

## City Council Proceedings

**AGENDA ITEM:**

**AUGUST 11, 2014**

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 11, 2014, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was observed for our men and women serving in the Armed Forces.
3. Council members Goerger, Gohman, Hontos, Johnson, Lewis, Libert and Masters were present.
4. **SPECIAL RECOGNITION:** Park Director Scott Zlotnik presented the "2014 Star Tribune's Best of Minnesota Award" plaque to Mayor Kleis. The award was recently presented to St. Cloud's Clemens and Munsinger Gardens for being the "Best Getaway for Gardeners." Mayor Kleis noted that the Munsinger and Clemens Gardens were also listed as a "Minnesota Best Botanical Gardens" by WCCO radio. St. Cloud was recently rated 5<sup>th</sup> of 10 as "Most Exciting Places in Minnesota," ranked by Movot Real Estate; and 24<sup>th</sup> of 184 as "Best Small Places for Business and Careers," ranked by Forbes.
5. **INTRODUCTION TO BUDGET:** Mayor Dave Kleis presented a brief introduction to his 9<sup>th</sup> budget, the 2015 City of St. Cloud budget. The City Council will be conducting several Governmental Fund budget meetings during the month of August.

### **CONSENT AGENDA:**

6. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
7. **TRANSPORTATION INFRASTRUCTURE ADVISORY BOARD REAPPOINTMENTS.** ACTION TAKEN: Confirmed the Mayor's reappointments of Kurt Franke and Hazel Youngmann to terms to commence immediately and expire June 30, 2017.
8. **APPLICATION BY JEFF BREWER FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN EVENT TO BE HELD ON AUGUST 15, 2014 AT 301 3RD AVE NE.** ACTION TAKEN: Approved.
9. **APPLICATION BY CINDY JUDE FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR AN EVENT TO BE HELD ON SEPTEMBER 13TH AT 3143 BENT TREE DRIVE.** ACTION TAKEN: Approved.
10. **MINNESOTA YOUTH FOUNDATION'S REQUEST FOR THE GRANITE CITY POND HOCKEY CHAMPIONSHIP SPECIAL EVENT; THE APPLICATION FOR EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE; AND A THREE-DAY TEMPORARY ON-SALE LIQUOR LICENSE.** ACTION TAKEN: All three requests were approved as submitted.
11. **SETTING A PUBLIC HEARING ON AN APPLICATION FOR A WINE LICENSE FOR BO DIDDLEY'S, INC., DBA BO DIDDLEY'S ON 25<sup>TH</sup>, located at 129- 25TH AVE S.** ACTION TAKEN: A public hearing was set for August 25, 2014.
12. **CALVARY HILL PARK OUTDOOR PICKLEBALL IMPROVEMENTS.** ACTION TAKEN: Councilmember Hontos removed this item for a separate discussion. Hontos/Johnson moved approval. Park Director Zlotnik spoke to proposed project costs and noted that construction should be completed by October. The motion unanimously carried.
- 13A. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 8, 2014 TO CONSIDER CERTIFICATION OF DELINQUENT WATER, SEWER AND REFUSE ACCOUNTS TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-87.
- 13B. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 8, 2014, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-88.

- 13C. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 8, 2014 TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-89.
- 13D. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 8, 2014 TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-90.
- 13E. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 8, 2014 TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-91.
14. **A SERVICE AGREEMENT TO REBUILD TURBINE #2 AT THE HYDROELECTRIC GENERATION FACILITY.** ACTION TAKEN: Approved.
15. **A NEW MASSAGE FACILITY LICENSE PENDING A SATISFACTORY PRE-OPENING INSPECTION BY THE HEALTH & INSPECTIONS DEPARTMENT FOR MONICA JOY VOTH DBA: MANTRA SALON AND SPA LLC 912 ST. GERMAIN ST. W., ST. CLOUD.** ACTION TAKEN: Approved.
16. **A NEW MASSAGE FACILITY LICENSE FOR MELISSA LEE KASELLA LLC, 102 DOCTORS PARK, ST. CLOUD.** ACTION TAKEN: Approved.
17. **A NEW MASSAGE FACILITY LICENSE PENDING A SATISFACTORY PRE-OPENING INSPECTION BY THE HEALTH & INSPECTIONS DEPARTMENT FOR PAULA ROSE WEBER, DBA OCEAN BREEZE TANNING, 88 33RD AVE S, ST. CLOUD.** REQUESTED ACTION: Approved.
18. **RESOLUTION ACCEPTING LOW BID FOR THE 30-INCH FORCEMAIN REPAIR PROJECT; CONTRACT 2014-04.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-92.
19. **AUTHORIZE MAYOR AND CITY CLERK TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH CATHEDRAL HIGH SCHOOL FOR UTILIZATION OF 3RD STREET NORTH BETWEEN 6TH AND 7TH AVENUES NORTH.** ACTION TAKEN: Approved.
20. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 8, 2014, TO CONSIDER SPECIAL ASSESSMENT ROLL 2 FOR 2013 PUBLIC IMPROVEMENTS.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-93.
21. **QUOTE FOR TURF RESTORATION FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS - AREA B, CONTRACT 2014-02B TURF.** ACTION TAKEN: Councilmember Hontos pulled this item for separate discussion. Hontos/Gohman moved approval. City Engineer Steve Foss spoke to sod restoration for the area. The motion unanimously carried.
22. **QUOTE FOR TURF RESTORATION FOR SEBERGER NEIGHBORHOOD IMPROVEMENTS - AREA C, CONTRACT 2014-02C TURF.** ACTION TAKEN: ACTION TAKEN: Councilmember Hontos pulled this item for separate discussion. Hontos/Gohman moved approval. City Engineer Steve Foss spoke to sod restoration for the area. The motion unanimously carried.
23. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 1011 - 29TH AVENUE NORTH.** ACTION TAKEN: Approved.
24. **GRANT AGREEMENT 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: Approved.
25. **PURCHASE OF A NEW HEAVY EQUIPMENT SNOW BLOWER OFF OF THE STATE CONTRACT FROM MACQUEEN EQUIPMENT FOR THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.
26. **RESOLUTION DECLARING THE CITY'S INTENT TO ACCEPT THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT AWARD FOR FY2014.** ACTION TAKEN: Resolution adopted and assigned number 2014-8-94.

**OPEN FORUM:**

**Pat Morin, 917 13<sup>th</sup> Avenue SE**, asked for assistance in rectifying a two-year violation of the construction of an accessory building in her neighborhood that was built without a permit. She displayed photos of the on-going violation.

**Joseph Furman, 912 3<sup>rd</sup> Street S., Cold Spring**; stated his credentials and addressed concerns regarding the St. Cloud Regional Airport, specifically that of losing gas sales to neighboring airports due to the higher price of fuel at STC compared to surrounding airports. He suggested self-serve fuel, which he thought would lower the cost of fuel. He further noted that he'd like to see radar in the STC Air Traffic Control Tower. He suggested a cost effective radar that he has in his plane that he thought could also work in the tower cab.

**PUBLIC HEARINGS:**

27. **APPLICATION FOR ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR JK FLYER'S, LLC DBA JK FLYER'S, FOR SERVICE AT THE ST. CLOUD REGIONAL AIRPORT, 1550 45TH**

**AVE SE.** City Clerk Gregg Engdahl gave a brief overview of the application request for a wine and on-sale 3.2 percent malt liquor license for the current food vendor at the airport. The applicant, JK Flyer's, is proposing to locate a service bar in the dining/waiting area of the main lobby of the terminal. The application has been reviewed and recommended for approval contingent upon favorable reviews from the Legal and Health departments. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Libert to approve the application with the conditions listed in the memo. The motion unanimously carried.

28. **ORDINANCE AMENDING SECTION 512 OF THE 2007 CODE OF ORDINANCE REGARDING VARIOUS RENTAL HOUSING FEES AND OTHER HEALTH AND INSPECTIONS DEPARTMENT FEES AND AN ORDINANCE AMENDING SECTION 1100 OF THE 2007 CODE OF ORDINANCES REGARDING ADMINISTRATIVE CITATION FINES.**

Community Development Director Matt Glaesman gave a brief overview of the proposed changes to Section 512 and Section 1100, both coming forward under two separate ordinances. Council President Goerger opened the public hearing. The following people spoke:

**Chester Rorvig**, 4421 Avenue S.; spoke in support of the proposed ordinances. He hoped it would increase enforcement and better eliminate the repeat violations.

**Lee Torborg**, 1932 Tyrol Drive; spoke in opposition. He spoke to the high fees charged on his recent construction in the Westwood area. Suggested that cost of inspections are already high and felt that builders are being double charged on new rental construction. He asked for an explanation of the newly proposed rental conversion fee of \$500. Felt the City should be promoting a lower cost of living for its residents.

**Dan Borgert**, 1735 Lucille Lane, spoke in opposition. Suggested that fees be based on a tier system. Felt the current fee system is not fair nor equitable.

**Nancy Loidoit**, 10901 127<sup>th</sup> Street SE, Clear Lake; spoke in opposition to raising the rental fees, but supported raising the fine fees and for increasing enforcement. She feels she is a good landlord that is being penalized on her rental units by being lumped in a higher fee category with the repeat violators.

**Brian Murphy**, 1913 Temminck Road; supported the proposal and concurred with Ms. Loidoit on her comments. He noted that he supported an incentive plan where good landlords should be granted credits. He asked that all landlords be kept advised of the city' plan for landlord standards and proposed enforcement.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to approve the first Ordinance amending Section 512:00 Subd. 2, 512:50 and 512:60 regarding Health and Department Fees. Councilmember Lewis spoke favorably of raising the penalty fines but not the fees. Councilmember Masters felt the enforcement is the key and supported the idea of incentives for good landlords. It was moved by Councilmember Libert, seconded by Councilmember Hontos, to amend the Ordinance by increasing the proposed \$500 conversion fee to \$1,000 on existing buildings that are converted to rentals. Both Lewis and Hontos spoke against raising the new fee without waiting to see how effective it is first. Community Development Director Glaesman said staff feels the proposed \$500 fee is adequate. After further discussion, Councilmember Libert and Councilmember Hontos withdrew the amendment motion. Councilmember Hontos spoke to the duplication of inspections conducted on newly constructed single family detached rental housing. He noted that first there is an inspection for the issuance of Certificate of Occupancy and then a re-inspection to issue the rental license. After a discussion period, it was moved by Councilmember Hontos, seconded by Councilmember Lewis, to amend the proposed Ordinance - SECTION 3: Section 512.60 – Subd. 1: Initial Rental License Application Fee, to include the following language: newly constructed single family detached rental properties are exempt from the initial rental license application fee and inspection. The motion carried by a 6-1 vote with Council President Goerger voting against. After further discussion, it was moved by Councilmember Hontos, seconded by Councilmember Gohman, to offer a second amendment by adding the word "existing" to the newly proposed Subd. 3: Any existing dwelling, not licensed in previous 12 months, shall be subject to a rental conversion fee at the time it is initially licensed as a rental (Fee: \$500). The motion unanimously carried. The original motion as amended then carried by unanimous vote. The adopted Ordinance was assigned number 2598.

It was moved by Councilmember Libert, seconded by Councilmember Masters, to adopt the proposed second Ordinance entitled "**Schedule of Civil Fines for Administrative Offenses under Section 1100 of the 2007 Code of Ordinances.**" It was moved by Council President Goerger, seconded by Councilmember Lewis, to amend the proposed Ordinance by increasing two fines listed under **Non-Property Related Offenses** as follows: **Urinating in Public** (940:00) from \$200 to \$500; and **Illegal Discharge of a Firearm** (1060:00) from \$200 to \$1,000. He suggested the first offense (urinating in public) is a total disrespect for property and the second offense (illegal discharge of a firearm) is a safety issue/danger of loss-of-life issue and should carry the maximum fine. During discussion of our City administrative citation process, City Attorney Staehling advised that such crimes are prosecuted in criminal district court at the discretion of a judge or hearing officer who have the broad authority to adjust a fine depending on

facts and findings. He also noted that District Court has the better ability to impose the fine and collect the fine. The amendment motion carried by a 6-1 vote with Councilmember Johnson voting against. The original motion as amended carried unanimously. The adopted Ordinance was assigned number 2599.

**NEW BUSINESS:**

**29. RESOLUTION OF THE CITY OF ST. CLOUD, MINNESOTA REGARDING THE SUPPORT OF A JOB CREATION FUND APPLICATION IN CONNECTION WITH PARK INDUSTRIES, INC. PROJECT.**

Economic Development Director Cathy Mehelich gave a brief overview of proposed expansion project proposed by Park Industries, Inc. and its desire to apply for an award and/or rebate from the Job Creation Fund Program. She noted that Joan Schatz, Chief Operating Officer, Park Industries, Inc.; Brad Brzezinski, Business Representative-Central Region, MN Dept. of Employment & Economic Development; and Dave Gruenes, St. Cloud EDA President, were all in attendance. It was moved by Councilmember Libert, seconded by Councilmember Hontos, to adopt the resolution as submitted. The motion unanimously carried. The adopted resolution was assigned number 2014-8-95.

**30. RESOLUTION OF THE CITY OF ST. CLOUD, MINNESOTA CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED ADOPTION OF A MODIFICATION TO THE REDEVELOPMENT PLAN FOR MUNICIPAL REDEVELOPMENT DISTRICT NO. 3 AND THE PROPOSED ESTABLISHMENT OF THE PARK INDUSTRIES II TAX INCREMENT FINANCING DISTRICT.**

Economic Development Director Cathy Mehelich explained that the next step in the proposed schedule for the TIF Plan adoption for the Park Industries project would be to set a public hearing on approval of the TIF plan and approval of the Park Industries Business Subsidy Agreement. It was moved by Councilmember Masters, seconded by Councilmember Johnson, to set the public hearing date for September 22, 2014. The motion unanimously carried. The adopted resolution was assigned number 2014-8-96.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Mayor Kleis encouraged citizens to vote at the primary election on Tuesday, August 12, 2014.

**ADJOURNMENT:**

There being no further business to discuss, Council President Goerger adjourned the meeting at 8:49 p.m.

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Council President Jeff Goerger

Respectfully submitted by:

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Sandy Hilsgen  
Recording Council Secretary