

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

May 22, 2017

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on May 22, 2017 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. Councilmembers present: Laraway, Lewis, Libert and Masters. Councilmember Goerger arrived at 6:12 PM. Councilmembers Hontos and Johnson were absent.

SPECIAL RECOGNITION:

4. LEAGUE OF AMERICAN BICYCLISTS' DESIGNATION OF ST. CLOUD AS A BRONZE LEVEL BICYCLE FRIENDLY COMMUNITY.

CONSENT AGENDA:

5. APPROVAL OF AGENDA. Action Taken: Approved.
6. APPROVAL OF THE COUNCIL MINUTES FROM THE REGULAR SESSION HELD MONDAY May 8, 2017. Action Taken: Approved.
7. MAYOR KLEIS' APPOINTMENT OF WILLIAM SHORT TO THE LIBRARY BOARD WITH A TERM TO EXPIRE DECEMBER 31, 2020. Action Taken: Approved.
8. RESOLUTION SETTING A PUBLIC HEARING ON THE INTENT TO ISSUE GENERAL OBLIGATION STREET RECONSTRUCTION BONDS AND ADOPT A FIVE-YEAR STREET RECONSTRUCTION PLAN IN ACCORDANCE WITH MS 475.58. Action Taken: Approved. Resolution adopted and assigned 2017-5-77. Public Hearing set for June 5, 2017.
9. WHITNEY SENIOR CENTER – AWARD OF CONTRACT TO INSTALL OPERABLE WALLS AND MAKE RELATED IMPROVEMENTS. Action Taken: Approved.
10. RESOLUTION APPROVING APPLICATION FOR A \$273,525.00 TOWARDS ZERO DEATH GRANT FOR OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018 AT NO COST TO THE CITY OF ST. CLOUD. Action Taken: Approved. Resolution adopted and assigned 2017-5-78.
11. APPLICATION FOR NEW PREMISES GAMBLING PERMIT FROM OPTIMIST CLUB OF ST CLOUD FOR EVENTS TO BE CONDUCTED AT RIYAAN INC. DBA STOP-N-GO, 2711 CLEARWATER ROAD. Action Taken: Approved. Resolution adopted and assigned 2017-5-79.
12. APPLICATION FOR A LICENSE TO SELL TOBACCO PRODUCTS FOR KWIK TRIP, INC DBA KWIP TRIP #120 – 725 44TH AVE N. Action Taken: Approved.
13. APPLICATION FOR AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR KWIK TRIP, INC. DBA KWIK TRIP #120 725 44TH AVE. N. Action Taken: Approved.
14. APPLICATION FOR AN OFF-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR KWIK TRIP, INC. DBA KWIK TRIP #150 – 6250 COUNTY RD. 120. Action Taken: Approved.

15. APPLICATION FOR A LICENSE TO SELL TOBACCO PRODUCTS FOR KWIK TRIP, INC. DBA KWIK TRIP #150 – 6250 COUNTY RD. 120. Action Taken: Approved.

16. RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW PUB OFF-SALE AND COMBINATION 3.2 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2017 TO JUNE 30, 2018. Action Taken: Public Hearing set for June 5, 2017.

17. APPLICATION FOR NEW PREMISES GAMBLING PERMIT FROM ST. CLOUD YOUTH HOCKEY ASSOCIATION FOR EVENTS TO BE CONDUCTED AT DBA BOULDER TAP HOUSE, 3950 2ND STREET SOUTH. Action Taken: Approved. Resolution adopted and assigned 2017-5-80.

18. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE TECH HIGH SCHOOL ALUMNI ASSOCIATION FOR AN EVENT SCHEDULED JULY 28, 2017 AT EASTMAN PARK 1101 7TH ST S, ST CLOUD, MN 56301. Action Taken: Approved.

19. APPLICATION FOR THE TRANSFER OF AN ON-SALE INTOXICATING, SPECIAL SUNDAY, 2 AM, AND SEASONAL OUTDOOR LICENSE FROM SHOOTERS SALOON & EATERY, INC. DBA SHOOTERS SALOON & EATERY, TO SHOOTERS SALOON & EATERY, INC. DBA SHOOTERS SALOON & EATERY, 2223 ROOSEVELT ROAD. Action Taken: Public Hearing set for June 5, 2017.

20. ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENT CENTERED ON THE COMMON PROPERTY LINE BETWEEN LOTS 4 AND 5, BLOCK 2, SOUTHFORK ADDITION. (LOCATION: 3644 AND 3642 21ST AVENUE SOUTH). Action Taken: Public Hearing Set for June 5, 2017.

21. A. ORDINANCE REZONING 1255 & 1259 6TH AVENUE NORTH AND 1266 7TH AVENUE NORTH FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) 92. (REZ-2017-05).

B. RESOLUTION AMENDING THE ST. CLOUD HOSPITAL MEDICAL DISTRICT GENERAL DEVELOPMENT PLAN.

C. ORDINANCE VACATING 13TH STREET NORTH BETWEEN 6TH AND 7TH AVENUES NORTH AND PORTION OF NEARBY ALLEY. (VAC-2017-09).

D. FINAL PLAT OF ST. CLOUD HOSPITAL 2ND ADDITION.

Action Taken: Councilmember Masters pulled this item for further discussion. It was moved by Councilmember Masters to approve, seconded by Councilmember Libert. Councilmember Masters requested Councilmember Laraway to speak to this matter. Councilmember Laraway would like the record to reflect that his is a Board Member of CentraCare. He will vote today to set the public hearing but will refrain from voting at the public hearing due to conflict. Motion unanimously carried. Public Hearing Set for June 5, 2017.

22. 5TH AVENUE SOUTH AND 1ST STREET SOUTH IMPROVEMENTS, CONTRACT 2017-05:

A. REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME CONSTRUCTION FOR THE 5TH AVENUE SOUTH AND 1ST STREET SOUTH IMPROVEMENTS, CONTRACT 2017-05.

B. ACCEPTANCE OF LOW QUOTE FOR CONSTRUCTION MATERIAL TESTING SERVICES FOR THE 5TH AVENUE SOUTH AND 1ST STREET SOUTH IMPROVEMENTS, CONTRACT 2017-05.

C. RESOLUTION ACCEPTING BIDS FOR 5TH AVENUE SOUTH AND 1ST STREET SOUTH IMPROVEMENTS, CONTRACT 2017-05, S.A.P. 162-108-018 AND 162-118-009.

D. RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ST. CLOUD, MINNESOTA, TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY, CONTRACT 2017-05, S.A.P. 162-108-018 AND 162-118-009.

Action Taken: Councilmember Masters pulled this item for further discussion. It was moved by Councilmember Masters to approve, seconded by Councilmember Laraway. Councilmember Masters requested City Engineer Steve Foss to speak to the matter. Foss stated that there was a delay with the project due to getting plans approved from MNDOT. Bids opened today (May 22, 2017). 4 bids received ranging from \$1.7 million to \$2.2 million. Bids reviewed. Good bids. Higher than estimated but competitive. A request for an exemption from the city noise ordinance will allow workers the option to work at night, as needed. Councilmember Masters inquired on if the city has any prior experience with Larson Excavating. Foss confirmed that the city does have history working with Larson Excavating and it was a positive experience. Larson Excavating will have challenges with this project including underground vaults and a very tight timeline. Construction will impede vehicle traffic, but not pedestrian traffic as boardwalks will be put in place. Motion unanimously carried. Approved. Resolutions assigned and adopted 2017-5-81 and 2017-5-82 respectively.

OPEN FORUM:

Mark Van Gelder, 1823 8th Ave SE, St. Cloud, MN 56304 addressed the Council regarding his concern over an incident that occurred September 2016. The St. Cloud Police department executed a warrant at his place of business and took merchandise. Police department will not return the merchandise. Mr. Van Gelder attempted to reach the City Attorney in hope of resolving the issue without involving the court system but the City Attorney's office would not speak with him.

Rick Strowbridge, 845 15th Ave S, St. Cloud, MN 56301 spoke regarding his concerns over receiving two tickets for parking on unimproved land. The City forgave the tickets. He requests a resolution on the matter. He has maintained his back driveway with class 5 material for many years and this is the first time he has been ticketed. Requested that he be grandfathered in, the ordinance not to apply to him, and not be cited moving forward. He requests help with resolving the issue without him having to upgrade his driveway.

Jamie O'Bryant, Katie Dilario, and Bryce Olson, 1004 G Avenue, Vinton, Iowa. Members of AmeriCorp. Mission statement is to strengthen communities and

develop leaders. Jamie, Katie, and Bryce addressed the Council regarding their volunteer work within AmeriCorp.

No additional speakers. Council President Carol Lewis closed the Open Forum at 6:52 PM.

PUBLIC HEARINGS:

23. ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD, MINNESOTA: SECTION 800:55 ENTITLED "HOURS OF OPERATION" AND SECTION 810-:35 ENTITLED "TIME WHEN SALES ARE PROHIBITED."

City Clerk Seth Kauffman introduced this item to council. Council President Lewis opened the public hearing, no one spoke, the public hearing was closed. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Councilmember Masters inquired on if this amendment puts the city in compliance with Minnesota state laws regarding Sunday liquor sales. Kauffman confirmed. Councilmember Goerger requested the ordinance be approved in two parts and the motion be amended. Councilmember Laraway amended his motion to address Part I "Hours of Operation." Motion carried unanimously. Ordinance adopted and assigned 2704. Motion for Part II "Time When Sales are Prohibited" was moved by Councilmember Laraway, seconded by Councilmember Masters. Motion carried unanimously. Ordinance adopted and assigned 2705.

24. AN ORDINANCE REPEALING SECTION 300:400 RENTAL DWELLING LICENSING. Health and Inspection Director Lisa Schreifels introduced this item to council. Neighborhood Best Practices recommended that this ordinance be repealed entirely. A new version will be adopted. Council President Lewis opened the public hearing:

Christopher Sist spoke to the matter of selling homes on Contract for Deed. City should not be involved with Contract for Deeds. Also discussed Rental Conversion Fees. Fees are high. No market justification for the level of the fees. City Council should review the fee schedule.

No additional speakers. Council President Lewis closed the Public Hearing. It was moved by Councilmember Goerger, seconded by Libert to approve. Motion carried unanimously. Section 300:400 repealed. Ordinance adopted and assigned 2706.

25. AN ORDINANCE ADOPTING SECTION 445 RENTAL DWELLING LICENSING. Health and Inspection Director Lisa Schreifels introduced this item to council. This includes Contract for Deed property. Applies to owners of 3+ residential properties. Limited impact. Eliminate license fee exemption for property transfers. Sleeping Room license requirement that the owner live in the home. Habitual non-compliant properties also included. License expiration date changed. Neighborhood Best Practices recommended adoption. Council President Lewis opened the public hearing:

Richard Tienes, 618 5th St S, Apt 4, St Cloud, MN 56301. Owns several rental properties in the area. Inquiring on administration fees. Fees appear excessive.

Donniel Robinson, 1044 16th Ave S, St Cloud, MN 56301. Owns six rental properties. Support the statements made by Mr. Tienes. Fees are eating away at profits.

Also, people should have the right to sell their properties in whatever format they choose, including contract for deed sales.

No additional speakers. Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Goerger to approve. Councilmember Masters inquired on the legality of the city to not allow more than three contract for deed properties to be owned by one person and if it is an issue regarding putting the city at risk. City Administrator Matthew Staehling addressed the question stating that the city is not limiting the number of contract for deed properties a person owns but rather three or more contract for deed properties owned by a single person will be treated as rentals. Councilmember Masters inquired on if there has been any consideration to a private company taking on the inspection role rather than the city. Schreifels responded to this inquiry stating that other private inspections may be used to supplement the city's inspection. City has the enforcement arm that the private companies do not. Education is also important that the city provides. City does much more than a one-time inspection. Councilmember Goerger inquired on if the fees are punitive. Schreifels explained that they are covering the costs of the city. Councilmember Masters and Councilmember Goerger both stated that they were participated in the best practices committee and the fees are justified. Councilmember Goerger also addressed contract for deed properties and the need to do something to help neighborhoods impacted negatively by potential problem contract for deed properties. Motion carried unanimously. Ordinance adopted and assigned 2707.

26. AN ORDINANCE AMENDING SECTION 1051 LANDLORD RESPONSIBILITY. Health and Inspection Director Lisa Schreifels introduced this item to council. Neighborhood Best Practices recommends amendment to expand to include social host violation and disruptive intoxication. Revocation process struck out and added to Rental ordinance previously adopted. Council President Carol Lewis opened the public hearing:

Kyle Jordahl, 7364 Lambert Ave NE, Otsego, MN 55301, would like the city to not put all the responsibility of social host violation and disruptive intoxication violations on the property owner but rather impose fines and strikes against tenants. Requests that the city review licensing fees. Property owners should not have to pay for training more than one time. Requested council to consider a special meeting to discuss fees.

Christopher Sist, agrees with Jordahl, tenant has to be responsible. Burden should not be entirely on the property owner.

John Anderson, 2412 Meadow Ct, St. Cloud, MN 56301, responsibility has to go to the tenants.

Richard Tienes, 618 5th St S, Apt 4, St Cloud, MN 56301, addressed fees. They have increased dramatically. Tenants should be held responsible for their actions.

William Justin, addressed the license fees. Tenants should be liable, not property owners.

No additional speakers. Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Goerger to approve. Councilmember Masters inquired on if we are holding the tenants responsible for their behavior. City Attorney Cynthia Kirchoff addressed the question and confirmed that the tenants are being charged and prosecuted accordingly. Councilmember Masters states that the properties need supervision. A best practices committee has addressed these issues. Neighborhoods should be livable for everyone. Councilmember Goerger stated that property owners need to treat this as a business. Councilmember Laraway stated that this is a problem and solutions need to be addressed and handled. Councilmember Libert stated that the council is held accountable and represent the citizens of this community. Everyone needs to be held accountable, including property owners. Motion carried unanimously. Ordinance adopted and assigned 2708.

27. AN ORDINANCE AMENDING SECTION 1000 NUISANCES. Health and Inspection Director Lisa Schreifels introduced this item to council. Housekeeping proposal. All police related nuisances moved to Section 1000. Council President Carol Lewis opened the public hearing:

Warren Justin, addressed nuisances and inquired who defines the nuisances.

Council President Lewis closed the public hearing. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve. Councilmember Masters requested Schreifels to explain how nuisances are defined as Mr. Justin requested. Schreifels listed as requested. Motion carried unanimously. Ordinance adopted and assigned 2709.

Agenda Item Number 4 addressed at this time. Dorian Grilley with Bicycle Friendly Alliance of Minnesota awarded the City with a Bronze level Bicycle Friendly Community Award.

28. AN ORDINANCE AMENDING SECTION 1005 PUBLIC NUISANCES AFFECTING HEALTH AND SAFETY. Health and Inspection Director Lisa Schreifels introduced this item to council. Housekeeping proposal. Includes language to allow ability to tow from private property and eliminate the excessive consumption ordinance from this section. Council President Carol Lewis opened the public hearing, no one spoke, Council President Lewis closed the public hearing. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Council President Lewis requested clarification on a couple of the definitions. Schreifels provided clarification. Motion carried unanimously. Ordinance adopted and assigned 2710.

29. AN ORDINANCE ADOPTING SECTION 1052 EXCESSIVE USE OF PUBLIC SERVICES. Health and Inspections Director Lisa Schreifels introduced this item to council. Council President Carol Lewis opened the Public Hearing, no one spoke, Council President Lewis closed the Public Hearing. It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve. Councilmember Goerger commented on the need for this ordinance. Motion carried unanimously. Ordinance adopted and assigned 2711.

30. AN ORDINANCE AMENDING SECTION 1100 SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES. Health and Inspections Director Lisa Schreifels introduced

this item to council. Reorganization of the ordinance. No fee changes. Council President Carol Lewis opened the Public Hearing, no one spoke, Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve. Councilmember Masters requested confirmation that residents are entitled to appeal and that there is an appeals process in place. City Attorney Cynthia Kirchoff confirmed. Motion carried unanimously. Ordinance adopted and assigned 2712.

31. CONSIDERATION OF RESOLUTION ORDERING ALLEY BITUMINOUS RESURFACING IMPROVEMENTS FOR ALLEY BETWEEN 9TH AND 10TH AVENUE SOUTH FROM 13TH TO 14TH STREET SOUTH (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).

City Engineer Steve Foss introduced the item to council. Total cost of \$32,000 with \$3,600 assessed. Resurfacing of alley. Improvements warranted. Council President Lewis opened the Public Hearing, no one spoke, Council President Lewis closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Libert table the item in order to attain the required number of affirmative votes. Motion carried unanimously. Item tabled.

32. APPEAL OF ZONING BOARD OF APPEALS' DENIAL OF A REQUEST FROM INDEPENDENT SCHOOL DISTRICT 742 FOR A VARIANCE FROM ARTICLE 18, SECTION 18.3, C. – SIZE OF AN IDENTIFICATION SIGN LOCATED WITHIN A RESIDENTIAL ZONING DISTRICT. (3015 3RD STREET NORTH) (VAR-2017-04).

Being an employee of School District 742, Councilmember Masters recused himself from the discussion. Community Development Director Matt Glaesman introduced this item to council. Replacing sign on property from static to digital. Zoning Board of Appeals denied the request. Council President Lewis opened the Public Hearing:

Tami DeLand, Director of Community Relations with District 742. Discussed the zoning board denial and provided a background to the variance request.

Cherri Anderson, 412 30th Ave N, St Cloud, MN 56303, addressed the council on the concern of lighting at night.

No additional speakers. Council President Lewis closed the Public Hearing. It was moved by Councilmember Goerger, seconded by Councilmember Libert to uphold the denial. Councilmember Laraway and Council President Lewis in favor of granting variance. It was moved by Councilmember Goerger, seconded by Councilmember Libert to amend the original motion and table for further discussion. Motion carried unanimously, item tabled.

OLD BUSINESS:

33. A. ORDINANCE REZONING 371, 373, 387 4TH AVENUE SOUTH AND 368 AND 372 5TH AVENUE SOUTH FROM R3A, GENERAL RESIDENTIAL AND LODGING HOUSE DISTRICT TO C4, FRINGE CENTRAL BUSINESS DISTRICT. (REZ-2017-03).

B. PRELIMINARY AND FINAL PLAT OF FIRST PRESBYTERIAN CHURCH.

Community Development Director Matt Glaesman introduced this item to council. Allows church construction to proceed. It was moved by Councilmember Laraway, seconded

by Councilmember Masters to approve part A. Motion carried unanimously. It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve part B. Motion carried unanimously. Ordinance adopted and assigned 2713.

OPEN DISCUSSION & ANNOUNCEMENTS:

Council President Lewis congratulated the women who received an award for learning English and thanked her teacher, Nancy Ohlstrike, for her work.

ADJOURNMENT:

There being no one else to speak, Council President Lewis adjourned the meeting at 7:50PM.



Council President Carol Lewis

Respectfully submitted by



Seth Kauffman
Recording Council Secretary