

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, July 22, 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, Paul Brandmire, Steve Laraway, Dave Masters
- 3A. MAYOR'S PRESENTATION ON FIRE SAFETY STATISTICS
Fire Chief Dean Wrobbel presented current statistics on fire safety

CONSENT AGENDA

4. APPROVAL OF AGENDA
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
5. APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETINGS HELD JUNE 17, 2019 AND JULY 8, 2019
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
6. APPLICATION FOR A LICENSE TO SELL TOBACCO FOR MEMO GAS SERVICES, INC DBA MEMO GAS, 4325 CLEARWATER ROAD
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
7. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE PANTOWN BREWING COMPANY FOR A DISC GOLF TOURNAMENT ON AUGUST 11, 2019
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
8. RESOLUTION SETTING PUBLIC HEARING ON THE INTENT TO ISSUE GENERAL OBLIGATION STREET RECONSTRUCTION BONDS IN AN AMOUNT NOT TO EXCEED \$5 MILLION DOLLARS AND UPDATE THE FIVE-YEAR STREET RECONSTRUCTION PLAN IN ACCORDANCE WITH MS 475.58.
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-07-76
PUBLIC HEARING SET FOR AUGUST 5, 2019
9. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO GRANT AGREEMENT #1034809 BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION OFFICE OF AERONAUTICS AND THE CITY OF ST. CLOUD FOR CRACK REPAIR AT THE ST. CLOUD REGIONAL AIRPORT.
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-07-85

10. **AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO A CONSTRUCTION AGREEMENT WITH OMG MIDWEST, INC. DBA AS MINNESOTA PAVING AND MATERIALS, RELATED TO THE HANGAR DEVELOPMENT CONSTRUCTION PROJECT AT THE ST. CLOUD REGIONAL AIRPORT.**

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

11. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 1ST/2ND STREET NORTH FROM 5TH TO 10TH AVENUE NORTH BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2019-22.**

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-07-86

12. **RESOLUTION ESTABLISHING THE POLICY FOR GRANTING CREDITS AGAINST SPECIAL ASSESSMENTS TO LOW INCOME PROPERTY OWNERS FOR 2020 IMPROVEMENTS**

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-07-87

13. **A) ORDINANCE REZONING 3950, 3958, 3964, 3972, AND 3980 21ST AVENUE SOUTH TO ALLOW 4 TWO-UNIT RESIDENTIAL DWELLINGS**

B) ORDINANCE VACATING DRAINAGE AND UTILITY EASEMENTS LOCATED ON THE SIDE AND REAR PROPERTY LINES OF LOTS 17, 18, 19, 20, AND 21, BLOCK 5, SOMMERSBY PLAT 2 AND A PORTION OF THE DRAINAGE AND UTILITY EASEMENT LOCATED ON LOT 64, BLOCK 5, SOMMERSBY PLAT 2.

C) PRELIMINARY AND FINAL PLATS OF SOMMERSBY PLAT 6 (PLAT-2019-5-15)

ACTION TAKEN: HONTOS/MASTERS/APPROVED 6-0 (CONWAY ABSTAINED)

PUBLIC HEARING SET FOR AUGUST 5, 2019

Item pulled by Councilmember Hontos for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve. Councilmember Hontos inquired on the sign for a land use change posting which provides the public notification of potential change. City Administrator Matthew Staehling will check with Planning Staff and will respond back to Council on matter. Hontos commented that the sign must be posted at least 10 days prior to Public Hearing. It was not posted prior to Planning Commission Public Hearing held July 9th. Residences need time to research and inquire. Hontos requested sign to be posted right away. Motion passed 6-0 with Councilmember Conway abstained.

14. **A) ORDINANCE REZONING 3373 WEST ST. GERMAIN STREET FROM I1, LIGHT INDUSTRIAL DISTRICT TO PLANNED UNIT DEVELOPMENT TO ALLOW A 105-UNIT MULTI-FAMILY BUILDING (LOCATION: 3373 WEST ST. GERMAIN) (REZ-2019-04)**

B) PRELIMINARY AND FINAL PLATS OF MILLER COMPANIES ADDITION PLAT 3 (PLAT-2019-14)

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

PUBLIC HEARING SET FOR AUGUST 5, 2019

15. **ORDINANCE REZONING PROPERTIES LOCATED AT VETERANS DRIVE AND COUNTY I34 FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT TO ALLOW COMMERCIAL DEVELOPMENT (LOCATION: 863, 873, 883, 862, 866, 5804, 5806, 5808, 5810, AND 5812 ELBOW LANE, AND 884 RILLA ROAD) (REZ-2019-05)**
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
PUBLIC HEARING SET FOR AUGUST 5, 2019

PUBLIC HEARINGS

16. **AN ORDINANCE REPEALING SECTION 447 MASSAGE FACILITIES AND REPLACING WITH SECTION 447 THERAPEUTIC MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS**
ACTION TAKEN: HONTOS/LEWIS/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2781

City Health Director Matt O'Brien introduced item. The main purpose of ordinance is to prohibit massages and services to public except those licensed as such. Purpose to deter nonlegitimate business. Councilmember Lewis requested clarification on if massage therapists are licensed by the state. O'Brien indicated that they are not.

Council President Goerger opened the Public Hearing.

Amanda La France, 1520 32nd Ave N, St. Cloud – inquired why the permitting fees are more than doubling. How are the fees applied and how are renewals handled?

No additional speakers. Council President Goerger closed the Public Hearing.

O'Brien addressed La France's question to cover significant increase in inspection process/frequency. Councilmember Masters inquired on what surrounding cities charge for these specific fees. O'Brien commented that it is consistent with those cities with similar established ordinances.

It was moved by Councilmember Hontos, seconded by Councilmember Lewis to approve. Motion unanimously approved. Ordinance adopted and assigned 2781.

17. **AMENDING ORDINANCE SECTION 512 HEALTH & INSPECTIONS DEPARTMENT FEES**
ACTION TAKEN: CONWAY/LEWIS/APPROVED 5-2, AS AMENDED (GOERGER & LEWIS OPPOSED)
ORDINANCE ADOPTED AND ASSIGNED 2782

City Health Director Matt O'Brien introduced item. See discussion in Item 16.

Council President Goerger opened the Public Hearing.

Amanda La France, 1520 32nd Ave N, St. Cloud – requested additional clarification on the one-time fee of \$200 which she understands covers a background check. Why is this occurring annually?

Council President Goerger closed the Public Hearing. It was moved by Councilmember Conway, seconded by Councilmember Lewis to approve. Councilmember Conway requested clarification on the background check process as La France inquired on. O'Brien commented that the initial fee covers investigation and plan review. Background check is done annually, which is a current process, and the fee has been updated to reflect actual cost. City Attorney Renee Courtney

commented that background checks are done annually to discover activity that may have occurred throughout the previous year. Background checks are nationwide. Developed out of concern over current problems with human trafficking and prostitution. This ordinance provides the City with the opportunity to perform a much more thorough check on individuals. These increased fees cover actual cost incurred by city. Councilmember Brandmire commented that the city has a fiduciary responsibility and should not transition 100% fees to establishment owners. O'Brien commented that if the City wants to truly enforce what is written, the proposed cost is the actual cost to the City. Costs could be reduced, but the ordinance may not be as effective. Intent is accountability. Councilmember Conway requested clarification on if we are changing the type of background check. Assistant Police Chief Oxtan indicated that this comprehensive approach is best practice across the State. Traditional checks are not sufficient.

Mayor Kleis commented that the goal is to have items that require fees, the costs should be covered by the business owner, not by property owners as an additional property tax. The goal is that all licenses and fees issued are absorbed by the users. Reviewing these fees are part of the annual budget process.

Additional conversation regarding the approach of weeding out the businesses that are "problem establishments."

It was moved by Councilmember Hontos to amend the motion to increase the fee over a two-year time frame, rather than immediately. Councilmember Brandmire seconded the motion. Council President Goerger commented that if we don't collect the money, we cannot enforce the ordinance Council just passed in Item 16. Councilmember Hontos commented that this is a significant increase and the inspection department should be able to absorb the cost for one year. Councilmember Masters does not support amendment. Councilmember Brandmire commented that the City just needs to prioritize what technology to buy this year versus next. Supports the amendment. But, also agrees fees should cover expenses. Councilmember Masters commented that these ordinances are for the safety of the public and wants the inspections department to do their best job and ensure the safety.

Councilmember Conway moved to amend the amendment to charge 100% fee to all new applicants right now. No second. Motion failed for lack of a second.

Councilmember Lewis called to question on amendment. Councilmember Brandmire seconded.

Motion on amendment approved 4-3 with Council President Goerger and Councilmembers Masters and Lewis opposed.

Motion to approve Item 17 with amendment approved 5-2 with Council President Goerger and Councilmember Lewis opposed. Ordinance adopted and assigned 2782.

18. CONSIDERATION OF RESOLUTION ORDERING PAN PARK PLACE 2ND ADDITION NEIGHBORHOOD IMPROVEMENTS – PHASE 3

ACTION TAKEN: MASTERS/LEWIS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-07-88

City Engineer Steve Foss introduced item. Completion of balance of quadrant of neighborhood. Public Meeting with good turnout. Sidewalks are an issue because they do not exist. East side preferred side on 30th Ave N. Narrowing roads to add sidewalk and mitigate loss of property line.

Council President Goerger opened the Public Hearing

Bill Spain, 1103 29th Ave N, St. Cloud – inquired on how sidewalk will impact a driveway that is steep.

Foss commented that driveway slope will not be matched. City will work with homeowners impacted.

Steve Thesing, 1142 30th Ave N, St. Cloud – commented on the location of the sidewalk (would like on the west side of the street) and the actual need for one

Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve. Council President Goerger requested Foss to clarify again how the location of sidewalks are determined. Foss commented that it is determined primarily by what impacts the homeowners the least. No assessment to abutting property owners for sidewalks. Councilmember Brandmire inquired on if narrowing the streets will affect parking. Foss indicated that it will not. Parking, landscaping, trees, and existing sidewalks are all considered when determining sidewalk location.

City Clerk Seth Kauffman performed roll call vote performed. Motion to approve passed unanimously. Resolution adopted and assigned 2019-07-88.

19. CONSIDERATION OF RESOLUTION ORDERING 2020 CRACK SEAL, SEAL COAT AND FOG SEAL IMPROVEMENTS

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-07-89

City Engineer Steve Foss introduced item. Routine maintenance for 2020. Ordered ahead of time to schedule various work. Catch up in crack sealing and seal coating. No assessments.

Council President Goerger opened the Public Hearing. No one spoke. Council President Goerger closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. No discussion.

City Clerk Seth Kauffman performed roll call vote performed. Motion to approve passed unanimously. Resolution adopted and assigned 2019-07-89.

20. **ORDINANCE ENACTING SECTION 301 OF THE ST. CLOUD CODE OF ORDINANCES
ADOPTING THE EYES ON THE SOUTH SIDE RENTAL HOUSING VALIDATION PROGRAM**

ACTION TAKEN: HONTOS/LEWIS/TABLED 6-1 (CONWAY OPPOSED)

ITEM TO BE DISCUSSED AT AUGUST 12, 2019 STUDY SESSION

City Administrator Matthew Staehling introduced item. Expansion of Eyes of the South Side Program as discussed at Neighborhood Best Practices task force and City Council Retreat in May. Before Council is a range of potential options, although not all the options, which range from mandating on all properties to doing nothing at all. Administration is not making recommendations, just interested in hearing what the public has to say.

Ryan Lemiex, 13570 Grove Drive, Maple Grove – manages rental properties in St. Cloud. Spoke against mandating the South Side Rental Housing Validation Program. All for improving the properties on the Southside but would like other options and discussions.

Mel Tadych, 1608 28th St S, St. Cloud – spoke against mandating the South Side Rental Housing Validation Program. Excessive burden of mandated regulations.

Carlos Cerise, 340 6th Ave S, #4591 St. Cloud – spoke against mandating the South Side Rental Housing Validation Program. Not needed. This is a safe area.

Chris Yaeger, 421 9th Ave N, St. Cloud – St. Cloud landlord. Spoke against mandating South Side Rental Housing Validation Program.

Charles Ward, 27635 Schulz Rd, St. Cloud – St. Cloud landlord. Spoke against mandating South Side Rental Housing Validation Program. Police Department should be to “serve and protect,” not “control and collect.”

Mary Mathews, 315 3rd Ave N, St. Cloud – Southside resident. Spoke for mandating South Side Rental Housing Validation Program.

Yusuf Omar, St. Cloud – St. Cloud landlord. Spoke against mandating South Side Rental Housing Validation Program.

David Mehoves, 726 8th Ave S, St. Cloud – Spoke against mandating South Side Rental Housing Validation Program. There is a lack of accountability from the landlords and the inspection department.

Dan Borgert, 1735 Lucille Ln, St. Cloud – St. Cloud landlord. Spoke against mandating South Side Rental Housing Validation Program. It is a failed program. City needs to change its focus.

Jason Hemphill, 1805 13th Ave S, St. Cloud – St. Cloud landlord. Spoke against mandating South Side Rental Housing Validation Program.

Glen Schlepskey, Heritage Dr, St. Cloud – St. Cloud landlord. Spoke against mandating South Side Rental Housing Validation Program.

Elizabeth Huber, 615 Oakwood Dr, St. Cloud – Spoke against mandating South Side Rental Housing Validation Program. City is creating work that doesn't need to be created.

Peter Joseph Wilson, 1108 Celebration Dr, Sartell – Not a landlord. Concerned when International Organizations dictate what Councilmembers think. Consequences need to be considered.

Carlos Borgert, 1735 Lucille Ln, St. Cloud - Spoke against mandating South Side Rental Housing Validation Program. SCSU enrollment is down 8%. Fees are bleeding landlords dry.

Kay Steiner, 1221 22nd St S, Sartell – Background check fees are too high. Landlords needs to be responsible but that doesn't mean government should control everything.

Charles Ward, 27635 Schulz Rd, St. Cloud – requested the City to give the Landlords some tools to help with tenants. Hold the tenants that are causing the problems accountable.

Council President Goerger closed the Public Hearing. Stated that this Public Hearing was more about listening to residents and landlords regarding the program. Several options were offered and there may be other options. This program isn't the only thing the Council will consider.

Councilmember Brandmire moved to make no changes to the current Eyes on the Southside Program, no additional fees or mandates. No second to the motion. Motion failed.

Councilmember Hontos commented that the City has very bad landlords. The City has problems with regards to these properties. The question is how it is resolved. Councilmember Hontos is an advocate of the Eye on the Southside Program. The landlords that are participating are discouraged by those who do not. There is an inconsistent ability to enforce the ordinances. Councilmember Hontos moved to table the item and discuss at August Study Session. Councilmember Lewis seconded the motion. Motion passed 6-1 with Councilmember Conway opposed. Item tabled.

21. CONSIDERATION OF ORDINANCE AMENDING SECTION 2.66 OF THE ST. CLOUD HOME RULE CHARTER REGARDING THE CITY COUNCIL'S AUTHORITY TO OVERRIDE THE MAYOR'S VETO.

ACTION TAKEN: MASTERS/LEWIS/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2783

City Administrator Matthew Staehling introduced item. Item is back before Council with changes; and presented back to Council with the City Charter's changes based on recommendations received. Addresses time line of notification to Council regarding a Mayor's Veto

Council President Goerger opened the Public Hearing

Elizabeth Baklaich, 1615 SE 25th St, St. Cloud – believes that there should be Checks and Balances. This should be up to the citizens, not the Council to decide, on how much power to give themselves.

Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve.

Councilmember Masters requested clarification that this is not an addition to power, but rather a change to notifications of the veto. Staehling confirmed. This is not an addition of power to City Council. Motion passed unanimously. Ordinance adopted and assigned 2783.

OPEN DISCUSSION & ANNOUNCEMENTS

Councilmember Hontos discussed Airport taskforce and if a City Council representative be selected for the committee. Under the process, Mayor Kleis indicated that the Mayor City Administrator Matthew Staehling will represent the City. Leigh Lenzmeier was selected for Stearns County and Felix Schmiesling was selected for Sherburne County. Nothing will be decided until brought back to Council. Councilmember Hontos requested clarification on the approved resolution.

Councilmember Lewis requested whomever contacted her call again as her cell phone was not working properly.

Councilmember Conway commented that not all landlords are present this evening. Suggested that Administration and landlords have a meeting to discuss.

Councilmember Hontos frustrated with lack of communication regarding the Airport Advisory Meeting and Council assignments.

Councilmember Brandmire responded to the "attack" against him that occurred at last Council meeting.

OPEN FORUM

Joe Karnik, 524 7th Ave S, St. Cloud – spoke regarding traffic not stopping when pedestrians crossing

Mel Tadych, 1608 28th St S, St. Cloud – spoke about the negative national reputation St. Cloud has regarding immigration and business development.

Rhainnon Knutsen, 1153 Bromo Ave, St. Cloud – discussed roadwork on Veterans Drive and excessive traffic on residential street because of construction. Requested help.

Carlos (?), 340 6th Ave S, St. Cloud – requested a moment of silence for man murdered across the street from City Hall

Sylvia Scheibel, 425 Raymond Ave NE, St. Cloud – inquired on why the streets in her neighborhood are not getting fixed like the Northside and Southside.

ADJOURNMENT:

It was moved by Councilmember Masters seconded by Councilmember Brandmire to adjourn. Motion unanimously passed. Meeting adjourned at 9:05 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President