

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, April 15, 2019
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, Mike Conway, Jeff Goerger, George Hontos, Steve Laraway, Paul Brandmire, Dave Masters**

SPECIAL RECOGNITION:

- 4. MAYOR KLEIS PRESENTS APRIL'S NEIGHBOR OF THE MONTH**
Mayor Kleis presented April's Neighbor of the Month to William St. Hilaire and the members of the 5th Ave Festoon Lights Committee.

CONSENT AGENDA:

- 5. APPROVAL OF AGENDA**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
- 6. APPROVAL OF THE FEBRUARY 11 AND FEBRUARY 25, 2019 MINUTES OF THE REGULAR CITY COUNCIL MEETINGS**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
- 7. APPLICATION FOR A TEMPORARY INTOXICATING LIQUOR LICENSE FOR THE SCSU FOUNDATION FOR A PRE-PERFORMANCE RECEPTION ON APRIL 25, 2019**
ACTION TAKEN: HONTOS/LEWIS/APPROVED 7-0

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Lewis to approve. Councilmember Hontos requested clarification on applications and their levels of completion. Inquired on if the full application needs to be completed and turned into the state within 30 days. City Clerk Seth Kauffman commented that the State historically accepts the applications even if less than 30 days. Also, with regard to completions, Councilmember Hontos requested additional details for incomplete applications. Councilmember Conway commented that he has similar questions and would like the city to ensure application complete and bring to council well in advance to avoid problems. No further discussion. Motion unanimously passed.

- 8. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST ELIZABETH ANN SETON SCHOOL FOR A FESTIVAL ON THE SCHOOL GROUNDS ON MAY 3, 2019**
ACTION TAKEN: HONTOS/CONWAY/APPROVED 7-0

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Conway to approve. No further discussion (see discussion in item 7). Motion unanimously passed.

9. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE TO BE USED IN CONJUNCTION WITH THE EARTH DAY RUN ON APRIL 20, 2019

ACTION TAKEN: CONWAY/BRANDMIRE/APPROVED 7-0

Councilmember Conway pulled item for further discussion. It was moved by Councilmember Conway, seconded by Councilmember Brandmire to approve. No further discussion (see discussion in item 7). Motion unanimously passed.

10. DATA CENTER COLOCATION AGREEMENT BETWEEN THE CITY OF SAINT CLOUD AND INDEPENDENT SCHOOL DISTRICT 742

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

11. APPROVAL OF TASK ORDER #2019-1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MEAD & HUNT, INC AND THE CITY OF ST. CLOUD TO PROVIDE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE NORTH BUILDING AREA SITE PREP CONSTRUCTION PROJECT PHASE II AT THE ST CLOUD REGIONAL AIRPORT CONTINGENT UPON RECEIVING FEDERAL AND STATE FUNDING

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

12. RESOLUTIONS ADOPTING THE STIPULATIONS BETWEEN THE CITY OF ST. CLOUD AND VARIOUS LIQUOR LICENSE ESTABLISHMENTS REGARDING INTOXICATING LIQUOR LICENSE VIOLATIONS OF SECTION 810 OF THE ST. CLOUD CODE OR ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES

ACTION TAKEN: LEWIS/LARAWAY/APPROVED 7-0

RESOLUTIONS ADOPTED AND ASSIGNED 2019-4-38; 2019-4-39; 2019-4-40; 2019-4-41

Councilmember Lewis pulled item for further discussion. It was moved by Councilmember Lewis, seconded by Councilmember Laraway to approve. Councilmember Lewis inquired on the process and the time frame to present to council. City Administrator Matthew Staehling confirmed Councilmember Lewis' timeline. Unsure of history but does believe that hearings did not occur. No further discussion. Motion unanimously passed.

13. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR SOUTHERN RIDGE PHASE 2 IMPROVEMENTS, CONTRACT 2019-12.

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-42

14. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 1ST STREET NORTH AND VETERANS BRIDGE WATER MAIN IMPROVEMENTS AND AUTHORIZING MAYOR AND CITY CLERK TO ENTER INTO CONTRACT TO PURCHASE MATERIALS, CONTRACT 2019-06.

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-43

15. 4TH AVENUE SE NEIGHBORHOOD IMPROVEMENTS AND ALLEY BETWEEN RIVERSIDE DRIVE SE AND WILSON AVENUE SE FROM TH 23 TO 7TH STREET SE IMPROVEMENTS, CONTRACT 2019-03:

A. RESOLUTION ACCEPTING BIDS FOR 4TH AVENUE SE NEIGHBORHOOD IMPROVEMENTS AND ALLEY BETWEEN RIVERSIDE DRIVE SE AND WILSON AVENUE SE FROM TH 23 TO 7TH STREET SE IMPROVEMENTS, CONTRACT 2019-03.

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-44

B. RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPEDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2019-03.

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-45

16. ROLLING RIDGE ROAD FROM CYPRESS ROAD TO CSAH 4 BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2019-09:

A. RESOLUTION ACCEPTING BIDS FOR ROLLING RIDGE ROAD FROM CYPRESS ROAD TO CSAH 4 BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2019-09.

ACTION TAKEN: HONTOS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-46

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 2019-09.

ACTION TAKEN: HONTOS/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-47

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve. Councilmember Hontos inquired on the difference between the bid amount and actual project cost and requested clarification. City Engineer Steve Foss commented that there is always increased difference depending on various soft costs (permitting, testing, advertising). Councilmember Hontos inquired on if a project is charged for inhouse costs. Foss confirmed that engineering and administrative costs are charged to the project. We do not bond for the inhouse costs. No revenue is generated for the department. No further discussion. Motion unanimously passed.

17. 33RD STREET SOUTH FROM CSAH 74 TO CR 136 IMPROVEMENTS, CONTRACT 2019-01, S.A.P. 162-151-004:

A. RESOLUTION ACCEPTING BIDS FOR 33RD STREET SOUTH FROM CSAH 74 TO CR 136 IMPROVEMENTS, CONTRACT 2019-01, S.A.P. 162-151-004.

ACTION TAKEN: CONWAY/LEWIS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-48

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 2019-01- S.A.P. 162-151-004.

ACTION TAKEN: CONWAY/LEWIS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-49

C. ACCEPTANCE OF QUOTE FOR CONSTRUCTION MATERIAL TESTING SERVICES FOR 33RD STREET SOUTH FROM SCAH 74 TO CR 136 IMPROVEMENTS, CONTRACT 2019-01, S.A.P. 162-151-004.

ACTION TAKEN: CONWAY/LEWIS/APPROVED 7-0

Councilmember Conway pulled item for further discussion. It was moved by Councilmember Conway, seconded by Councilmember Lewis to approve. Councilmember Conway inquired on the difference between the estimated costs and the bids received. City Engineer Steve Foss commented that there is still another contract to present. Bids did come in much lower than anticipated. Contract for trails pending MNDOT approval and bid late 2019 for construction in Spring 2020. Councilmember Conway inquired on who pays for any overages due to weather conditions. Foss commented that it is based on unit prices and adjusted as built. Councilmember Conway inquired on if any excess dollar amount would require additional Council approval. Foss stated 20% additional costs need council approve. No further discussion. Motion unanimously passed.

18. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2019 MISCELLANEOUS IMPROVEMENTS, CONTRACT 2019-14

ACTION TAKEN: HONTOS/BRANDMIRE/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-50

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Brandmire to approve. Councilmember Hontos inquired on the safety improvements on 3rd Street North at 35th Avenue North. Council should consider removing project. Councilmember Hontos amended his motion to withdraw the safety improvements at 3rd Street North/35th Avenue North from resolution. Councilmember Brandmire seconded the motion. Councilmember Masters inquired further explanation from Councilmember Hontos. Councilmember Hontos commented that there is already an existing crosswalk at 33rd and is not optimistic that the improvements will work. City Engineer Foss commented, per Councilmember Masters request, that requests from the public was received. Although request was at 34th Avenue North, a compromise was made at 35th Avenue North. The common behavior is to cross at 34th. Crossing at 35th is a better location than 34th. Hope is 35th will be attractive enough to use the new location. Councilmember Lewis inquired on if the intersection is being reconstructed. Foss indicated no. Councilmember Brandmire concerned that this will not affect pedestrians' behavior. We need better enforcement by police. Councilmember Masters inquired if neighborhood residents requested this or if it was initiated by police. Foss commented that this is neighborhood initiative. Councilmember Laraway commented that he does observe several people crossing. In the interest of public safety, we need to add this crosswalk. Councilmember Conway commented that this is a good faith effort by the city but additional conversation needs to be had with the pedestrians. Councilmember Hontos commented that this is not a financial issue, it is a principal issue. He does not feel it will change behavior. President Goerger commented that we have a responsibility to provide safety to all modes of traffic. This is a good compromise and have better enforcement thereafter. Motion to amend

removing item failed 2-5 with Councilmembers Laraway, Masters, Lewis, Conway and President Goerger opposed. Motion to approve resolution passed 7-0.

19. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 237 – 21ST AVENUE NORTH**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
20. **RESOLUTION AMENDING PLANNED UNIT DEVELOPMENT (PUD) 97 TO ALLOW A SCHOOL CLASSROOM TO OCCUPY A PORTION OF THE EXISTING BUILDING AT 410 37TH AVENUE NORTH (DPA-2019-01)**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
PUBLIC HEARING SET FOR APRIL 29, 2019
21. **ORDINANCE VACATING A PORTION OF A 60' SIDE DRAINAGE AND UTILITY EASEMENT THAT BISECTS LOTS 2 AND 3, BLOCK 1, AUDUBON ACRES B. (LOCATION: 5840 & 5880 RIVERS EDGE DRIVE) (VAC-2019-02)**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
PUBLIC HEARING SET FOR APRIL 29, 2019
22. **ORDINANCE VACATING THE PUBLIC PARKLAND DEDICATION WITHIN LAKE PARK ADDITION (LOCATION: 1310 2ND STREET SOUTH – TECH HIGH SCHOOL PARKING LOT)**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
PUBLIC HEARING SET FOR APRIL 29, 2019
23. **ORDINANCE AMENDING ARTICLE 15.5(G), SWIMMING POOLS AND SPAS, OF THE ST. CLOUD LAND DEVELOPMENT CODE TO ALLOW AUTOMATIC POOL COVERS AND FURTHER DEFINE SAFETY FENCING REQUIREMENTS. (LDC-2019-05)**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
PUBLIC HEARING SET FOR APRIL 29, 2019
24. **FINAL PLAT AND SUBDIVISION AGREEMENT FOR GROVE & MEADOWS PLAT 3**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

OPEN DISCUSSION/ANNOUNCEMENTS:

Councilmember Hontos inquired on when the next Charter Commission Meeting is scheduled to be held. City Administrator Matthew Staehling indicated that he will follow up with Charter Commission Chair Tom Lies on the matter.

Councilmember Lewis inquired on when the next Council Retreat is scheduled to be held. Mayor Kleis commented that it will be held in June per Council discussion in January.

Councilmember Laraway commented on road conditions. Concerned that there are more issues to fix than budget to cover. Curious on plans, how we are going to prioritize, and how we are planning to communicate regarding these plans. Number one issue in his ward is road conditions. Mayor Dave Kleis commented that we do budget for the road deteriorations/potholes and will address every one. Depending on the condition of the road will determine the necessity of immediate repair. Plan to fill potholes and add to budget for next year to improve problem roads. Councilmember Laraway commented that communication with residents is important. Mayor Kleis indicated that the information will be provided in the upcoming newsletter. Councilmember Lewis

requested 4th and 5th Avenues South be fixed. City Engineer Steve Foss stated that the asphalt will be removed and the roads repaved this summer.

Councilmember Brandmire commented on the fire at the Notre Dame and expressed condolences to so many who feel the loss.

OPEN FORUM:

Shane Olson, St. Cloud, MN – questioned allegations of sexual harassment against Chief Anderson in 2015. Requested transparency.

Nancy Dyson, St. Cloud, MN – works with the homeless in St. Cloud. Requested our city create a safe legal place for homeless to sleep.

Peter J. Wilson, Sartell, MN – addressed concerns about crimes unprosecuted, especially crimes by our new residents. Also commented on building residents for homeless persons increases the number of homeless persons in our community. Also requested the real cost of bringing Costco to St. Cloud.

Gary Morgenroth, Waite Park, MN – follow up on 5G network and health concerns. Has not heard back from Council and Mayor on email sent. Provided Council with a copy of email. Requested a report on the April 29, 2019 City Council. Also discussed Islamic Center's squad security car that looks just like our police squad car.

Kay Steiner, Sartell, MN – spoke regarding the dangers of 5G network. Discussed the jaywalking on 3rd Street North. Also, discussed tent cities.

ADJOURNMENT:

It was moved by Councilmember Lewis, seconded by Councilmember Conway to adjourn. Motion unanimously passed. Meeting adjourned at 7:19 PM.


Seth Kauffman, Recording Secretary


Jeff Goenger, Council President