

## CITY COUNCIL PROCEEDINGS

### **AGENDA ITEM**

**June 5, 2017**

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on June 5, 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, Masters, Hontos, Johnson, and Goerger.

### **CONSENT AGENDA:**

4. **APPROVAL OF AGENDA.** Action Taken: Approved.
5. **APPROVAL OF THE COUNCIL MINUTES FROM THE REGULAR SESSION HELD MONDAY May 22, 2017.** Action Taken: Approved.
6. **ORDINANCE AMENDING THE HOME RULE CHARTER OF THE CITY OF ST. CLOUD ENTITLED CONTRACTS AND PURCHASES.** Councilmember Laraway pulled this item for further discussion. It was moved by Councilmember Laraway, seconded by Councilmember Masters seconded to approve. Councilmember Laraway complimented the Charter Commission on making the long needed change of increasing the approved amount. Motion carried unanimously. Action Taken: Public Hearing Set for July 10, 2017.
7. **RESOLUTION AUTHORIZING A CHARITABLE GAMBLING PREMISES PERMIT FOR THE GRANITE CITY LUMBERJACKS TO CONDUCT EVENTS AT GREEN MILL, 100 4<sup>TH</sup> AVE S.** Action Taken: Approved. Resolution adopted and assigned 2017-6-83. Public Hearing set for June 19, 2017.
8. **APPLICATION FOR A 1) BLOCK PARTY PERMIT AND 2) TEMPORARY LIQUOR LICENSE FOR THE ANNUAL ST. MARY'S CATHEDRAL BLOCK PARTY TO BE HELD ON SEPTEMBER 9, 2017.** Action Taken: Approved.
9. **RENEWAL OF AN AND OFF SALE 3.2 PERCENT MALT LIQUOR LICENSES FOR THE PERIOD 7-1-2017 TO 6-30-2018.** Action Taken: Approved.
10. **Pulled from Agenda.**
11. **RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS RELATED TO THE NUTRIENT RECOVERY & REUSE (NR2) PROJECT AND BOND REPAYMENT RESOLUTION.** Action Taken: Approved. Resolutions adopted and assigned 2017-6-84 and 2017-6-85 respectively.
12. **PRELIMINARY AND FINAL PLAT OF K&K ADDITION.** Action Taken: Approved.
13. **ORDINANCE VACATING A 10' WIDE PORTION OF A DRAINAGE AND UTILITY EASEMENT THAT IS CENTERED ON THE COMMON LOT LINE BETWEEN LOTS 1 AND 2, BLOCK 2, BEAR RIDGE SECOND ADDITION. (LOCATION: 1937 AND 1941 38<sup>TH</sup> STREET SOUTH) (VAC-2017-11).** Action Taken: Approved. Public Hearing set for June 19, 2017.

**OPEN FORUM:** No one spoke.

## **PUBLIC HEARINGS:**

### **14. RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION STREET RECONSTRUCTION BONDS AND ADOPTING A FIVE-YEAR STREET RECONSTRUCTION PLAN IN ACCORDANCE WITH MS 475.58.**

Finance Director Ruth Wipper introduced this item to council. 5-year plan. Issuing up to \$4.2 million in 2017. City Engineer Steve Foss addressed the various projects encompassed within these bonds as one part of the funding package. Council President Lewis opened the public hearing, no one spoke, the public hearing was closed. Councilmember Laraway inquired on how road projects make the list and if there is a contingency factor for roads is available. Foss explained the various requirements in determining which roads are selected for repair. Mayor Dave Kleis commented that the Transportation Advisory Board is in place to address the priorities. There are several opportunities for citizens to contact the city with their concerns. Councilmember Johnson requested additional information on the budget fiscal impact. Wipper explained that property tax dollars will be levied to make payments on the bonds. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve. Motion carried unanimously. Resolution adopted and assigned 2017-6-86.

### **15. 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.**

City Clerk Seth Kauffman introduced this item to council. Change of ownership to one partner retaining sole ownership. Council President Lewis opened the public hearing, no one spoke, the public hearing was closed. It was moved by Councilmember Johnson, seconded by Councilmember Libert to approve. Motion carried unanimously. Approved.

### **16. RENEWAL OF ON-SALE INTOXICATING, OFF-SALE INTOXICATING, SPECIAL SUNDAY, CLUB, THEATRE, BREW PUB OFF-SALE AND COMBINATION 2.3 PERCENT MALT LIQUOR AND WINE LICENSES FOR THE PERIOD JULY 1, 2017 TO JUNE 30, 2018.**

City Clerk Seth Kauffman introduced this item to council. Annual renewal for all licenses. Recommended approval. A few establishments pending and a license will not be issued until payment received. Council President Lewis opened the public hearing, no one spoke, the public hearing was closed. It was moved by Councilmember Hontos to separate the license pertaining to the MAC from the list, seconded by Councilmember Johnson to approve. Motion carried 5-2 with Councilmember Goerger and Councilmember Masters opposed. Approved.

It was moved by Councilmember Hontos to approve all licenses (except the MAC), seconded by Councilmember Johnson to approve. Motion carried unanimously. Approved.

It was moved by Councilmember Hontos to approve the license for the MAC, seconded by Councilmember Laraway to approve. Councilmember Hontos addressed some concerns on the way the city is handling the MAC. The fee for the MAC is approximately \$4,000, which is waived, and The Rox, is utilizing the MAC, selling liquor, and retaining all profits. City Administrator Matthew Staehling addressed the question.

City is negotiating a new contract and the liquor license will be part of discussions. As a matter of fairness, Councilmember Hontos requested City Administration pass on the fee to the Rox. Staehling confirmed that this is included in discussions. Councilmember Johnson inquired on the insurance the Rox holds. Staehling addressed the question. Motion carried unanimously. Approved.

**17. 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 21<sup>ST</sup> AVENUE SOUTH.** Community Development Director Matt Glaesman introduced this item to council. Consolidation of the parcels and vacating easements no longer needed. 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. Motion carried unanimously. Approved. Ordinance adopted and assigned 2714.

**18. A. ORDINANCE REZONING 1255 & 1259 6<sup>TH</sup> AVENUE NORTH AND 1266 7<sup>TH</sup> 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 13<sup>TH</sup> STREET NORTH BETWEEN 6<sup>TH</sup> AND 7<sup>TH</sup> AVENUES NORTH AND PORTION OF NEARBY ALLEY (VAC-2017-09).**

**D. FINAL PLAT OF ST. CLOUD HOSPITAL 2<sup>ND</sup> ADDITION.**

Community Development Director Matt Glaesman introduced this item to council. Intention to accommodate the relocation of 13<sup>th</sup> Street North for the St. Cloud Hospital. Recommended approval by Planning Commission. Council President Lewis opened the public hearing:

**Dave Larson, Director of Facilities for the St. Cloud Hospital,** spoke on behalf of the St. Cloud Hospital discussing safety and traffic. Correction of an offset intersection needed for emergency room entrance. Input from neighbors received.

**Brad Wilkening, Project Manager & Civil Engineer, Westwood Professional Services,** spoke regarding the survey report.

**Scott Baynes, 1260 7<sup>th</sup> Ave N, St. Cloud, MN 56303,** spoke supporting the plan.

**Mark Larcom, 1249 6<sup>th</sup> Ave N, St. Cloud, MN 56303,** spoke with concerns on greenspace being turned into parking lot in future.

**Bob Krueger, 1214 7<sup>th</sup> Ave N, St. Cloud, MN 56303,** spoke supporting the plan.

Council President Lewis closed the public hearing. Councilmember Laraway serves on the Centracare Board and abstained from voting. It was moved by Councilmember

Goerger, seconded by Councilmember Masters to approve Item A. Motion carried unanimously. Approved. Ordinance adopted and assigned 2715.

It was moved by Councilmember Masters, seconded by Councilmember Johnson to approve Item B. Motion carried unanimously. Approved. Resolution adopted and assigned 2017-6-86.

It was moved by Councilmember Hontos, seconded by Councilmember Johnson to approve Item C. Motion carried unanimously. Approved. Ordinance adopted and assigned 2716.

It was moved by Councilmember Goerger, seconded by Councilmember Masters to approve Item D. Councilmember Johnson inquired on traffic management flow. City Engineer Steve Foss commented that is being evaluated. Motion carried unanimously. Approved.

#### **OLD BUSINESS:**

**19. CONSIDERATION OF RESOLUTION ORDERING ALLEY BITUMINOUS RESURFACING IMPROVEMENTS FOR ALLEY BETWEEN 9<sup>TH</sup> AND 10<sup>TH</sup> AVENUE SOUTH FROM 13<sup>TH</sup> AND 14<sup>TH</sup> STREET SOUTH (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).** City Engineer Steve Foss introduced this item to council. Consolidation of the parcels and vacating easements no longer needed. Public Hearing previously held. It was moved by Councilmember Masters, seconded by Councilmember Goerger to approve. Roll Call vote initiated by City Clerk Seth Kauffman. Motion carried unanimously. Approved. Resolution adopted and assigned 2017-6-88.

**20. APPEAL 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 3<sup>RD</sup> STREET NORTH) (VAR-2017-04).** Public Hearing previously held. Councilmember Masters abstained from voting as he is a District 742 employee. Council President requested clarification on the size of the sign. It was moved by Councilmember Laraway, seconded by Councilmember Johnson to approve, granting the variance. Council President requested clarification on the size of the sign. Motion carried 3-3. Motion failed. It was moved by Councilmember Libert to approve the denial of the variance. Motion carried 5-1. Approved. Resolution adopted and assigned 2017-6-89.

#### **OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Hontos requested information on filing a nuisance complaint. Resident indicated it was cumbersome. Requested city administration look at the process to streamline. Community Development Director Matt Glaesman advised on the process.

Council President Lewis gave a special "shout out" to Hajima Aden, a St. Cloud woman who recently appeared on the cover of Vogue Arabia.

Councilmember Laraway gave a special "shout out" to Mayor Dave Kleis on holding his 600th Town Hall Meeting and 1,200th Radio Town Hall Meeting.

Mayor Dave Kleis addressed the letter provided to council on the Stearns County sales tax increase. 91.6% of projects outside St. Cloud metropolitan area but 76.5% of tax collected in the St. Cloud metropolitan area. No proportionate.

Mayor Dave Kleis also noted that a special meeting will be held on Monday, June 19, 2017 at 5:00 pm in Conference Room 1. This is an opportunity to discuss priorities pertaining to the budget.

Councilmember Johnson commented regarding the Area Cities Meeting held on May 30, 2017, troubled by decreasing the standards for teachers. Also, Councilmember Johnson commented on the upcoming Airport Study. Troubled by the Study and what exactly the deliverables are as other studies have been previously performed. Our airport is far behind and we are not "getting it right."

Councilmember Hontos inquired on what role the city will have with the airport study. Mayor Dave Kleis indicated that under the legislation, the city is the conduit - the fiscal agent for the grant. The council will be discussing the airport and the airport study at the Study Session in July. Mayor Dave Kleis provided a brief history of the issue. The city would like the airport to become a regional authority. Counties need to be on board and to obtain more information, with the help of the GDSC, the counties requested the study, not the city. This study can help the city with incorporating the ideas provided in the study and will be a tool to achieve regional authority. Councilmember Hontos requested clarification on the council's fiscal responsibility and their role with this contract. A committee, consisting of the Chairs of the County Boards, the GDSC Chair, and the mayor will be formed to determine and agree on the RFP and the consultant. The Council's responsibility has, and will continue to be, providing input on all aspects of what should be included in such a study to best utilize the airport.

Councilmember Masters inquired on the status of the City Hall - Boser Construction project. City Administrator Matthew Staehling indicated that the city has nothing additional to report at this time.

Councilmember Johnson inquired on who the decision makers are regarding the grant. Mayor Dave Kleis stated again that the City is the fiscal agent for the Grant. The Chairs of the County Boards, the GDSC Chair, and the mayor will work together to agree on the RFP and the consultant. Councilmember Laraway summarized as the mayor stated.

**ADJOURNMENT:**

There being no one else to speak, Council President Lewis adjourned the meeting at 7:30PM.

  
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Council President Carol Lewis

Respectfully submitted by

  
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Seth Kauffman  
Recording Council Secretary