

## CITY COUNCIL PROCEEDINGS

### AGENDA ITEM

August 21, 2017

1. Following The Pledge Of Allegiance, the City Council of the City of St. Cloud, Minnesota, held a Regular Meeting on August 21, 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: Goerger, Johnson, Hontos, Laraway, Lewis, Libert and Masters.

### CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** Action Taken: Approved.
5. **RESOLUTION SETTING SEPTEMBER 11, 2017 FOR A PUBLIC HEARING ON THE PRELIMINARY 2018 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY.** Action Taken: Approved. Resolution adopted and assigned 2017-8-139.
6. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION.** Action Taken: Approved. Resolution adopted and assigned 2017-8-140.
7. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017, TO CONSIDER CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION.** Action Taken: Approved. Resolution adopted and assigned 2017-8-141.
8. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017 TO CONSIDER CERTIFICATION OF DELINQUENT WATER, SEWER AND REFUSE ACCOUNTS TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2018.** Action Taken: Approved. Resolution adopted and assigned 2017-8-142.
9. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017, TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION.** Action Taken: Approved. Resolution adopted and assigned 2017-8-143.
10. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017 TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION.** Action Taken: Approved. Resolution adopted and assigned 2017-8-144.
11. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017 TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION.** Action Taken: Approved. Resolution adopted and assigned 2017-8-145.
12. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE STATE AGREEMENT 1028914 BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION, OFFICE OF AERONAUTICS, AND THE CITY OF ST. CLOUD FOR FINANCIAL ASSISTANCE**

**RELATED TO MAINTENANCE AND OPERATION COSTS AT THE ST. CLOUD REGIONAL AIRPORT.** Action Taken: Approved. Resolution adopted and assigned 2017-8-146.

**13. A RESOLUTION AUTHORIZING THE ST. CLOUD FIRE DEPARTMENT TO SUBMIT A PROPOSAL TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE PROVISION OF EMERGENCY SERVICES AS A HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM.**

Action Taken: Approved. Resolution adopted and assigned 2017-8-147.

**14. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR SCSU IN REGARDS TO AN ATHLETICS HALL OF FAME BANQUET ON SEPTEMBER 23, 2017.** Action Taken: Approved.

**15. APPLICATION FOR AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE AND WINE LICENSE FOR JJ GARDEN, LLC DBA JJ GARDEN, 2104 8TH STREET NORTH.** Action Taken: Public Hearing set for September 11, 2017.

**16. ORDINANCE REZONING 3305 COOPER AVENUE SOUTH FROM R4, TOWNHOUSE RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD). (REZ-2017-08).** Action Taken: Public Hearing set for September 11, 2017.

**17. A. ORDINANCE REZONING 1048 33RD STREET SOUTH AND 3351 ROOSEVELT ROAD FROM PUD #69 TO C5, HIGHWAY COMMERCIAL DISTRICT AND FROM C5, HIGHWAY COMMERCIAL DISTRICT TO PUD #69. (REZ-2017-09).**

**B. ORDINANCE VACATING DRAINAGE AND UTILITY EASEMENTS LOCATED ALONG THE COMMON BOUNDARY OF LOT 2, BLOCK 2, ZINKEN ADDITION AND OUTLOT A, PLUM CREEK SQUARE. (LOCATION: 1048 33RD STREET SOUTH AND 3351 ROOSEVELT ROAD) (VAC-2017-12).**

**C. FINAL PLAT OF PLUM CREEK SQUARE PLAT 2.**

Action Taken: Public Hearing set for September 11, 2017.

**18. PRELIMINARY AND FINAL PLATS OF WATER TOWER ADDITION. (LOCATION: 4402 CLEARWATER ROAD) (PLAT-2017-24 & PLAT-2017-25).** Action Taken: Approved.

**19. ST. CLOUD RIGHT-OF-WAY PLAT NO. 8. (LOCATION: 33RD AVENUE SOUTH AND COOPER AVENUE SOUTH) (PLAT-2017-26).** Action Taken: Councilmember Laraway pulled this item to recuse himself due to ownership of property along right of way. It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve. Motion passed unanimously. Approved.

**20. RESOLUTION APPROVING THE CITY OF ST. CLOUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2016 CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT ANNUAL EVALUATION REPORT (CAPER).** Action Taken: Public Hearing set for September 11, 2017.

**21. SUBDIVISION AGREEMENT FOR ISD 742 SOUTHWEST ADDITION. (LOCATION: 3500 COUNTY ROAD 74).** Action Taken: Approved.

**22. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 11, 2017, TO CONSIDER SPECIAL ASSESSMENT ROLL 2 FOR 2016 PUBLIC IMPROVEMENTS.** Action Taken: Approved. Resolution adopted and assigned 2017-8-148. Public Hearing set for September 11, 2017.

**23. TRASHRACK REPLACEMENT AT THE HYDROELECTRIC GENERATION FACILITY.** Action Taken: Approved.

**24. PUBLIC WORKS EQUIPMENT PURCHASE – LOADER.** Action Taken: Approved.

**25. RECYCLABLE MATERIALS CONTRACT APPROVAL.** Action Taken: Approved.

**26. MUNICIPAL SOLID WASTE TRANSPORT AGREEMENT.** Action Taken: Approved.

**OPEN FORUM:**

**Kathleen Virnig**, 2004 Charter Oaks Ct, St. Cloud, MN 56303: Refugee Resettlement concerns. Much wider issue than in just St. Cloud. Eleven states are concerned what happens in our city.

**Mary Ichbow (sp?):** Spoke on Refugee Resettlement concerns. More discussion needed. The community needs to come together.

**Patricia Morin**, 917 13<sup>th</sup> Ave SE, St Cloud, MN 56304: Refugee Resettlement - does not hate Somalis, just does care for their behaviors.

**Susan Montag**, 19 Country Creek Circle, St. Cloud, MN 56301: Refugee Resettlement – supports immigrants. We are all Americans.

**Mary Lebernik**, 10 Clover Ct, St. Cloud, MN 56301: Refugee Resettlement – concerned regarding non-admittance to meetings regarding resettlement. Financial impact to our community is huge on schools, health care, and social and city services.

**PUBLIC HEARINGS:**

**27. CONSIDER AN ORDINANCE AMENDING THE IMPLEMENTATION OF AN ELECTRIC SERVICE FRANCHISE FEE ON CONNEXUS ENERGY FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF ST. CLOUD.** Action Taken: City Attorney Cynthia Kirchoff introduced this item as the second franchise fee ordinance amendment relating only to Connexus Energy. Franchise Agreement expires in 2021. A renegotiation will be required at that time. Connexus Energy has a small revenue share. Councilmember Goerger inquired on if the City is working with East Central Electric and Stearns Electric on the same issue. Kirchoff confirmed. See Item 28 for detailed further discussion. Council President Lewis opened the public hearing. No one spoke. Council President Lewis closed the public hearing. It was moved by Councilmember Laraway, seconded by Councilmember Goerger to approve. Motion passed unanimously. Approved. Ordinance adopted and assigned 2721.

**28. CONSIDER AN ORDINANCE AMENDING THE IMPLEMENTATION OF AN ELECTRIC SERVICE FRANCHISE FEE ON NORTHERN STATES POWER, D/B/A XCEL ENERGY, FOR PROVIDING ELECTRIC SERVICE IN THE CITY OF ST. CLOUD.** Mayor Dave Kleis introduced

this item. Development area on corner of Hwy 23 and Cooper Ave has been included in discussions for a long time. Working with Xcel for a number of years trying to determine the best way to proceed with removing substation on property. Study determined this site as a catalyst site as a potential area development which intensified discussions. Increasing the franchise fee for seven years will help in the cost of removing the substation. \$3.5 million cost. All franchises covered under this agreement. City Attorney Cynthia Kirchoff spoke, stating that the fee will increase from 3 to 4% with an expiration date of December 31, 2024. For projects outlined only. 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 Hontos to approve. Councilmember Hontos inquired on if we have a statement from Xcel that the cost will not exceed \$3.5 million. Mark Ostendorf, Community Relations Director with Xcel Energy confirmed that the cost should not exceed \$3.5 million. Confident that the estimate is accurate. East side estimate is approximately \$250,000. This is only an estimate, as a detailed engineering of the work has not been completed. There will not be a replacement for the substation removed. Xcel will transfer the load to other piers on the system. A purchase agreement in place with developer to develop land. It will take 12 months to complete. Councilmember Hontos inquired on why the City is collecting for seven years, projecting to collect over \$5 million in franchise fees when the cost is estimated to be \$3.75 million. Ostendorf stated that the overage is to cover any costs not anticipated. Mayor Kleis indicated that the City will also be issuing bonds on the east side project with interest due. Leaving due diligence to cover the projects. City Finance Director Wipper addressed the cost of financing, stating the interest rate on the bonds will be approximately 2% with issuance costs. With these type of bonds, bondholders will look for an excess in estimates. Unknowns in projects. Councilmember Hontos feels the City is extending the fee longer than needed. Councilmember Laraway commented on the project, stating that he is thrilled with the creativity. Councilmember Goerger agrees with Councilmember Laraway stating that this is a great way to move forward with these projects. Motion passed unanimously. Ordinance adopted and assigned 2720.

**29. CONSIDERATION OF RESOLUTION ORDERING 33RD STREET SOUTH FROM SOUTHWAY DRIVE TO HERITAGE DRIVE IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).** Councilmember Laraway recused himself as he is a property owner along the right of way. City Engineer Steve Foss introduced this item sharing the corridor improvements, which include eliminating several right hand turn lanes and adding limited left hand turn lanes, widening medians, removing landscaping of several homes and adding a privacy fence. Assessments limited to commercial properties only. Two public meetings held. Council President Lewis opened the Public Hearing.

**Dave Pollis**, 1845 Red River Trail, St. Cloud, inquired on if any of the Councilmembers have visited the area prior to voting. Pollis would like Heritage Drive to Southway Drive decreased from four to two lanes as they are not needed.

No additional speakers. Council President Lewis closed the Public Hearing. It was moved by Councilmember Goerger, seconded by Councilmember Masters to

approve. Councilmember Goerger responded to Pollis' comments, stating that the City is building a four-lane road because of need. Traffic studies indicate the need for the lanes. Councilmember Masters also responded on Pollis' comments, stating that the costs of not creating four lanes would force greater costs in the future. Councilmember Hontos questioned on where the privacy fence is located. Foss confirmed fences will be located on both sides of the road. Councilmember Hontos also inquired on the project to address concerns on the intersection of Roosevelt Road and 33<sup>rd</sup> St S. Foss stated that that project is set to occur in 2019. Councilmember Johnson spoke, provided positive remarks on the project. Councilmember Goerger responded to Councilmember Johnson, stating that the bridge has not been discussed in over 8 years. City Clerk Seth Kauffman conducted a roll call vote on the motion. Motion passed unanimously. Resolution adopted and assigned 2017-8-149.

**30. A. ORDINANCE REZONING PROPERTY LOCATED AT 3135 COUNTY ROAD 136 FROM AG, AGRICULTURAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD). (REZ-2017-07)**

**B. RESOLUTION ADOPTING SCHWINGHAMMER FARMS PUD GENERAL DEVELOPMENT PLAN.**

Community Development Director Matt Glaesman introduced this item. Zoning of property from agricultural use to urban use, to become a development of mixed single family and multi-family units, intertwined with commercial usage. Planning Commission recommends approval. Council President Lewis opened Public Hearing.

**Larry Klein**, Klein Landscaping, in favor of rezoning of property. Concern on where commercial will be located and limitations of said commercial piece. Requests a true right hand turn lane into development off 33<sup>rd</sup> St. S. He also requests a set of traffic lights at intersection and would like the city to address drainage issues in the area.

Council President Lewis closed Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Libert to approve Item A. Councilmember Masters requested Glaesman to address Klein's concerns. Following land-use planning principles. Intention of developer is to have commercial at intersection. According to plan, full median access will be provided to property with full right hand in and out. Traffic lights will be considered. Drainage deferred for future consideration. Councilmember Masters requested a time line on what the specific section of the entire corner look like. Glaesman believes within the next two years. Councilmember Hontos inquired on the PUD designation. Requested confirmation on what the Council is approving. Glaesman stated that Council is approving a PUD and layout of site plan as provided. Any significant changes will be brought back to Council. Approving a commercial PUD. Councilmember Laraway inquired on the process of land use. Adjacent land proposals will be presented at future public hearings. Motion for Item A passed unanimously. Ordinance adopted and assigned 2722. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve Item B. Motion for Item B passed unanimously. Resolution adopted and assigned 2017-8-150.

**31. RESOLUTION AMENDING PUD 97 TO ALLOW A BREWERIES AND TAPROOMS AS PERMITTED USES. (LOCATION: 408 37TH AVENUE NORTH) (DPA-2017-04).** Community

Development Director Matt Glaesman introduced this item. No proposed expansion on existing buildings. Add two uses to existing building, from coffee beans to brewery and tap room. Access points removed from 37<sup>th</sup> Ave N. Planning Commission recommended approval. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed Public Hearing. It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve. Motion passed unanimously. Resolution adopted and assigned 2017-8-151.

**32. RESOLUTION AMENDING THE NORTHWAY PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW A NEW 21,000 SQUARE FOOT GROCERY STORE AT 1530 NORTHWAY DRIVE. (DPA-2017-05).**

Community Development Director Matt Glaesman introduced this item. Change from recreational use of property to commercial development. Site plan presented and offered and will become part of the requirements for the project. Planning Commission recommends approval. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed Public Hearing. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve. Councilmember Hontos believes this a great project. Councilmember Masters commenting, exciting project moving forward. Great location. Councilmember Laraway observed a new entrance off street on east side. Hopes it will take pressure of current entrance shared with Surgery Center. Glaesman confirmed. Motion passed unanimously. Resolution adopted and assigned 2017-8-152.

**OPEN DISCUSSION & ANNOUNCEMENTS:**

Councilmember Hontos inquired on when the Neighborhood Best Practices Task Force will be reconvened. Mayor Kleis indicated this winter. Councilmember Hontos questioned winter as last winter they were told "this summer." Mayor Kleis commented that the task force will convene in September.

Councilmember Hontos suggested changing the Council Rule of Order bringing priority to St. Cloud Residents during Open Forum. Other speakers from outside St. Cloud taken only in the event five people do not speak. Council President Lewis stated that it was addressed in the Open Forum Rules. Councilmember Hontos moved to amend Council Rules of Order to give priority to St. Cloud Residents. Councilmember Masters seconded the motion to approve. Councilmember Hontos requested that the "blue cards" be placed on the screen for viewing. Councilmember Johnson troubled that residents can only speak twice a year; but does agree St. Cloud residents should be given priority. Motion passed unanimously.

Councilmember Johnson provided clarification on Refugee Resettlement. Two articles provided to Council and administration. Federal rules stated that consultation with local government should be done prior to resettlement. Concerned with max capacity of 225. City has a local responsibility. The city's legal team should convene and look into the issue. Also inquired on if the League of Minnesota Cities has a position on the issue. City Administrator Staehling indicated that the League has not commented.

Councilmember Johnson brought up the issue of Sanctuary Cities. Bemidji is a Sanctuary City. Invitation was mailed to St. Cloud. Inquired on if the city has been

involved in any meetings regarding the issue. Mayor Kleis confirmed that the city has not received any communication with anyone regarding the issue.

Councilmember Johnson commented on the East Side redevelopment. Brought up a comment from a St. Cloud resident, "In looking at East Side development...have we spent any time talking specifically to that businesses that are indigenous to the east side? What we can do to help them and promote that type of business in the area." Councilmember Johnson believes that more manufacturing companies should move to the area. Councilmember Laraway commented that he has visited with business people in the area. They are looking for attention. They would like the support and the help.

**ADJOURNMENT:**

**THERE BEING NO ONE ELSE TO SPEAK, COUNCIL PRESIDENT LEWIS ADJOURNED THE MEETING AT 7:35PM.**

  
**COUNCIL PRESIDENT CAROL LEWIS**

**RESPECTFULLY SUBMITTED BY**

  
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**SETH KAUFFMAN  
RECORDING COUNCIL SECRETARY**