloud. Action Taken: Public Hearing set for October 9, 2017.**

**22. An Ordinance Granting East Central Energy an Electric Franchise to Furnish Electric**

**Energy to the City of St. Cloud.** Action Taken: Public Hearing set for October 9, 2017.

**23. An Ordinance Implementing an Electric Service Franchise Fee on East Central Energy for Providing Electric Service within the City of St. Cloud.** Action Taken: Public Hearing set for October 9, 2017.

**24. An Ordinance Implementing an Electric Service Franchise Fee on Stearns Cooperative Electric Association for Providing Electric Service within the City of St. Cloud.** Action Taken: Public Hearing set for October 9, 2017.

**25. Resolution Receiving City Engineer's Report and Setting a Public Hearing for October 9, 2017, to Consider Central Park and Pan Addition Neighborhood Improvements.** Action Taken: Resolution adopted and assigned. 2017-9-176. Public Hearing set for October 9, 2017.

**26. Public Utilities Equipment Purchase – Finished Water High Service Pump.** Action Taken: Approved.

**27. Roof Repair Project at the Hydroelectric Generation Facility.** Action Taken: Councilmember Laraway pulled item for further discussion. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Councilmember Laraway inquired on the two bids received. One for approximately \$139,000 and one for approximately \$189,000 – why is the city accepting the higher bid? Public Services Director Pat Shea indicated that more than half of the expense of the project is related to materials and the lower bid included incorrect materials. They were offered an opportunity to correct and they declined. Recommendation to accept \$189,000. Motion passed unanimously. Approved.

#### **Open Forum:**

**John Palmer, 832 Halladay Rd, St. Cloud, MN 56301** – John discussed concerns about the Open Forum restrictions and the perception associated with it. Process not consistent with the spirit of this state and this country.

**Cynthia Buhs, 2413 Veterans Dr, St. Cloud, MN 56303** – Cynthia discussed a concern regarding early dissolution of the community gardens. Requesting the allotted growing season be extended to at least October 15, if not October 30, 2017.

**Debbie Anderson, Minneapolis, MN** – in response to July 10 presentation regarding Refugee Resettlement Program and information requested. No response received as of yet.

**Public Hearings:** None

#### **Old Business:**

**28. A. Ordinance rezoning 3305 Cooper Avenue South from R4, Townhouse Residential District to Planned Unit Development (PUD). (REZ-2017-08).** Action Taken: Community Director Matt Glaesman introduced item to council stating that it comes before council after two public hearings and a number of neighborhood meetings. It was moved by Councilmember Johnson, seconded by Councilmember Laraway to table until October 9<sup>th</sup>. Councilmember Libert inquired on if tabling the item will result in any additional changes. Motion failed. It was moved by Councilmember Goerger, seconded by Councilmember Masters to approve Item A.

Councilmember Libert again inquired on reasonable negotiations. Glaesman responded stating that a number of discussions have been held and that there is not much more room for compromise. Councilmember Hontos inquired on the timing of approval. Application submitted July 17, 2017. 60 days to act, can extend another 60 days. Extended. Deadline is November 16, 2017. Councilmember Hontos inquired on impact to applicant as he requested tabling the item. Glaesman advised that the applicant agreed to table item, not extending the 60 days. Councilmember Hontos inquired on the right in, right out on 33<sup>rd</sup> and why staff has a right to remove. Why is the location being proposed so close to the roundabout? Glaesman addressed concerns, bringing the issue of aesthetic qualities. Not in a position to change site plan at this time. Doug Boser, Inventure Properties, addressed right in and right out and felt it was the most prudent spot because of slow down of traffic. Lined up perfect with approaching roadway. Per discussion earlier same day, neighborhood in agreement. Councilmember Hontos inquired on buffering. Boser indicated that the buffering will be restored to native wetlands. Glaesman added that the requirement for the natural ground cover is part of the wetlands management. Councilmember Masters inquired on additional projects that could be constructed on this site if this project does not move forward. Glaesman indicated that there are various options with a max height of approximately three stories. Councilmember Masters inquired on if the wetlands to the southeast are designated wetland and will remain a wetland? Glaesman confirmed that it is protected. Councilmember Masters inquired on how close the site is to nearest residential home. Glaesman indicated that the nearest residences to the east and north are approximately 220 feet and 300 feet away respectively. Councilmember Masters inquired from Boser on what type of trees will be planted. Boser indicated that neighbors will be given full opportunity to discuss landscape. No concern over the issue. Blend of various items which may include year round evergreen foliage. Councilmember Johnson inquired on if a permit was obtained, or will be obtained, from DNR prior to moving forward. Glaesman confirmed the Wetland delineation process completed prior to construction. Councilmember Johnson concerned about wetlands. Councilmember Laraway would like the residents and Boser to meet and discuss. There is a considerable amount of density between buildings and asphalt and not much buffer. This is a concern. No changes from prior proposal except for 33<sup>rd</sup> street egress. Not comfortable with language allowing city to potentially close egress at a future date. Should not take this change lightly. Councilmember Goerger commented on delineation on property. Choosing to take language back out, can be opened back up in the future. Councilmember Goerger asked City Engineer Steve Foss regarding two emails received from concerned residents. Foss has not received emails. Councilmember Goerger is very supportive of the project. Councilmember Johnson inquired on motion to table submitted on September 11, 2017 without a date specified. Council President Lewis appreciates this project rather than something even more extensive and less appealing. Supportive of this project. Requests that developers speak with neighborhood prior to bringing proposals to council. This was not shepherded well. Councilmember Hontos requested that the neighbors be able to speak again as a courtesy. Councilmember Johnson requested to allow the neighbors to speak. Councilmember Libert inquired from the audience if anyone would like to speak about the meeting held same day.

**Mike Bengston, 3417 Deer Creek Trail, St. Cloud, MN 56301** - President of the Deer Creek Crossing Association. Introduced what was discussed at the meeting earlier same day. Could not speak about road access. Frustrated with process. Neighborhood not against the development itself. Against the size of it only.

**Bill Schnettler** – Addressed the wetland issue. Perception issue only. Space is just asphalt and roof.

**Dave Pollis – 1805 Red River Trail, St. Cloud, MN 56301** – He and his neighbors not invited to any meetings. Remove access on Cooper.

Councilmember Libert inquired on if there is any room for negotiation. Boser commented on development. Olive branch extended. With the process, developers are limited. Boser requests that voting be held tonight. Councilmember Goerger commented that we are only voting on rezoning. It was moved by Councilmember Goerger, seconded by Councilmember Libert to call Item A to question and to approve. Motion to call Item A to question passed 6-1 with Councilmember Johnson opposed. Motion to approve Item A passed 6-1 with Councilmember Johnson opposed. Ordinance adopted and assigned 2724.

**B. Resolution adopting the Savannah Ridge Planned Unit Development (PUD) General Development Plan.** Action Taken: It was moved by Councilmember Hontos, seconded by Councilmember Goerger to approve Item B. Councilmember Hontos suggested to table Item B regarding development plan and allow more time for neighbors and developer to work together. Item B will need to be brought back to council prior to November 16, 2017. Boser commented on city staff's timing on street proposal. Councilmember Hontos would like more discussion. Councilmember Hontos amended motion to table Item B until October 23, 2017, Councilmember Goerger seconded. Motion passed unanimously.

**29. 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 providing an updated list of unpaid administrative citations. Staff provided memos on citations in response to tabling. It was moved by Councilmember Masters, seconded by Councilmember Goerger to approve. Council President Lewis inquired on status of issues brought to prior meeting. Schreifels indicated that all matters have been resolved. Motion passed unanimously. Resolution adopted and assigned 2017-9-177.

#### **Open Discussion & Announcements:**

Mayor Dave Kleis brought Item 8 back to Council. Requested November 6, 2017 be set for Public Hearing of Item A to meet requirement of notice provided to public. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve. Motion passed unanimously.


Councilmember Johnson announced that Susan Tulley will be visiting the Public Library regarding Refugee Resettlement.

**ADJOURNMENT:**

There being no one else to speak, Council President Lewis adjourned the meeting at 7:40PM.

  
Council President Carol Lewis

Respectfully submitted by

  
Seth Kauffman  
Recording Council Secretary