

**CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS**  
**Monday, June 4, 2018**  
**6:00 PM**  
**City Council Chambers**

1. **PLEDGE OF ALLEGIANCE**
2. **MOMENT OF SILENCE FOR OUR MEN AND WOMEN SERVING IN THE ARMED FORCES**
3. **ROLL CALL: Councilmembers Present:** Carol Lewis, John Libert, Dave Masters, Jeff Johnson, Steve Laraway, George Hontos, and Jeff Goerger

**SPECIAL RECOGNITIONS:**

**FOLLOW UP ON MAYOR KLEIS' PRESENTATION OF MAY'S NEIGHBOR OF THE MONTH**

**CONSENT AGENDA:**

4. **APPROVAL OF AGENDA**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
5. **APPOINTMENT TO THE POLICE CITIZEN REVIEW BOARD**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
6. **RENEWAL OF ON-SALE AND OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD JULY 1, 2018 TO JUNE 30, 2019.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
7. **APPLICATION FROM SCSU FOR A TEMPORARY LIQUOR LICENSE FOR THE JUNE 21<sup>ST</sup> RECEPTION BEFORE THE LEMONADE CONCERT.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
8. **CHANGE ORDER TO THE PURCHASE OF A SELF CONTAINED BREATHING APPARATUS (SCBA) AIR COMPRESSOR AND FILL STATION.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
9. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ST. CLOUD RELATED TO AIR SERVICE MARKETING FOR THE ST. CLOUD REGIONAL AIRPORT.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-62
10. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE LOW BID FROM LANDWEHR CONSTRUCTION, INC. FOR THE NORTH BUILDING AREA SITE PREP DEVELOPMENT PROJECT AT THE ST. CLOUD REGIONAL AIRPORT.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-63

11. **APPROVAL OF TASK ORDER #32 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC. AND THE CITY OF ST. CLOUD TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE NORTH BUILDING AREA SITE PREP CONSTRUCTION PROJECT AT THE ST. CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING FEDERAL AND STATE FUNDING.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
12. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES (LELS), LOCAL 309, LIEUTENANTS.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-64
13. **7<sup>TH</sup> STREET SOUTH AND WASHINGTON MEMORIAL DRIVE BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2018-08:**
  - A. **RESOLUTION ACCEPTING BIDS FOR 7<sup>TH</sup> STREET SOUTH AND WASHINGTON MEMORIAL DRIVE BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2018-08.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-65
  - 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 2018-08.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-66
14. **7<sup>TH</sup> STREET NORTH FROM 12<sup>TH</sup> TO 25<sup>TH</sup> AVENUE NORTH BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2018-07:**
  - A. **RESOLUTION ACCEPTING BIDS FOR 7<sup>TH</sup> STREET NORTH FROM 12<sup>TH</sup> TO 25<sup>TH</sup> AVENUE NORTH BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2018-07.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-67
  - 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 2018-07.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-68
15. **QUOTE FOR TURF RESTORATION FOR CENTRAL PARK AND PAN ADDITION IMPROVEMENTS, CONTRACT 2018-04 TURF.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
16. **ORDINANCE AMENDING SECTION 310 OF THE CODE OF ORDINANCES TO REMOVE THE SUNSET DATE FOR THE VACANT BUILDING REGISTRATION PROGRAM.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0

**OLD BUSINESS**

**17. LAKE GEORGE PARKING LOT IMPROVEMENTS:**

**A. CONSIDERATION OF RESOLUTION ORDERING LAKE GEORGE PARKING LOT RESURFACING IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).**

ACTION TAKEN: MASTERS/LIBERT/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-69

**B. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LAKE GEORGE PARKING LOT RESURFACING IMPROVEMENTS, CONTRACT 2018-17.**

ACTION TAKEN: MASTERS/LIBERT/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-70

Public Hearing held at previous meeting. A roll call vote is required.

Councilmember Masters inquired on the impact to Summertime by George. City Engineer Steve Foss commented that the resurfacing will be done in stages. Will not be torn up during Summertime by George Event. Will not adversely impact the event. Councilmember Laraway commented that the lot is the primary lot for disabled.

City Clerk Seth Kauffman conducted a roll call vote. Motion pass unanimously.

**PUBLIC HEARINGS:**

**18. APPLICATION FOR AN ON-SALE TAPROOM LICENSE AND OFF-SALE BREWER LICENSE FOR PANTOWN BREWING COMPANY, INC. DBA PANTOWN BREWING COMPANY 408 37<sup>TH</sup> AVENUE NORTH.**

ACTION TAKEN: LIBERT/MASTERS/APPROVED 7-0

City Clerk Seth Kauffman introduced item to Council. Taproom license allows for sale of beer on premises, brewer license allows for sale of growlers. Pantown Brewing Company intends to open in August.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Masters inquired on if anyone is present from Pantown Brewing Company. No one present. Councilmember Hontos inquired on the discrepancy in date of Public Hearing. Kauffman indicated that there was not a date change, but the discrepancy is a clerical error.

Motion passed unanimously.

**19. RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW-PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2018 TO JULY 30, 2019.**

ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0

City Clerk Seth Kauffman introduced item to Council. Annual renewals for liquor licensing. All have undergone departmental review and recommendations provided.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Laraway inquired on process and procedure for comments relating open building permit and outstanding invoices. Kauffman indicated that all inspections are completed and any outstanding items addressed prior to issuing licenses. Councilmember Hontos questioned the licenses for the Municipal Athletic Complex (MAC) and the Rox as they are not listed. Kauffman indicated that the Rox/Faber Field license was removed from the MAC and listed as a separate entity. There will be a license for Faber Field only.

Motion passed unanimously.

**20. APPLICATION FOR TRANSFER OF ON-SALE INTOXICATION AND SPECIAL SUNDAY LIQUOR LICENSES FROM RJ'S, LLC DBA RJ'S AMERICAN GRILL, 4221 CLEARWATER ROAD, SUITE 101 TO RJ'S, LLC DBA RJ'S AMERICAN GRILL, 4221 CLEARWATER ROAD, SUITE 101.**

ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0

City Clerk Seth Kauffman introduced item to Council. Item brought to the city's attention during annual renewal process. Partial owner passed away and new license required as a result.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Laraway inquired on if background checking is conducted on new owner. Kauffman indicated that the city conducts a background check annual during renewal process.

Motion passed unanimously.

**21. CONSIDERATION OF ONE OF THE FOLLOWING ITEMS REGARDING TAXICAB FEES:**

**A. RESOLUTION AUTHORIZING A RATE INCREASE FOR TAXICAB OPERATORS; OR**

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 6-1 WITH COUNCILMEMBER JOHNSON OPPOSED

**B. ORDINANCE AMENDING SECTION 472 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED "TAXICABS."**

ACTION TAKEN: NONE (COUNCIL CHOOSE TO ACT ON PART A)

City Clerk Seth Kauffman introduced item to Council. Part A is consistent with previous Council actions. Part B will amend ordinance and allow taxicabs owner to set own rates, which is consistent with comparable cities in the state. Staff has no recommendation either way. Requests that Council move on Part A or Part B, but not both. Uber and Lyft may be addressed at a future time. Not included in this item before Council.

Council President Carol Lewis opened the Public Hearing.

**Bill Baker, Elite Taxi** – conquered that there is a need for an increase in the fees. Addressed questions that were previously brought up regarding qualifications of drivers and vehicles. Deregulating taxi fees could create problems for customers. Advise against this deregulation.

Councilmember Laraway inquired on which option Mr. Baker would side with – Mr. Baker commented that he would choose Part A. Councilmember Masters clarified with Kauffman the impact of both options.

No one else spoke. Council President Carol Lewis closed the Public Hearing.

It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve Part A. Councilmember Hontos requested clarification on what cities are unregulated – Duluth, Rochester, and Mankato - and inquired on if Kauffman compared rates. The unregulated rates are comparable with the regulated rates proposed in this agenda item. Furthermore, Kauffman indicated that he notified all taxicabs companies of Public Hearing. Councilmember Goerger planned to vote on Part B. However, in lieu of nobody speaking in opposition to Part A, but rather in favor of Part A, he will support the motion on the floor. Council President Lewis commented that she received several emails requesting a rate increase. She feels the regulated price will support more competition, oddly enough. Councilmember Johnson feels that Part B is more appropriate for a free market economy. Would like to have more input from taxi companies on item. Councilmember Masters commented that this will have a minimal impact on taxi owners and clients.

Motion passed 6-1 with Councilmember Johnson opposed.

**22. A. ORDINANCE REZONING PROPERTIES LOCATED AT 211, 225, 229 5<sup>TH</sup> AVENUE SOUTH, AND 503 AND 507 3<sup>RD</sup> STREET SOUTH FROM C4, FRINGE CENTRAL BUSINESS DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) (REZ-2018-04)**

ACTION TAKEN: MASTERS/LARAWWAY/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2751

**B. RESOLUTION APPROVING 5<sup>TH</sup> AVENUE LIVE PLANNED UNIT DEVELOPMENT GENERAL DEVLEOPMENT PLAN FOR ORDINANCE #2426**

ACTION TAKEN: GOERGER/JOHNSON/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-72

Community Development Director Matt Glaesman introduced item to Council. Property located across street from City Hall. Proposed removal of home and addition of coffee shop with drive thru. First Action rezones properties from C4 to

PUD to allow for drive thru (not allowed in C4) and additional parking spaces. Second Action establishes the terms for the PUD. Staff recommends approval. Separate actions required with second contingent on the first.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Masters inquired on if 229 and 225 are rental properties. Glaesman confirmed. Also requested clarification on if 229 is a historic structure. Glaesman confirmed it is a historic structure and will be maintained as such. As drafted, the resolution allows property owner to proceed with changes to property without coming back to Council.

Motions pass unanimously.

**23. A. RESOLUTION AMENDING THE SUN VILLA ESTATES PLANNED UNIT DEVELOPMENT TO ALLOW 8 SINGLE-FAMILY DETACHED DWELLINGS IN PLACE OF 14 TOWNHOMES. (LOCATION: 2415 THRU 2435 40<sup>TH</sup> AVENUE SOUTH AND 4000 THRU 4006 24<sup>TH</sup> STREET SOUTH) (DPA-2018-02)**

ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-73

**B. ORDINANCE VACATING A DRAINAGE AND UTILITY EASEMENT LOCATED ON LOT 1, BLOCK 2, SUN VILLA ESTATES TWO. (LOCATION: 2419 40<sup>TH</sup> AVENUE SOUTH) (VAC-2018-06)**

ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2752

**C. FINAL PLAT OF SUN VILLA ESTATES FOUR. (LOCATION: 2415 THRU 2435 40<sup>TH</sup> AVENUE SOUTH AND 4000 THRU 4006 24<sup>TH</sup> STREET SOUTH) (PLAT-2018-12)**

ACTION TAKEN: LIBERT/JOHNSON/APPROVED 7-0

Community Development Director Matt Glaesman introduced item to Council. First action amends PUD from townhomes to single family detached homes. Second action vacates the easements originally established for the townhomes. Third action re-plats to replace the easements vacated.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Goerger commented on how housing types change with change in economy. Will vote in favor of changing PUD. Councilmember Laraway inquired on who the developer is. Developer is Ted Klein.

Motions pass unanimously.

**24. RESOLUTION AMENDING THE YOUTH FOR CHRIST PLANNED UNIT DEVELOPMENT TO INCLUDE ADULT DAY CARE AS A PERMITTED USE IN THE PUD. (LOCATION: 119,121 AND 203 COOPER AVENUE NORTH) (DPA-2018-03)**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-6-74

Community Development Director Matt Glaesman introduced item to Council. Original PUD did not address adult daycare. Amendment to PUD will allow existing facility to accommodate adult daycare. Planning commission recommends approval.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Laraway inquired on who regulates adult daycare. Glaesman indicated that several entities are involved in the regulation of adult daycare. This facility will require a state license. Land use is regulated by City of St. Cloud. State of Minnesota requires City to approve amendment prior to issuing licenses. Councilmember Masters inquired on the hours of adult daycare. Glaesman indicated that this is primarily daytime use. Maximum number of occupants, based on building and fire codes, is thirty. Councilmember Hontos commented on email received from citizen concerned on provider of daycare facility. However, Council is looking at a land use issue, not a provider which is a state issue. Council President Lewis commented on adult daycares and highly endorses the use of the facility for adult daycare. Councilmember Johnson inquired on what the daycare will provide to adults. Glaesman indicated that this is a daycare facility only, not healthcare.

Motion passed unanimously.

- 25. A. ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE COMMON LOT LINES BETWEEN LOTS 9 THRU 12, BLOCK 1, COYOTE CREEK. (LOCATION: 1591, 1599, 1615, AND 1627 39<sup>TH</sup> STREET SOUTH) (VAC-2018-05)**  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2753

- B. FINAL PLAT APPROVAL OF COYOTE CREEK PLAT 3. (LOCATION: 1591, 1599, 1615, AND 1627 39<sup>TH</sup> STREET SOUTH) (PLAT-2018-11)**  
ACTION TAKEN: LIBERT/GOERGER/ APPROVED 7-0

Community Development Director Matt Glaesman introduced item to Council. Similar to action Council took in previous meeting. Consolidation of lots and removal of easements. Planning commission recommends approval. Separate actions required.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Motions pass unanimously.

- 26. ORDINANCE AMENDING ARTICLE 15 OF THE LAND DEVELOPMENT CODE REGARDING MAXIMUM ACCESSORY STRUCTURE SIZE AND AMENDING ARTICLE 16 OF THE LAND DEVELOPMENT CODE REGARDING REQUIRED OFF-STREET PARKING SPACES FOR WAREHOUSING, WHOLESALE, AND DISTRIBUTION.**  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2754

Community Development Director Matt Glaesman introduced item to Council. First Action addresses accessory structure of requirements in Ag district. Changes small, but significant. Proposal made by Zoning Board of Appeals. Second change addresses parking requirements for size of building and amount of parking spaces. Minimum requirements only. Planning commission recommends approval.

Council President Carol Lewis opened the Public Hearing. No one spoke. Council President Carol Lewis closed the Public Hearing.

Councilmember Goerger commented that he feels this change is a good idea. Councilmember Hontos inquired on if a specific request initiated this change. Glaesman indicated that this is a request of the Zoning Board of Appeals. Second item came from Planning Commission. Council President Lewis stated that this will help facilitate Minden Township becoming part of St. Cloud.

Motion passed unanimously.

### **OPEN DISCUSSION:**

Councilmember Hontos requested an item to be added. Due to now using Ipads, would like attachments included for all items moving forward.

Also, St. Cloud HRA received a 97/100 score from HUD. This is the 8<sup>th</sup> year in a row that the St. Cloud HRA has been identified as a high performer.

Councilmember Johnson provided clarification from last Councilmember on Rule No. 16 of Council Rules of Order. Requested clarification on where the language is in the rule which allows another councilmember to object. Inference is not sufficient. Johnson feels that not only was his Council privilege infringed upon, but Dr. Palmer's free speech right infringed upon as well. Councilmember Hontos commented on item and provided clarification for Councilmember Johnson. The rule requires a majority vote of Council to provide objection, not just one member, which is what occurred. The privilege shall be used in rarity. Councilmember Goerger commented that the rule is clear and comfortable with it. Councilmember Laraway supports Hontos' comments. Councilmember Johnson commented on the lack of ability of Council to follow rules. Councilmember Masters agrees with rule.

Council President Lewis commented on Delegation trip to Spalt, Germany.

### **OPEN FORUM:**

**Elizabeth Baklaich, 1615 25<sup>th</sup> St SE, St. Cloud, MN 56304** - commented on Council's ignorance of rules and need for change.

**Gary Gross, 425 NE Raymond Ave, St. Cloud, MN 56304** – commented on Council's objection of Dr. Palmer's presentation during previous meeting

**Dr. John Palmer, 832 Halliday Rd, St. Cloud, MN 56303** – commented on Council's actions and the rights of citizens to speak freely

**Moira Walsh, PO Box 7756, St. Cloud, MN 56302** – commented that Council has always welcomed her to speak without objection. As a Civic's Teacher, she reminds her students that every right comes with limits. Also, commented on Pedestrian Bridges and



the potential need for access to Beaver Island Trail from the other side of Roosevelt Road as well as a bridge crossing Division near Crossroads Center.

**Dave Steckling, 2223 Clearwater Rd, St. Cloud, MN 56301** – commented on garbage and vehicles that accumulate at Mogadishu; the garbage near Kip's laundry; and potholes near Ace Bar.

**ADJOURNMENT:**

It was moved by Councilmember Goerger, seconded by Councilmember Masters to adjourn. Motion passed unanimously. Meeting adjourned at 7:32 PM.

  
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Carol Lewis, Council President

  
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Seth Kauffman, Recording Secretary