

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

AUGUST 10, 2015

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on August 10, 2015, 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. All Councilmembers were present: Goerger, Hontos, Johnson, Laraway, Lewis, Libert and Masters.

SPECIAL RECOGNITIONS:

4. Mayor Dave Kleis presented a Proclamation declaring August 2015 as "Historic Preservation Month" in the City of St. Cloud.
5. Mayor Dave Kleis introduced Heritage Preservation Commission Chair Peter Fandel who presented the 2015 Century Homes Awards to the following homeowners: Andrew & Chelsea Kilanowski for the property at 315 14th Avenue North; Chris Schaller for property at 126 14th Avenue North; Nicole Schaffer for property located at 217 14th Avenue North; Josh & Heather Anderson for property located at 822 7th Avenue North; Suzanne & Charles Rodell for property located at 709 13th Avenue South; and Nora Markfort for property located at 126 19½ Avenue South. Chair Fandel also acknowledged the Heritage Preservation Commission Awards that recognized the Friedrich Family for the efforts and establishment of George Friedrich Park, and to Dr. Louis & Barbara Foote in recognition of the restoration and rehabilitation of the Majerus House located at 404 9th Ave. S.

INTRODUCTION TO THE BUDGET.

6. Mayor Dave Kleis presented an overview of the 2016 Budget. The City Council is scheduled to meet in several budget sessions throughout the month of August.

CONSENT AGENDA:

7. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the addition on one item under Open Discussion requested by Councilmember Johnson regarding a VFW event.
8. **APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING HELD JULY 13, 2015 AND THE REGULAR MEETING HELD JULY 27, 2015.** ACTION TAKEN: Approved.
9. **MAYOR'S REAPPOINTMENT OF JENNIFER FOLEY TO THE PARK AND RECREATION ADVISORY BOARD.** ACTION TAKEN: Confirmed the reappointment to Jennifer Foley's second term to commence immediately and expire June 30, 2018.

10. MAYOR'S REAPPOINTMENT OF JODI DOMEIER TO THE RIVER'S EDGE ADVISORY BOARD. ACTION TAKEN: Confirmed the reappointment of Jodi Domeier to her second term to commence immediately and expire February 28, 2018.

11. RESOLUTIONS ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND VARIOUS TOBACCO LICENSE ESTABLISHMENTS REGARDING TOBACCO VIOLATION OF SECTION 424 OF THE 2007 ST. CLOUD CODE OF ORDINANCES. ACTION TAKEN: Lewis pulled this item for separate discussion. It was moved by Lewis, seconded by Masters, to approve the seven resolutions as presented. Lewis questioned whether the violation would have an impact on SunRise Liquor's annual liquor license renewal. Hontos suggested linking this violation to the SunRise renewal process. Laraway appreciated the cooperative letter from Mr. Nice Guys (packet page 11-13). Following discussion, the motion unanimously carried. The adopted seven resolutions were assigned as follows: 2015-8-111-Vukes; 2015-8-112 - St. Cloud Tobacco Shop; 2015-8-113--Smokin' Monkey; 2015-8-114-Go For It Gas; 2015-8-115 - Mr. Nice Guys; 2015-8-116 - Walmart; and 2015-8-117 - Sunrise Liquor.

12. APPLICATION BY DAVID WAJCMAN FOR A TRANSIENT MERCHANT'S LICENSE FOR CLOTHING CONCEPTS, INC. FOR A SALE TO BE HELD AT THE HOLIDAY INN & SUITES ON AUGUST 19, 2015. ACTION TAKEN: Approved.

13. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD STATE UNIVERSITY TO BE USED IN CONJUNCTION WITH THE "CELEBRATE ST. CLOUD" EVENT TO BE HELD ON SATURDAY, SEPTEMBER 19, 2015, IN THE PAY LOT ON THE SOUTH SIDE OF HUSKY STADIUM. ACTION TAKEN: Approved.

14. APPLICATION BY JEFF BREWER FOR A BLOCK PARTY PERMIT AND EXEMPTION FROM THE CITY'S NOISE ORDINANCE FOR A GRADUATION/BLOCK PARTY TO BE HELD AT 301 3RD AVE NE ON AUGUST 22, 2015 FROM 4:00 PM TO 11:30 PM. ACTION TAKEN: Approved.

15. APPLICATION FROM CHRISTIAN MEDFORD OF LEIGHTON BROADCASTING FOR AN EXEMPTION FROM THE CITY'S NOISE ORDINANCE TO BE USED IN CONJUNCTION WITH A CIDER AND BBQ SAMPLING EVENT TO BE HELD AT JOE FABER FIELD ON AUGUST 22, 2015. ACTION TAKEN: Approved subject to conditions noted by the Police Department.

16. APPLICATION BY BRIAN SCOTT TIMS FOR A TRANSIENT MERCHANT'S LICENSE FOR PROTECTION 1, LLC TO SOLICIT DOOR TO DOOR FOR THE SALE OF HOME SECURITY AND AUTOMATION SYSTEMS. ACTION TAKEN: Approved.

17. APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSES FROM LINCOLN DEPOT, INC. (MARY ISAACS) DBA LINCOLN DEPOT TO FREY, INC. (JEREMY FREY) DBA LINCOLN DEPOT, 629 LINCOLN AVENUE SE. ACTION TAKEN: A public hearing was set for August 24, 2015.

18. APPLICATION FOR WINE AND ON-SALE 3.2 PERCENT MALT LIQUOR LICENSES FOR HOP DOGS, LLC DBA 7 WEST TAPHOUSE, 28 5TH AVENUE SOUTH. ACTION TAKEN: A public hearing was set for August 24, 2015.

19. **RESOLUTION REQUESTING FUNDING ASSISTANCE FROM THE GREATER MINNESOTA REGIONAL PARK & TRAILS COMMISSION FOR LEGACY GRANT DOLLARS.** ACTION TAKEN: Resolution adopted and assigned number 2015-8-118.
20. **UPDATED JOB DESCRIPTION OF HEAVY EQUIPMENT MECHANIC.** ACTION TAKEN: Approved.
21. **UPDATED JOB DESCRIPTION OF EQUIPMENT OPERATOR I.** ACTION TAKEN: Approved.
22. **RESOLUTION REQUESTING AMENDMENT TO THE STEARNS COUNTY ALL HAZARD MITIGATION PLAN.** ACTION TAKEN: Resolution adopted and assigned number 2015-8-119.
23. **WATER TREATMENT FACILITY FLOW TRAIN III PROJECT:**
A. RESOLUTION TO AWARD BID TO MAGNEY CONSTRUCTION, INC.; ACTION TAKEN: Resolution adopted and assigned number 2015-8-120; **AND**
B. APPROVAL OF AMENDMENT #2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES. ACTION TAKEN: Approved.
24. **AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENT WITH STANTEC FOR CONSULTANT SERVICES TO PROCURE AND IMPLEMENT BROWNFIELDS GRANTS.** ACTION TAKEN: This item was removed by Councilmember Lewis for separate discussion. It was moved by Lewis, seconded by Johnson, to approve the agreement with Stantec. In response to Councilmember Lewis's concern, Community Development Director Glaesman stated that the grant application is submitted by the firm on our behalf without noting specific assessment locations. Funds granted would not be limited to, or designated to, any specific site. Sites will be chosen following the comprehensive plan adoption and further discussion with property owners. The motion unanimously carried.
25. **ORDINANCE REZONING PROPERTY LOCATED AT 710 44TH AVENUE NORTH FROM C5, HIGHWAY COMMERCIAL DISTRICT TO I3, PLANNED INDUSTRIAL DISTRICT. (REZ-2015-03)** ACTION TAKEN: A reading and public hearing was set for August 24, 2015. (Proposed Ordinance 2015-23)
26. **RESOLUTION AMENDING THE HIGHWAY 15 & COUNTY ROAD 74 PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW A CONVENIENCE STORE WITH FUEL SALES. (LOCATION: 3705 AND 3709 23RD STREET SOUTH) (DPA-2015-03)** ACTION TAKEN: A public hearing was set for August 24, 2015.
27. **RESOLUTION AUTHORIZING PARTIAL FORGIVENESS OF A 2010 CDBG AWARD TO NEW BEGINNINGS FOR IMPROVEMENTS AT 40 - 25TH AVENUE NORTH.** ACTION TAKEN: This item was removed by Councilmember Hontos for separate discussion. Hontos suggested this issue was worthy of further discussion and made a motion to table. The motion failed for a lack of a second. Following a brief discussion regarding the minimal dollar amount involved, it was moved by Hontos/seconded by Lewis, to adopt the resolution as

presented. The motion unanimously carried. Adopted resolution was assigned number 2015-8-121.

28. AUTHORIZE MAYOR AND CITY CLERK TO ENTER INTO CONTRACT WITH KAO LEE THAO FOR DESIGN AND INSTALLATION OF ST. JOHN CANTIUS NEIGHBORHOOD GATEWAY FEATURE. ACTION TAKEN: Councilmember Libert removed item for separate discussion. It was moved by Libert, seconded by Lewis, to authorize the contract for the St. John Cantius Neighborhood Gateway project. Libert was concerned with potential rust problems with the feature and suggested obtaining a warranty. The Council members had mixed opinions regarding the attractiveness of the feature. Community Development Director Glaesman said the illustration was an early submittal and final details are yet to come. The motion to approve carried by a vote of 6 – 1 with Councilmember Johnson voting against.

29. AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT RENEWAL WITH NATHAN STARK TO FARM VARIOUS TRACTS OF LAND AT THE ST. CLOUD REGIONAL AIRPORT. ACTION TAKEN: Approved.

OPEN FORUM:

Brian Severson, 302-19½ Avenue N., St. Cloud; read a printed statement (said document on file with Administration) regarding his understanding of Minnesota Statutes MS 430.07 – Method of Improvements: Assessments. He alleged that the City has 3 entirely different ways to come up with an assessment rate. He asked the City Council to follow Minnesota Statute 429.071 to order a supplemental or a reassessment of his assessments using correct methods.

Curtis Wood, 927 8th Avenue N., St. Cloud; spoke to his ongoing concern and research on global warming and our climate. He recently authored a book, "Decoding Earth's Hidden Secrets," and hoped to share his book with the Council members.

PUBLIC HEARINGS:

30. **ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT AT 5962 AND 5968 RIVERS EDGE DRIVE. (VAC-2015-03)** Community Development Director Glaesman gave a brief overview of the vacation that would consolidate two adjacent parcels into a larger development site (applicants: Ronald and Debra Bauer). Council President opened the public hearing. No one spoke. The public hearing was closed. It was moved by Masters, seconded by Johnson, to adopt the ordinance. The motion unanimously carried. The adopted ordinance was assigned Ordinance number 2627.

31. **ORDINANCE VACATING A 10' WIDE AND 15' WIDE DRAINAGE AND UTILITY EASEMENT AT 1044 AND 1048 33RD STREET SOUTH. (VAC-2015-04)** Community Development Director Glaesman gave a brief overview of the vacation that would accommodate future

building expansions on the site. Council President opened the public hearing. The following people spoke:

Kathleen M. Henderson, 3515 Plum Creek Drive; asked about the possibility of road closure due to the easement. (Glaesman clarified that there would be no closure.)

Thomas A. Berg, 1155 Lime Tree Circle; spoke to his water drainage concerns.

There being no one else wishing to speak, the public hearing was closed. It was moved by Libert, seconded by Laraway, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned Ordinance number 2628.

32. **ORDINANCE VACATING A 10' DRAINAGE AND UTILITY EASEMENT AT 1125 COUNTY ROAD 4 AND 5910 19TH STREET NORTH (VAC-2015-05)** Community Development Director Matt Glaesman explained that the property owners are requesting to vacate a 10' wide drainage and utility easement located on a common lot line to accommodate a potential home being constructed over the easement. The lots are located at 1125 County Road 4 and 5910 19th Street North. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Libert, seconded by Johnson, to adopt the ordinance as presented. The motion unanimously carried. The adopted Ordinance was assigned Ordinance number 2629.

33. **RESOLUTION ORDERING ALLEY BITUMINOUS RESURFACING IMPROVEMENTS FOR PORTION OF EAST-WEST ALLEY BETWEEN 12TH AND 13TH STREET SOUTH FROM 120 FEET EAST TO 280 FEET EAST OF 9TH AVENUE SOUTH** City Engineer Steve Foss stated that a petition was received to resurface that alley portion located between 815 and 819 – 13th Street South extending to South Side Park. It will be added to the Seberger Neighborhood Improvements – Area E project. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Masters, seconded by Laraway, to approve the resurfacing improvement project. The motion carried by unanimous roll call vote. The adopted Resolution was assigned number 2015-8-122.

34. **INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON SINGLE-FAMILY RENTAL CONVERSION.** Community Development Director Matt Glaesman stated that staff had forwarded all public comment received to date and recommended to proceed with the public hearing. Council President Goerger commented that considerable

correspondence was received by the Council both in favor and against the moratorium. He then opened the public hearing to those who wished to speak. The following individuals addressed the Council:

Joan M. Jaye, 1601 8th Avenue SE, the new Executive Director of the St. Cloud Neighborhood Coalition. She stated there are seven active neighborhoods within the Coalition that strongly support the moratorium. She spearheaded the Neighborhood Coalition back in October 2003, and also actively participated in the 2006 St. Cloud Best Practices study. She suggested that every time a single-family owner occupied home is converted to a rental home, it has a significant impact on the dynamics of the neighborhood. The concerns/issues of the past 12 years are still being dealt with today. She suggested that with an interim moratorium, the Coalition and others can partner with the City to find a long term solution.

Donniell Robinson, 1044 16th Avenue S., she and her husband, a civilian contractor who was severely injured in Afghanistan, purchased four single family homes in St. Cloud that they have converted into rental homes for their family's source of income. She stated that they are good landlords with good tenants. She opposed the moratorium.

Pat Morin, 917 13th Avenue SE, spoke in support of the moratorium citing neighboring properties (rentals) near her home that have tenants exhibiting behavioral problems and who neglect upkeep of property.

Mike Conway, 25573 58th Avenue, lives in St. Cloud near the St. Augusta Township; he spoke in opposition stating the moratorium would be a detriment to the city as a whole.

Dan Hollenhorst, 513-7th Avenue S., read a personal written statement supporting a moratorium to restrict the conversion of single-family owner-occupied homes to rental property. His statement listed five proposed benefits of a moratorium. (Said document on file with the Planning office.)

Marty Czech, Realtor, 1050 28th Avenue N., President of the St. Cloud Area Association of Realtors; spoke in opposition to a moratorium. He had also provided (on the dais) a copy of the "St. Cloud, Minnesota, An Economic Impact Assessment of Proposed Rental Housing Restrictions."

Katy Westlund, 201 16th Avenue N., lives in the St. John Cantius Neighborhood and serves on the Neighborhood Coalition. She spoke in support of the moratorium.

Evan Shoberg, 210 14th Avenue S., he spoke in support of the moratorium as he has witnessed an increase of rental homes over the years. There are now six rental homes on his block.

Gary Zimmerman, 224 3rd Street S., Waite Park, spoke in opposition to the moratorium, citing there is a community need for rental homes.

Susan Nielson, 1320 10th Avenue S., spoke in support of the moratorium. She has lived in her home for 32 years and no longer feels safe in her neighborhood because of the high number of rentals in her area. She shared some firsthand situations of wrongdoings by others that she experienced in her neighborhood. (Her written statement was placed on the dais prior to the meeting.)

Barry Kukowski, 8373 148th Street NW, Clearwater, MN, employed by Renters' Warehouse and spoke in opposition to the moratorium. He asked the City not discriminate against all renters, but rather use better enforcement of our current ordinances.

Shannon Haws, 120 17th Avenue S., lives in Lake George neighborhood; spoke in support of the moratorium.

Dan Borgert, 1735 Lucille Lane, works with housing developments throughout the community; spoke in opposition to the moratorium.

Monique Waters, 807 River Avenue N., Sauk Rapids; owns a rental home by the St. Cloud Hospital and spoke in opposition to the moratorium.

Thomas Rentz, 1701 9th Avenue SE; a 35-year resident of the south side of St. Cloud; he spoke in support of the moratorium.

Jason Hemphill, 805 13th Avenue S.; saw this issue as a no-win/no-lose issue. Rental homes are necessary and single family owners-occupied home are necessary. Spoke in opposition to the moratorium.

Terry Schroeder, 231 9 ½ Street N, Sauk Rapids; owns property in St. Cloud and has been a good landlord and cares about the people who rent from him. He spoke in opposition to the moratorium.

Eric Teksten, 1727 9th Avenue SE; praised the previous speaker for being a good landlord. Spoke in support of the moratorium.

Steve Baklaich, 1615 SE 25th Street; licensed realtor for past 32 years; he owns his home as well as rental property. He shared his insight of the issue; spoke in opposition to the moratorium.

Don Porter, 2409 Utah Road, Sartell; works with JM Management as a broker; spoke in opposition to the moratorium.

Curtis Wood, 927 8th Avenue N., spoke to the need for rental homes for the general public, specifically for young professionals who choose not to own. Spoke in opposition to the moratorium.

Kathy Maloney, 819 13th Street N.; spoke in support of the moratorium.

There being no one else wishing to speak, Council President Goerger closed the public hearing at 8:10 p.m. It was moved by Councilmember Lewis to approve the interim ordinance to establish a moratorium on single-family home rental conversion. The motion died for a lack of a second. Councilmember Masters spoke about accountability and suggested that with no plan in place, the issue be tabled to a Study Session. City Attorney Matthew Staehling was asked to address parliamentary procedure. It was then moved by Councilmember Hontos, seconded by Councilmember Laraway, that a Council Study Committee of interested and invested community members/groups be established to revisit the Neighborhood Best Practices III. The motion unanimously carried. Interested parties should contact City administration. The issue of forming the new committee will be a topic on the August 17th Study Session.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Jeff Johnson was concerned that a recent event regarding the refugee resettlement program was prohibited from being held at a local VFW club. He noted that the right to join with fellow citizens in peaceful protest is the core of the First Amendment. He also referenced a document that he hoped to share with his colleagues regarding the State of Minnesota and its role in the resettlement program.

ADJOURNMENT:

There being no one else wishing to speak, Council President Goerger adjourned the meeting at 8:41 p.m.

City Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary