

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

OCTOBER 9, 2017

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on October 9, 2017 at 6:00 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 Present: Lewis, Goerger, Laraway, Johnson, Libert and Masters  
Councilmember Absent: Hontos
4. **APPROVAL OF AGENDA.** Action Taken: Approved.
5. **APPROVAL OF SEPTEMBER 11, 2017 AND SEPTEMBER 25, 2017 COUNCIL MEETING MINUTES.** Action Taken: Approved.
6. **MAYOR KLEIS' APPOINTMENT OF ANN MATVIK TO THE RSVP BOARD WITH A TERM TO COMMENCE IMMEDIATELY AND EXPIRE EFFECTIVE 12/31/2019. MAYOR KLEIS' APPOINTMENT OF SAMANNA JOHNSON TO THE LIBRARY BOARD WITH A TERM TO COMMENCE IMMEDIATELY AND EXPIRE EFFECTIVE 12/31/2020.** Action Taken: Approved.
7. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENTS/CONTRACTS FOR THE REMOVAL AND REPLACEMENT OF BOILER SYSTEM AND A RECOMMISSIONING AT THE ST. CLOUD PUBLIC LIBRARY.** Action Taken: Councilmember Laraway pulled this item for further discussion. It was moved by Councilmember Laraway, seconded by Councilmember Libert to approve. Councilmember Laraway inquired on the split bid with installation not going to lowest bidder. Lowest bidder is a St. Cloud company. City Administrator Matthew Staehling explained that the city is recommending Climate Makers because they are familiar with, and are a certified installer, of Aerco. Councilmember Laraway inquired on if there is a guarantee from this installer. Certified to install with the boilers carrying a 10-year warranty. Councilmember Libert inquired on the maintenance situation and if we have contracted with anyone to provide maintenance. Assistant Public Works Director Steven Lawrence commented stating that ClimateAir is currently providing maintenance at the SCPD and the city has signed with SCR to provide maintenance at Library. Previous to SCR, the city has used McDowell. The city no longer has contracts with McDowell to provide services. Motion passed unanimously. Approved.
8. **APPLICATION FOR A TEMPORARY LIQUOR LICENSE FOR THE LIONS CLUB OF ST. JOSEPH TO BE USED FEBRUARY 2 & 3, 2018 FOR THE DISTRICT 5M-8 LIONS CONVENTION AT THE KELLY INN.** Action Taken: Approved.
9. **RESOLUTIONS ADOPTED STIPULATIONS BETWEEN THE CITY OF ST. CLOUD AND VARIOUS TOBACCO LICENSE ESTABLISHMENTS REGARDING TOBACCO VIOLATIONS OF SECTION 424 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.** Action Taken: Approved. Resolutions adopted and assigned. 2017-10-178, 2017-10-179, 2017-10-180 respectively.

10. **AGREEMENT(S) FOR SNOW REMOVAL EQUIPMENT RENTAL FOR THE PUBLIC WORKS DEPARTMENT.** Action Taken: Approved.
11. **ACCEPT PROPOSAL FOR SNOW REMOVAL SERVICES FOR THE PUBLIC WORKS DEPARTMENT.** Action Taken: Approved.
12. **RESOLUTION RELATED TO \$16,712,029 GENERAL OBLIGATION CLEAN WATER REVENUE NOTE, SERIES 2017D.** Action Taken: Approved. Resolution adopted and assigned. 2017-10-181
13. **PUBLIC UTILITIES EQUIPMENT PURCHASE – UTILITY SERVICE VEHICLE.** Action Taken: Approved.
14. **PUBLIC UTILITIES EQUIPMENT PURCHASE – BIOSOLIDS TANKER TRAILER.** ACTION TAKEN: Approved.
15. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE SHARED PROPERTY LINE BETWEEN LOT 2, BLOCK 5 OF SOMMERSBY PLAT 2 AND LOT 10, BLOCK 2, SOUTHFORK ADDITION. (VAC2017-13)(LOCATION: 3682 21<sup>ST</sup> AVENUE SOUTH).** Action Taken: Public Hearing scheduled for October 23, 2017.
16. **FINAL PLAT AND SUBDIVISION AGREEMENT FOR PARK VIEW ESTATES.** Action Taken: Resolution approved and assigned. 2017-10-182

**OPEN FORUM:**

**Troy Dan Durand, 2563 43<sup>rd</sup> Ave S, St Cloud, MN 56301** – Demanded an immediate moratorium be placed on Refugee Resettlement in the city until questions answered and concerns addressed. Decision regarding Moratorium requested within 10 days.

**Mary Theisen Mitchell, 1025 25<sup>th</sup> Ave N, St. Cloud, MN 56303** – Follow up with comments made about Refugee Resettlement in St. Cloud and the Mayor not representing the community at the Lutheran Social Services meetings. How are Somalis being assimilated into the community? Requested that Dave Masters (educator in community), Steve Laraway (Centracare Board Member), and Carol Lewis (Client Relationships) refrain from voting on refugee resettlement. Requested a Moratorium.

**Helena Halverson, 814 Pebble Creek Drive, St. Cloud, MN 56301** – Requested Moratorium on Refugee Resettlement in the city. Develop oversight policies, procedures, and practices and produce a comprehensive policy moving forward.

**John Palmer, 832 Halliday Rd, St. Cloud, MN 56301** – Refugee Resettlement organizations shall consult with local governments. Council is enabling activity to go on by not doing anything. Must suspend settlement agency from placing additional refugees in our community. Requesting Council do more to help the city.

**PUBLIC HEARINGS:**

- 17. TRANSFER OF AN ON-SALE INTOXICATING LIQUOR LICENSE WITH SUNDAY SALES FROM WHITE HORSE ST. GERMAIN INC. DBA THE WHITE HORSE, TO WHITE HORSE ST GERMAIN INC. DBA THE WHITE HORSE, 809 W ST. GERMAIN STREET.** Action Taken: City Clerk Seth Kauffman introduced this item. Transfer of liquor license due to passing of Brian Lee to his widow and son. No other changes. 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 Goerger to approve. Motion passed unanimously. Approved.
- 18. CONSIDERATION OF CENTRAL PARK AND PAN ADDITION NEIGHBORHOOD IMPROVEMENTS.** Action Taken: City Engineer Steve Foss introduced this item. Sewer pipes are in poor condition. Water main is undersized. Hydrants are old and decrepit. If operated, will need to replace them as they cannot be reused. Streets need to be replaced. Phase 1 of 4. 2018 Project is the only phase before council tonight. Currently, maintenance on an annual basis for phase 1 is \$250,000. Good consensus from residents that there is a need for the improvements. No anticipated change in road size expected. Sidewalks will be reconstructed and added, if missing. Proposal represents best judgement of which side of the street the sidewalks will be located. Assessment rates based on standard rates. Overall anticipated costs of improvements are \$3.5 million for Phase 1. Four Letters received from concerned citizens. Council President Lewis opened the Public Hearing.

**Rhonda Feuerstein, 3018 Veterans Drive, St Cloud, MN 56303** – Questioned the water lines and if homeowners need to adjust home lines to be at same level. Foss stated that City will reconnect at existing lines. Strongly encourage homeowners to have plumbers look at their existing lines. Inquired on 31<sup>st</sup> Street closer, and period for completion. Foss commented that the neighborhood should anticipate the project to take the entire summer.

**Kathryn Theisen, 838 30<sup>th</sup> Ave N, St Cloud, MN 56303** – In support of project. Concerned about assessment level. Consider break for homes with additional footage/double lot.

**Doug Host, 872 32<sup>nd</sup> Ave N, St. Cloud, MN 56303** – Do sewer and water projects occur at the same time. Foss indicated that they projects will be staggered.

**Mike Kirby, 517 1<sup>st</sup> St N, Sartell, MN 56377** – **Apartment Building Owner** – concerns on the sidewalks. Taking parking spaces away. Tenants not allowed a spot to park. Is there a way to move sidewalk or removing restrictions on time limits allotted to parking? Foss stated that the city is not opposed to removing parking restrictions.

**Rebecca Carlson, 3103 7<sup>th</sup> St N, St Cloud, MN 56303** – sidewalk will not allow for parking all vehicles. Petition in hand requesting tabling for further study. Foss proposing narrow street two feet. Sidewalk against curve. By doing so, allows parking in front of all three doors. There should be no concern.

**Dan Feneis, 909 – 13<sup>th</sup> Ave SE, St Cloud, MN 56303** – Owner of First Fuel Bank. Understands the pipe needs to be fixed. Concerned about the sidewalks and assessments being such a burden on business owners. Foss commented stating that these are the rates on new construction rates. Applied to width of frontage of property. Conservative in assessment charges.

**Cece Cathey, 815 31<sup>st</sup> Ave N, St Cloud, MN 56303** – requested clarification on assessments. Will interest be charged from September 25, 2017 or from the time work will be started? Foss stated that interest not charged. Project constructed in 2018. 2019 Actual Assessment Roll adopted by Council. 30-day window starts in 2019. Interest accrues thereafter. In addition, can the trees be saved? Foss stated that every effort is being made to save trees.

Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Libert to approve. Councilmember Masters commented on Public Hearing and that the resolutions Foss presented were sufficient. In favor of supporting the reconstruction. Councilmember Laraway concerned about the cost of the project and assessments. The impact on the church in the area is significant. Reluctantly supports the reconstruction. Roll Call Vote. Councilmember Laraway – Yay; Councilmember Masters – Yay; Councilmember Johnson, Nay; Councilmember Goerger – Yay; Councilmember Libert – Yay; Council President Lewis moved to table the item. Councilmember Goerger seconded the motion. Councilmember Goerger inquired on motivation for tabling the item. Council President Lewis requested more information on construction itself and addressing people's concerns. Councilmember Masters inquired on if this requires six votes to pass. City Administrator Matthew Staehling confirmed. Motion passed unanimously. Item Tabled.

**19. CONSIDER AN ORDINANCE GRANTING STEARNS COOPERATIVE ELECTRIC ASSOCIATION AND ELECTRIC FRANCHISE TO FURNISH ELECTRIC ENERGY TO THE CITY OF ST. CLOUD.** City Attorney Cynthia Kirchoff introduced item to Council. Franchise agreement to provide electric for a 20-year duration. Council President Lewis opened the public hearing.

**Dave Gruenes, CEO of Stearns Electric** – Extended a Thank you to various City Officials for helping draft the agreement.

Council President Lewis closed the public hearing. It was moved by Councilmember Goerger, seconded by Councilmember Laraway to approve. No discussion. Motion passed unanimously. Ordinance adopted and assigned 2726

**20. CONSIDER AN ORDINANCE IMPLEMENTING AN ELECTRIC SERVICE FRANCHISE FEE ON STEARNS COOPERATIVE ELECTRIC ASSOCIATION FOR PROVIDING ELECTRIC SERVICE WITH THE CITY OF ST. CLOUD.** City Attorney Cynthia Kirchoff introduced item to Council. Imposing Franchise Fee on Stearns Cooperative Electric Association for electric services for the 20-year duration of the agreement. Council President Lewis opened the public hearing. No one spoke. Council President Lewis closed the public hearing. It was moved by Councilmember Goerger, seconded by Councilmember Masters to approve. No discussion. Motion passed unanimously. Ordinance adopted and assigned 2727.

**21. CONSIDER AN ORDINANCE GRANTED EAST CENTRAL ENERGY AN ELECTRIC FRANCHISE TO FURNISH ELECTRIC ENERGY TO THE CITY OF ST. CLOUD.** City Attorney Cynthia Kirchoff introduced item to Council. Franchise agreement to provide electric for a 20-year duration. 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 Laraway to approve. No discussion. Motion passed unanimously. Ordinance adopted and assigned 2728.

**22. CONSIDER AN ORDINANCE IMPLEMENTING AN ELECTRIC SERVICE FRANCHISE FEE ON EAST CENTRAL ENERGY FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF ST. CLOUD.** City Attorney Cynthia Kirchoff introduced item to Council. Imposing Franchise Fee on East Central Energy for electric services for the 20-year duration of the agreement. Council President Lewis opened the public hearing. No one spoke. Council President Lewis closed the public hearing. It was moved by Councilmember Goerger, seconded by Councilmember Masters to approve. No discussion. Motion passed unanimously. Ordinance adopted and assigned 2729.

### **OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Johnson provided St. Cloud State update. 16.1% drop in enrollment. 7 years of enrollment drop. Resignation announcement of VP of Finance. Concerned. An absolute “train wreck.” Cannot have a healthy school without a healthy city.

Councilmember Johnson concerned about the Public Forum. Contacted Willmar to inquire on how they handle their forum. Need to overhaul. It was moved by Councilmember Johnson to add a discussion on Public Forum as a Study Session topic. Councilmember Goerger inquired on if Administration can bring a change to Council. City Administrator indicated that the Council recently changed the rules. Councilmember Masters inquired on what Councilmember Johnson is proposing. Councilmember Johnson feels the current way that business is being handled is an insult. Councilmember Masters inquired on how Councilmember Johnson restricts people from returning week after week. Council President Carol Lewis seconded the motion and stated that this is a topic for a Study Session. Motion failed 2-4.

Councilmember Johnson inquired on the Tobacco 21 Ordinance. Is there a detailed study occurring right now? Three areas to focus on: Health, Economic Impact and Public Policy. Mayor Dave Kleis stated that this is on the Council’s Study Session next week. Councilmember Johnson would like to know if there are active study sessions going on right now in other communities. Mayor Dave Kleis stated that this is Council initiated.

Councilmember Johnson addressed the Refugee Resettlement Moratorium request. Support of the Moratorium. Will bring up in Resolution at the October 23, 2017 Meeting. Councilmember Masters requested that Councilmember Johnson provide the document to Council as early as possible.

Councilmember Johnson commented on local media and the great job they are doing.


Councilmember Masters commented on the Public Forum indicating that there is an unlimited number of letters and emails that the public can send to the Council.

Councilmember Johnson announced that if anyone would like to visit with him informally He is available most morning at Caribou Coffee on 25<sup>th</sup> and Division.

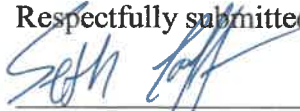
Mayor Dave Kleis shared a message from a visitor of St. Cloud complimenting him on how wonderful and beautiful St. Cloud is.

**ADJOURNMENT:**

There being no one else to speak, Council President Lewis adjourned the meeting at 7:18PM.

  
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Council President Carol Lewis

Respectfully submitted by

  
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Seth Kauffman

Recording Council Secretary