

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

September 14, 2015

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on September 14, 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.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the addition of three items under Open Discussion: Councilmember Lewis's item pertaining to email accounts and Councilmember Hontos items regarding the City's Charter Commission and the sound system in the Chambers.
5. **APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING HELD AUGUST 24, 2015.** ACTION TAKEN: Approved.
6. **APPLICATION FOR A TOBACCO LICENSE FROM ECIG INNOVATION, LLC DBA ECIG INNOVATION, 4221 CLEARWATER ROAD #112.** ACTION TAKEN: Approved.
7. **APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE AND WINE LICENSE FOR JLB - STC, LLC DBA JL BEERS, 801 ST. GERMAIN.** ACTION TAKEN: A public hearing was set for September 28, 2015.
8. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR ST. CLOUD PRIDE FOR A "PRIDE IN THE PARK" EVENT TO BE HELD SEPTEMBER 19TH AT LAKE GEORGE.** ACTION TAKEN: Approved pending receipt of favorable review from the Police Department.
9. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE WHITNEY SENIOR CENTER FOR AN OKTOBERFEST EVENT TO BE HELD ON OCTOBER 8, 2015 A CLEMENS HALL.** ACTION TAKEN: Approved.
10. **RESOLUTION AUTHORIZING THE ISSUANCE OF A CHARITABLE GAMBLING PREMISES PERMIT FOR THE SAUK RAPID'S SPORTSMEN'S CLUB FOR ACTIVITIES TO BE CONDUCTED AT STOP LIGHT BAIT, TACKLE AND GUNS, 45 - 8TH AVE SE.** ACTION TAKEN: Resolution adopted and assigned number 2015-9-135.
11. **RESOLUTION SETTING DECEMBER 7, 2015, FOR THE PUBLIC HEARING ON THE 2016 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY.** ACTION TAKEN: Resolution adopted and assigned number 2015-9-136.

12. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION INFRASTRUCTURE MANAGEMENT FUND BONDS, SERIES 2015A.** ACTION TAKEN: Resolution adopted and assigned number 2015-9-137.

13. **RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION LIBRARY SALES TAX REVENUE REFUNDING BONDS, SERIES 2015B.** ACTION TAKEN: This item was pulled by Councilmember Lewis for discussion. It was moved by Lewis, seconded by Laraway, to adopt the resolution as presented. John Norman, Finance Director, explained the rationale for extending the library debt (only regional sales tax project) for another four years. The voters approved a sales tax back in 2005 for collection in 2006-2018. The vote included specific dollar amounts for Library debt, parks and trails, airport, and transportation. The recession the City faced over the last five years had an impact on overall collections of sales tax. In addition, the formula includes allocating sales tax according to the amount collected within each City's boundaries. The move of Sam's Club and Walmart to Sartell decreased the formula amounts to St. Cloud. The combination of these two factors means that the City will not collect sufficient sales tax to support all the voter approved sales tax projects. Therefore, the City is proposing to refund the Library Sales Tax Bond and extend the final maturity from 2019 to 2023 and by extending the principal out four additional years, the City will be able to finance all the projects approved by the voters back in 2005. Finance Director Norman said that the extended sales tax from 2019-2038 will be more than sufficient to pay for the extended library debt service and new projects. The interest costs will be approximately the same with the new bonds as the refunded bonds despite the four additional principal payments due to the lower interest rates. Following a brief discussion, the motion unanimously carried. The adopted resolution was assigned number 2015-9-138.

14. **PROFESSIONAL SERVICES AGREEMENT FOR HAULING AND BENEFICIAL REUSE OF MUNICIPAL LIME SOLIDS.** ACTION TAKEN: Approved.

15. **ORDINANCE REZONING PROPERTY LOCATED AT 6250 COUNTY ROAD 120 FROM C2, NEIGHBORHOOD COMMERCIAL DISTRICT TO PLANNED UNIT DEVELOPMENT TO ALLOW CONSTRUCTION OF A CONVENIENCE STORE. (REZ-2015-05)** ACTION TAKEN: Set a reading and public hearing for September 28, 2015. (Proposed Ordinance number 2015-25)

16. **(A.) ORDINANCE REZONING PROPERTIES LOCATED AT 400 2ND STREET SOUTH AND 301 4TH AVENUE SOUTH FROM R7, HIGH RISE MULTI-FAMILY RESIDENTIAL DISTRICT AND 302 5TH AVENUE SOUTH FROM C4, FRINGE CENTRAL BUSINESS DISTRICT TO PLANNED UNIT DEVELOPMENT. (REZ-2015-04); and (B.) ORDINANCE VACATING 3RD STREET SOUTH BETWEEN 4TH AND 5TH AVENUES SOUTH (VAC-2015-09)** ACTION TAKEN: This item was pulled for separate discussion by Councilmembers Lewis and Masters. Community Development Director Glaesman clarified that the public hearing on September 28th will be to discuss the rezoning and the vacation only. It was moved by Councilmember Lewis, and seconded by Councilmember Johnson, to set both readings and public hearings for September 28, 2015. The motion unanimously carried. (Proposed Ordinance numbers 2015-26 and 2015-27 respectively)

17. ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE PROPERTY LINE BETWEEN LOTS 4 AND 5, BLOCK1, SUN VILLA ESTATES. (VAC-2015-08)

ACTION TAKEN: Set a reading and public hearing for September 28, 2015. (Proposed Ordinance number 2015-28)

18. ORDINANCE VACATING A 33' HIGHWAY EASEMENT AT 1230 HIGHWAY 23 EAST. (VAC-2015-07)

ACTION TAKEN: It was moved by Councilmember Lewis, seconded by Councilmember Masters, to set a reading and public hearing for September 28, 2015. The motion unanimously carried. (Proposed Ordinance number 2015-29) Councilmember Lewis referred to a map within the packet, but set aside her question until the public hearing.

19. APPROVAL OF FINAL PLAT AND SUBDIVISION AGREEMENT FOR KENSINGTON PATIO HOMES PLAT 4.

ACTION TAKEN: Approved.

20. RESOLUTION DECLARING THE CITY'S INTENT TO ACCEPT THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT AWARD FOR FY2015.

ACTION TAKEN: The resolution was adopted and assigned number 2015-9-139.

OPEN FORUM:

Terry Surma, 332-5th Avenue NE, spoke to the City's proposal to construct a retaining wall on his property. His yard was originally flat prior to the utility improvements, but now his property has a steep slope. The City has offered to construct a 2' tall by 30' long retaining wall in the tree area; however he would like a 70' retaining wall. (Item referred to the Engineering Department for response.)

PUBLIC HEARINGS:

21. APPLICATION FOR THE EXPANSION OF THE LIQUOR SERVICE AREA AT THE TUSCAN CENTER, 3333 WEST DIVISION STREET, SUITE 116.

City Clerk Gregg Engdahl stated that the applicant, Diane Cash, is proposing to add a coffee shop, event area, and outdoor seating space to the existing licensed spaces at Tuscan Center, 3333 W. Division Street. With a coffee shop the expanded hours of operation would be Monday – Friday - 6:30 a.m. to 8:00 p.m. and Saturday from 9:00 a.m. – 4:00 p.m. Seating for 50 would be added inside with the addition of 20 outdoor patio seats next spring. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve the expansion as presented with the conditions noted. The motion unanimously carried.

22. RESOLUTION CERTIFYING DELINQUENT WATER, SEWER AND REFUSE ACCOUNTS TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.

City Clerk Gregg Engdahl requested that the public hearings be opened and closed on each of the following

Agenda Items: Items 22, 23, 24, 25, 26, and 27. The respective resolutions should be adopted so that the delinquent amounts can be sent on to the Counties to be added to the property taxes payable in 2016. All public comments received at this meeting will be recorded and returned with staff response at the September 28, 2015 meeting. After evaluation of staff's recommendations, the Council can make necessary adjustments at the September 28th meeting. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Libert, seconded by Councilmember Hontos, to adopt the resolution as presented. Councilmember Hontos suggested looking into options that would create stricter penalties for repeat offenders. Council President Goerger suggested referring that task to the new task force that will be formed for Best Practices III. The motion unanimously carried. The adopted resolution was assigned number 2015-9-140.

23. **RESOLUTION CERTIFYING DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.** Health Director Lisa Schreifels spoke briefly to the final listing of delinquent accounts. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Masters, seconded by Councilmember Laraway, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-141.

24. **RESOLUTION CERTIFYING DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.** Health Director Lisa Schreifels provided an updated list of delinquent accounts. Council President Goerger opened the public hearing. The following individual spoke:

Hector Morales, 615 - 5th Avenue NE, stated that the front of his home was defaced by spray paint in early summer. He notified the police about the incident and they took photos of the graffiti. He tried to remove the paint (graffiti) himself, but wasn't successful. He wondered why he would have to pay for the cleanup charge when it wasn't his fault.

The public hearing was closed. It was moved by Councilmember Libert, seconded by Council member Hontos, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-142.

25. **RESOLUTION CERTIFYING DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.** Health Director Lisa Schreifels provided an amended list of delinquent accounts. Council President Goerger opened the public hearing. The following individual spoke:

Lee Paulzine, 233 17th Avenue North and 1127/1129 13th Street South, received a citation for Exterior Structure project treatment. He was given an extension to repair the residence, but said the work was delayed when his son was injured. When staff arrived to take photos of the front of the house, he said he was in the back of the house doing scraping and painting improvements on the home.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved Councilmember Masters, seconded by Councilmember Laraway, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-143.

26. **RESOLUTION CERTIFYING UNPAID WATER SERVICE MAINTENANCE FEE CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.** Public Services Director Pat Shea stated that these delinquent accounts remain from the past winter's water service line freeze. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-144.

27. **RESOLUTION CERTIFYING DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2016.** Public Services Director Pat Shea gave a brief intro to the delinquent snow removal charges. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Laraway, seconded by Councilmember Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-145.

28. **RESOLUTION ORDERING SPECIAL ASSESSMENT ROLL 2 FOR 2014 PUBLIC IMPROVEMENTS.** City Engineer Steve Foss gave a brief intro regarding Assessment Roll 2 which includes the Seberger Neighborhood Improvements for Area E, other miscellaneous assessment agreements, and several tax forfeit properties that were sold. The estimated final project cost for Assessment Roll 2 for 2014 Improvements is \$5,164,679. The aggregate final City cost for the improvements is estimated at \$3,011,424 and the aggregate special

assessments are estimated at \$2,149,956. City Engineer Foss announced that one letter was received today's date from Roy Baringer, 234 – 20th Avenue North, stating that he is financially unable to pay his assessment. (Said letter on file in Engineering office.) City Engineer Foss commented that there is an assistance program in place for those property owners that meet income qualifications--the assessment stabilization program. He further noted that all public comments received at this meeting will be recorded and returned with staff response at the September 28, 2015 meeting. Council President Goerger opened the public hearing. The following individuals spoke:

Wesley Johnson, 136 – 21st Avenue North; read aloud his personal statement opposing his \$1940 assessment. He stated that 21st Avenue N. did not need to be redone. He alleged that damage was done to his property during construction that hasn't been repaired. He spoke to hazards along 21st Avenue N. and felt that his property value should increase to the dollar amount of his assessment. (Said letter on file in Engineering Office.)

Kathleen O'Neil, 43 - 21st Avenue North; she attended the original meeting back in 2013 where she was told the owners would be responsible for their bill a year after the construction; yet she is getting her bill before the construction is over. She also felt her assessment was too high.

Mary Fennell, 21 N. 2th Avenue, suggested that all residents should be assessed for road improvements, not just the adjacent property owners. She has a corner lot and doesn't feel it is fair to be charged for both sides of her lot. She suggested that our taxes pay for assessments.

There being no one else wishing to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Lewis, and seconded by Council President Goerger, to table the Assessment Roll 2 to the September 28, 2015 City Council meeting. The motion unanimously carried.

29. **RESOLUTION APPROVING THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) YEAR 2014 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER).** Community Development Director Matt Glaesman provided a brief overview of the past year (2104) expended CDBG funds. CAPER is the document that is provided to HUD showing a review and evaluation of the City of St. Cloud's progress toward meeting the annual goals and outcomes as outlined in the PY2014 Annual Action Plan and larger five year goals identified in the 2010-2014 Consolidated Plan. Glaesman displayed a schematic of portions of the CAPER

document for public viewing. He noted that the Downtown St. Cloud Accessibility Improvement program did not advance for funding. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved Councilmember Libert, seconded by Councilmember Lewis, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-146.

OLD BUSINESS:

30. **RESOLUTION ADOPTING THE 2016 PRELIMINARY TAX LEVY BUDGET FOR THE GOVERNMENTAL FUNDS.** Mayor Dave Kleis stated gave a brief overview of the proposed budget noting that there were no changes since his presentation in early August. It was moved by Councilmember Libert, seconded by Councilmember Johnson, to adopt the resolution as presented. Following a brief discussion, the motion unanimously carried. The adopted resolution was assigned number 2015-9-147.

Council President Goerger announced that the Truth in Taxation public hearing will be held on Monday, December 7, 2015, at 6 p.m. in the City Council Chambers.

31. **RESOLUTION ADOPTING THE 2016 TAX LEVY AND BUDGET FOR THE ECONOMIC DEVELOPMENT AUTHORITY.** Economic Development Director Cathy Mehelich gave a brief overview of the proposed budget for the Economic Development Authority. It was moved by Councilmember Laraway, seconded by Councilmember Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-148.

32. **RESOLUTION ADOPTING A 2016 TAX LEVY FOR THE ST. CLOUD HOUSING AND REDEVELOPMENT AUTHORITY.** Louise Reis, HRA Executive Director, and Karen Rizer, HRA Finance Director, were both in attendance. Director Reis gave a brief overview of the 2016 levy approved by the HRA Board of Commissioners on August 26. It was moved by Councilmember Masters, seconded by Councilmember Masters, to adopt the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2015-9-149.

33. **ENVIRONMENTAL REVIEW OF THE SCHWINGHAMMER FARM MIXED-USE DEVELOPMENT ON APPROXIMATELY 157 ACRES LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 124 NORTH, RANGE 28 WEST IN THE CITY OF ST. CLOUD, STEARNS COUNTY, MINNESOTA.** Community Development Director Glaesman gave a brief report regarding

comments received from three state agencies during the 30-day comment period. Following staff review, staff recommends that an environmental impact statement is not needed. Following a brief discussion, it was moved by Councilmember Hontos, seconded by Councilmember Laraway, to adopt the resolution entitled, "*Resolution declaring that preparation of an Environmental Impact Statement is not needed for the proposed Schwinghammer Farm Mixed-Use Development on approximately 157 acres within the SE ¼ of Section 28, Township 124 North, Range 28 West, in the City of St. Cloud, Stearns County, Minnesota.*" The motion unanimously carried. The adopted resolution was assigned number 2015-9-150.

34. **COUNCIL STUDY COMMITTEE FOR BEST PRACTICES III.**

Council President Goerger proposed that the first two Council members that approached him, Councilmember Hontos and Councilmember Masters, be appointed to serve on the Best Practices III Task Force (a Council committee), and that he, as Council President, would chair the committee. He suggested the three members meet with the Mayor and administration to review the list of interested individuals who wish to serve on the Best Practices III Task Force. He further suggested that the initial task force be set at a limited number of individuals and be comprised of a balanced group. Councilmember Hontos concurred and reiterated this would be a Council committee. Councilmember Lewis spoke to the Open Meeting Law requirements. After a brief discussion, it was moved by Councilmember Hontos, seconded by Councilmember Masters, that the three designated Council members (Goerger, Hontos, and Masters) set a meeting with the Mayor and administration to begin the process of forming the Council's committee.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Lewis proposed that all City Council members be provided with a City email address to conduct city business, similar to the school district's practice for school board members. Lewis suggested such an account would provide transparency and record retention. It was moved by Councilmember Lewis, seconded by Councilmember Masters, to have administration set up city email accounts for Council members. During discussion, it was moved by Councilmember Johnson, seconded by Councilmember Libert, to table this item to the September 28th agenda to allow administration ample time

to provide information. The motion to table carried by a 5-2 vote with Councilmembers Lewis and Masters voting against.

Councilmember Hontos asked about the Charter Commission's past meeting activity and its role and relationship with the City Council. It was moved by Councilmember Hontos, seconded by Councilmember Laraway, to put this topic on the agenda of an upcoming Study Session for an update on the Charter Commission and to discuss the role of the Commission and its role with the City Council. The motion unanimously carried.

Councilmember Hontos reiterated his on-going concern that the sound system/broadcasting is of poor quality in the Council Chambers. He and Council President Goerger both commented that the broadcast volume level is set extremely low, too low for the viewing public.

Councilmember Johnson expressed his disappointment in the recent attacks of law enforcement officers on a national level. He asked how the Council and administration could offer support. Mayor Kleis encouraged everyone to honor those men and women who wear a uniform and to continue our commitment and respect for all who wear a uniform.

ADJOURNMENT:

There being no other business to discuss, Council President Goerger adjourned the meeting at 8:02 p.m.

Council President Jeff Goerger

Respectfully submitted by

Sandy Hilsgen
City Council Recording Secretary