

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

September 28, 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 28, 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 one item under open discussion: Councilmember Hontos item regarding youth soccer at Whitney.
5. **APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF THE REGULAR MEETING HELD SEPTEMBER 14, 2015.** ACTION TAKEN: Approved
6. **MAYORS APPOINTMENT TO THE PLANNING COMMISSION.** ACTION TAKEN: Councilmember Libert pulled this item for discussion. It was moved by Councilmember Libert seconded by Councilmember Johnson to approve. Councilmember Libert then congratulated Bill Mund on his appointment to the Planning commission. Other Councilmembers echoed his congratulations. The motion unanimously carried.
7. **MAYORS APPOINTMENT AND REAPPOINTMENT TO THE POLICE REVIEW BOARD.** ACTION TAKEN: Confirmed the appointment of Commander Jeff Oxtan to fill an unexpired term to commence immediately and expire on April 30, 2017. Confirmed the reappointment of Donna McCray for a third term to commence immediately and expire on April 30, 2018.
8. **MAYORS APPOINT TO THE RSVP ADVISORY COUNCIL.** ACTION TAKEN: Confirmed the appointment of Christa Mitchell for a term to commence immediately and expire December 31, 2016.
9. **APPROVAL OF THE REVISION TO THE CITY COUNCIL ETHICS POLICY.** ACTION TAKEN: Approved.
10. **RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY, CASUALTY, AUTOMOBILE, AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD OF OCTOBER 1, 2015 TO September 30, 2016.** ACTION TAKEN: Councilmember Laraway pulled this item for discussion. It was moved by Councilmember Laraway seconded by Councilmember Johnson, to approve the resolution. Councilmember Laraway questioned the bid process for renewing the City's insurance, and questioned how adequate the insurance coverage is for the City. Mayor Dave Kleis informed Councilmember Laraway and city staff work closely with Mahowald insurance on the updating and assuring the adequate coverage for the city. Councilmember Hontos

Questioned the increase in premium in the valuation of properties, and how the value matches up with the appraised value. Mr. Mahowald answered the regarding property values and agreed to provide Council with the appraised value of the city properties. The motion carried unanimously. Resolution adopted and assigned number 2015-9-151

11. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, LOCAL #33, POLICE OFFICERS.** ACTION TAKEN: Resolution adopted and assigned number 2015-9-152

12. **APPROVAL OF THE MUNICIPAL ATHLETIC COMPLEX'S ENERGY RECOMMISSIONING STUDY.** ACTION TAKEN: Councilmember Hontos pulled this item for discussion. It was moved by Councilmember Hontos, seconded by Masters to approve. Councilmember Hontos question the impact of this study and the current contract with Harris, and if it will result in a reduction of the payments which Harris is currently making to the city. Tony Goddard, Director of Public Facilities, informed the Council that this will just authorize a study, and there is no guarantee of savings. The motion unanimously carried.

13. **ACCEPT REPORT ON 615-5TH AVE NE, SPECIAL ASSESSMENT FOR DELINQUENT NUSIANCE ABATEMENT CHARGES.** ACTION TAKEN: Councilmember Lewis pulled this item for discussion and moved to table this item, Councilmember Lewis questioned the availability of police reports and funds which could be used to clean up the property. City Attorney Staehling informed the Council that he had not received or was aware of any police reports on this property. Community Development Director Glaseman refreshed Council on the timeline of the Nuisance Abatement policy. The motion died for lack of second. It was moved by Councilmember Libert, seconded by Johnson to approve. Councilmember asked staff if there was any way to track down funding or files on this case. City Attorney Staehling informed the Council he would look into the fund recovery. The motion unanimously carried.

14. **ACCEPT REPORT ON 233-17TH AVE N, SPECSIAL ASSESSMETN FOR DELINQUENT ADMINSTRATIVE CITATION CHARGES.** ACTION TAKEN: Approved.

15. **RESOLUTION RELATED TO \$11,732,105 GENERAL OBLIGATION DRINKING WATER REVENUE NOTE, SERIES 2015C.** ACTION TAKEN: Resolution adopted and assigned number 2015-9-153

16. **AUTHORIZATION TO PURCHASE SUBSCRIPTION TO ONLINE LEARNING AND RECORD KEEPING PROGRAM.** ACTION TAKEN: Approved.

17. **RESOLUTION APPROROVING A SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2015 FOR WHITNEY SENIOR CENTER KITCHEN IMPROVEMENTS, NEIGHBORHOOD PARK IMPROVEMENTS, AND/OR CODE ENFORCEMENT STAFFING.** ACTION TAKEN: Councilmember Lewis pulled this item for discussion. It was moved by Councilmember Lewis, seconded by Councilmember Libert to approve. Councilmember Lewis questioned the intent of the public hearing, Community Development Director informed the Council that any amendment of CDBG funds required a public hearing.

Councilmember Hontos requested that the unspent funds be documented for the last 2 years and included with the public hearing packet. The motion unanimously carried. A public hearing was set for November 9, 2015.

18. **REQUEST TO ENTER INTO ENCROACHMENT AGREEMENT WITH ANDERSON TRUCKING SERVICE INC. TO ENCROACH ON PUBLIC RIGHT-OF-WAY.** ACTION TAKEN: Approved

OPEN FORUM: No one spoke.

PUBLIC HEARINGS:

19. **APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE AND WINDE LICENSE FOR JLB – STC, LLC DBA JL BEERS, 801 ST. GERMAIN.** City Clerk Gregg Engdahl provided opening remarks. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Libert, seconded by Council member Johnson to approve the application as presented. Councilmember Masters welcomed the company to St. Cloud, and questioned the represented of JLB about the timeline for the facility to be opened. Councilmember Hontos questioned the location of a management team, and the expected hiring of restaurant management. Other Councilmembers echoed the welcoming comments to St. Cloud. The motion unanimously carried.

20. **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)** Community Development Director Matt Glaesman provided opening remarks. Council President Goerger opened the public hearing.

Wade DuMond, 52557 265th Ave, Pine Island, MN A representative of Kwik Trip, was present to answer any questions. He stated a volunteer neighborhood meeting took place and there was a positive response from the neighborhood.

Linda McNally, 1034 Bromo Avenue, St. Cloud, MN Mrs. McNally was opposed to the Planned Unit Development. She stated that there will be more traffic because of this gas station. She requested postponing the decision to inform more neighbors that this is happening.

Jim McNally, 1034 Bromo Avenue, St. Cloud, MN Mr. McNally was opposed to the Planned Unit Development, and cited the sustainable framework plan, green city awards plan. He also stated that there needs to be a way to assess the amount of light coming off the gas station.

Wade DuMond, addressed the traffic in the area was the reason the company chose this location. Mr. DuMond also address the light traffic and noise and state that Quick Trip is willing to seek accreditation, for this store, from the league of Minnesota cities. Councilmember Masters questioned if the store was a franchise, the higher than average parking spaces, and the size of the store. Councilmember Laraway questioned the traffic congestion in the area. Community Development Director Glaesman stated that Stearns County was comfortable with these access points.

There being no one else to speak, Council President Goerger closed the public hearing. It was moved by Councilmember Masters, Seconded by Laraway to approve the PUD. Councilmember Lewis questioned if this was the ideal location for a gas station. Councilmember Hontos questioned the intersection and what is needed for traffic control. Councilmember masters questioned the greenspace in the area. Community Development Director Glaesman stated with a PUD, there is much more involvement with the details of the property. Councilmember Johnson questioned if this location was ideal for a Quick Trip. Councilmember Goerger stated that on his travels he frequents Quick Trip, and they pride themselves on being a neighborhood store. Councilmember Masters echoed those comments and stated they have always provided good service. The motion carried with Councilmembers Johnson, and Lewis opposed. Ordinance adopted and assigned 2631.

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

Community Development Director Glaesman gave a brief overview of the property. Council President Goerger opened the public hearing.

Mona Nelson, 3702 W St. Germain, St. Cloud, MN; Ms. Nelson state she was concerned how this easement would affect water drainage from the swamp. Behind the location.

Mary Burr, 3730 W. St. Germain, St. Cloud, MN; Ms. Burr, was concerned about what would happen if they pump out the quarry behind the subdivision.

There being no one else to speak, Council President Goerger closed the public hearing. It was move by Councilmember Johnson, seconded by Masters to approve. Councilmember Hontos questioned the location in relationship to the quarry, and

requested Community Development Director Glaesman follow up with the concerned residents. The motion unanimously carried. Ordinance adopted and assigned 2632.

22. ORDINANCE VACATING A 33' HIGHWAY EASEMENT AT 1230 HIGHWAY 23 EAST. (VAC-2015-07) Community Development Director Glaesman gave a brief overview of the easement. Council President Goerger opened the public hearing. No one spoke. The public hearing was closed. It was moved by Councilmember Lewis, seconded by Councilmember Laraway to approve. The motion carried unanimously. Ordinance adopted and assigned 2633.

23. A. ORDINANCE REREZONING PROPERTIES LOCATED AT 400 2ND STREET SOUTH AND 301 4TH AVE SOUTH FROM R7, HIGH RISE MULTIFAMILY RESIDENTIAL AND 302 5TH AVE SOUTH FROM C4, FRINGE CENTRAL BUSINESS DISTRICT TO PLANNED UNIT DEVELOPMENT. (REZ-2015-04)

B. RESOLUTION ADOPTING Highbanks Crossing PUD General Development Plan.

C. ORDINANCE VACATING 3RD STREET SOUTH BETWEEN 4TH AND 5TH AVENUES SOUTH (VAC-2015-09)

Councilmember Masters stated for the record that to avoid any thought of conflict of interest he would abstain from the conversation and excused himself from the Council chambers. Mayor Dave Kleis gave a brief overview of the project and the relationship it has to the 5th Avenue Live vision from years ago. He also state that the \$1 for a 99 year lease was no longer a part of this deal. Community Development Director Glaesman state where the process is at, and gave a detailed account of the steps needed to occur. Council President Goerger questioned the need for a super-majority vote. Council President Goerger opened the public hearing.

Dougl's J. Boser, 7135 5th Ave. NE, Sauk Rapids, MN: Discussed the developers aspect of the project, how to covey the property and the parking options for the new layout.

Michelle M. Allen, 11671 Zadnary lane N. Dayton, MN; Gave a brief overview of the new building and the markups of the design.

Thomas Matthews, 315 3rd Ave S. St. Cloud, MN; stated that the vacation of the street is a concern, and cited the Minnesota statute about tabling items longer than 60 days.

Juliana Elchert, 513 7th Ave. S. St. Cloud, MN; Informed Council she doesn't want 3rd street to be vacated for the sake of emergency vehicles.

Pat Morin, 917 13th Ave. SE, St. Cloud, MN; stated she is opposed to closing 3rd street and feels it would create a notch neighborhood.

Krister Johnson, 37 Highbanks Place, St. Cloud, MN: Mr. Johnson was concerned the vacation of 3rd street would close in the neighborhood.

Dan Bogert, 1735 Lucille Lane, St. Cloud, MN: Mr. Bogert questioned the vacancy rate in the downtown and questioned if this was a building was a good thing to be pursuing, he also agreed that new office space would be appealing to the area.

Mary Matthews 315 3rd Ave. St. Cloud, MN: Ms. Matthews agreed with previous comments regarding the vacation of the street, and was not in favor of the vacation easement.

Peg Gustafson 1010 W. St. Germain Street, St. Cloud, MN: Ms. Gustafson spoke in support of the building and the project moving forward as quickly as possible.

Brian Schoenborn 909 6th Ave. N. St. Cloud, MN: Mr. Schoenborn spoke in support of the project. He then stated he was a part of the original 5th Ave live discussions and would like to see further follow-through on the original plans.

Steve Pickard, 1216 9th Ave. SE, St. Cloud, MN: Mr. Pickard spoke against the closing of 3rd street and cited that parking in the area is difficult already.

Jeff Peterson, 14 highbanks, St. Cloud, MN: Mr. Peterson spoke against closing 3rd street.

Patricia Gates, 328 14th Ave. South, St. Cloud, MN: Ms. Gates was concerned about closing 3rd street and cited time in the area and requested Council consider the neighborhood and the neighbors who have put time and effort into their homes in this area.

The public hearing was closed. It was moved by Councilmember Hontos, seconded by Councilmember Laraway to approve part A. Councilmember Hontos stated that the sale of city hall in any part was not well thought of by the council. He then questioned the underground parking ramp and the ownership of the parking stalls. Lastly he stated concerns in regards to the reducing the future options should the need to expand City Hall occur. Councilmember Lewis questioned the options on the parking. Councilmember Libert stated he doesn't mind exploring these options but would like to see the financials of the project to assure that the project is viable. Councilmember

Laraway echoed that comment and stated he is for the project but would like to see the financials for the project before moving forward. Councilmember Johnson stated that he has concerns from the testimony of the speakers, the funds related to the taxpayers, and would like to have more answers before moving forward. Councilmember Johnson moved to table the item, motion to table failed for lack of second. Mayor Kleis discussed 5th Avenue Live and TIF and stated that TIF all comes after this vote, that this is the preliminary vote to allow Boser construction to move forward to start putting numbers together. The Motion to approve part A carried with Councilmember Johnson opposed. Ordinance adopted and assigned 2634.

Councilmember Hontos requested clarification for part B. Mr. Boser requested guidance on the Council's wishes for the parking lot. Councilmember Lewis requested a clarification on option 2 which keeps 3rd street open to vehicles moving through. Councilmember Lewis moved to approve option 2, the motion failed for lack of a second. Community Development Director Glaesman discussed the parking options and suggested Council table the items and have Boser construction return in the future with 2 options, one of which will keep the street open. Councilmember Hontos moved to table Part B, it was seconded by Johnson to table the motion. The motion carried unanimously. Councilmember Lewis moved to table part C, it was seconded by Councilmember Laraway. The motion carried unanimously.

OLD BUSINESS:

24. RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL 2 FOR 2014 PUBLIC IMPROVEMENTS.

It was moved by Libert, seconded by Laraway to approve. With no discussion the motion passed unanimously. Councilmember Masters was not present for this motion. Resolution adopted and assigned 2015-9-154.

OPEN DISCUSSION AND ANNOUNCEMENTS:

Councilmember Hontos used this time to question why youth soccer has been moved from Whitney to Selke Field. Councilmember Laraway informed him that St. Cloud youth Soccer has moved to Selke File for reasons unknown to him. Councilmember Hontos requested that staff look into why youth soccer moved.

Councilmember Laraway moved to have a study session looking into the insurance liabilities the City of St. Cloud has and to assure that there is adequate coverage, it was seconded by Councilmember Hontos. The motion carried unanimously.

ADJOURNMENT:

There being no one else to speak, Council President Goerger adjourned the meeting at 9:06 p.m.

Council President Jeff Goerger

Respectfully submitted by

Seth Kauffman

Recording Council Secretary