

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

NOVEMBER 20, 2017

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on November 20, 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: Lewis, Goerger, Laraway, Johnson, Libert, Hontos, and Masters

CONSENT AGENDA:

No items pulled for discussion. It was moved by Councilmember Laraway, seconded by Councilmember Goerger to approve all items listed in the Consent Agenda. Motion passed unanimously.

4. **APPROVAL OF AGENDA.** Action Taken: Approved.
5. **APPROVAL OF THE OCTOBER 23, 2017 COUNCIL MEETING MINUTES.** Action Taken: Approved.
6. **MAYOR KLEIS' APPOINTMENT TO THE TRANSPORTATION INFRASTRUCTURE ADVISORY COMMITTEE.** Action Taken: Approved.
7. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE PARAMOUNT CENTER FOR THE ARTS IN REGARDS TO A FUNDRAISER TO BE HELD ON DECEMBER 7, 2017.** Action Taken: Approved.
8. **COMMUNITY DEVELOPMENT BLOCK GRANT – PLAYGROUND EQUIPMENT PROCUREMENT PROJECT.** Action Taken: Approved.
9. **RESOLUTION SETTING DECEMBER 18, 2017 FOR THE PUBLIC HEARING ON THE 2018 ENTERPRISE FUNDS BUDGET.** Action Taken: Approved. Resolution adopted and assigned 2017-11-198. Public Hearing scheduled for December 18, 2017.
10. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ST. CLOUD FIRE OFFICER'S ASSOCIATION, IAFF LOCAL 1712-S.** Action Taken: Approved. Resolution adopted and assigned 2017-11-199.
11. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH THE CITY OF MINNEAPOLIS TO PROVIDE LAW ENFORCEMENT PERSONNEL FOR THE 2018 SUPER BOWL EVENTS.** Action Taken: Approved. Resolution adopted and assigned 2017-11-200.

- 12. ORDINANCE VACATING A 10' WIDE DRAINAGE AND UTILITY EASEMENTS ALONG THE COMMON LOT LINE BETWEEN LOTS 10 AND 11, AND LOTS 11 AND 12, BLOCK 5, SOMMERSBY PLAT 2 (VAC-2017-16).** Action Taken: Public Hearing scheduled for December 4, 2017.
- 13. ORDINANCE VACATING AN UNUTILIZED PORTION OF WILDFLOWER ROAD RIGHT-OF-WAY DEDICATED WITHIN DEER CREEK CORSSING 7 (VAC-2017-15).** Action Taken: Public Hearing scheduled for December 4, 2017.
- 14. JOINT RESOLUTION AS TO ORDERLY ANNEXATION BY AND BETWEEN THE CITY OF ST CLOUD AND LESAUK TOWNSHIP (LOCATION: FORMER FOLEY STREET).** Action Taken: Approved. Resolution adopted and assigned 2017-11-201.

PUBLIC HEARINGS:

- 15. ORDINANCE AMENDING SECTION 210 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED “EMERGENCY SERVICES.”** Action Taken: City Attorney Cynthia Kirchoff introduced this item to Council. Purpose is to simply update the ordinance to bring it in compliance with federal and state law. 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 Goerger to approve. Councilmember Masters inquired on Section 210:07, subd. 3 and why the City Council no longer is approving the Emergency Operations Plan. City Administrator Matt Staehling responded indicating that Administration has taken on this responsibility in the past and council has not previously been involved with preparing the plan. Administration works closely with Stearns County to coordinate operations plan. Councilmember Masters inquired on if at some point if Council will be made aware of and able to review. Day to day operations included in the plan. Council President Lewis inquired on if the plan is brought to council annually. Emergency Manager Erin Hausauer indicated that Emergency Management has only spoken to Council, at council’s request, on isolated topics. They have not presented to plan to council for many years. Staehling indicates that this ordinance pre-dates 2007. Kirchoff stated that this dates back to 1977. Hontos commented that the ordinance was not being followed as it was written. Councilmember Laraway inquired, wanting clarification on why the ordinance was being brought forward, and reconfirming Kirchoff’s original statement. Confirmed. Councilmember Libert stated that at different times the Council is involved in the plan. Motion passed unanimously. Approved. Ordinance adopted and assigned 2732.
- 16. ORDINANCE AMENDING SECTION 365 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED “STORMWATER SYSTEM USE CODE.”** Action Taken: City Attorney Cynthia Kirchoff introduced item to Council, stating that this ordinance simply updates code to be consistent with state law. Council President Lewis opened the Public Hearing.

Jane D’Austin with Central Minnesota Builders Assn – Concerns about the language. Word clarifications were requested. City staff indicated that these changes would be made.

Council President Lewis closed the Public Hearing. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve. Councilmember Hontos inquired on if the changes suggested by Ms. D’Austin have been included in the language. Kirchoff answered, indicating that staff does not recommend the changes suggested and did not include in the ordinance language. Councilmember Hontos

inquired on if the changes requested are beyond state requirements. Public Services Director Patrick Shea indicated that nothing has been added to make the city any more restrictive than it needs to be. Councilmember Hontos inquired from D'Austin if concerns are ones that more discussion is needed prior to approval. D'Austin indicated that there is concern and more discussion needed. Councilmember Hontos would like additional discussion with CMBA members and representatives to work out the outstanding concerns before Council approval. Councilmember Masters inquired on if area cities initiate the same standards as St. Cloud. D'Austin cannot answer the answer at this time. Councilmember Masters recommends that more time be taken to meet with CMBA. Councilmember Goerger questioned from Shea that if the changes made, as suggested, will put us out of compliance with EPA. Two of three narrative changes only. City open to delaying public hearing for further discussion. Councilmember Johnson moved to table item to December 4th Councilmember Goerger seconded the motion. Motion passed unanimously. Item tabled to December 4, 2017.

Councilmember Hontos requested clarification that administration will meet with CMBA within the next two weeks. Mayor Kleis confirmed. Councilmember Laraway requested additional information on the fees D'Austin made reference to.

17. CONSIDERATION OF RESOLUTION ORDERING BITUMINOUS RESURFACING IMPROVEMENTS ON 7TH STREET NORTH FROM 12TH TO 25TH AVENUE NORTH (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED). City Engineer Steve Foss introduced this item to Council. Estimated cost for overlay is approximately \$600,000 to be paid for by local bond proceeds. No assessments for the project, maintenance only. 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. Councilmember Goerger commented that this project definitely needs to be done. 21st Avenue that heads north of this street needs to be improved. In terrible condition. Inquired on if that is included in the CIP. Foss stated that he will research and determine feasibility as the CIP is prepared. Roll Call vote. Motion passed unanimously. Approved. Resolution adopted and assigned 2017-11-202.

18. CONSIDERATION OF RESOLUTION ORDERING BITUMINOUS RESURFACING IMPROVEMENTS ON 7TH STREET SOUTH FROM 9TH AVENUE SOUTH TO WASHINGTON MEMORIAL DRIVE AND WASHINGTON MEMORIAL DRIVE FROM T.H. 23 TO UNIVERSITY DRIVE (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED). City Engineer Steve Foss introduced this item to Council. Estimated cost for overlay is approximately \$750,000 funded by the state of Minnesota. Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing. It was moved by Councilmember Libert, seconded by Councilmember Johnson to approve. Roll Call vote. Motion passed unanimously. Approved. Resolution adopted and assigned 2017-11-203.

19. ORDINANCE AMENDING SECTIONS 18.2 AND 18.3 OF THE LAND DEVELOPMENT CODE RELATED TO IDENTIFICATION SIGNS FOR INSTITUTIONAL USES WITHIN RESIDENTIAL DISTRICTS AND TEMPORARY BUSINESS SIGN STANDARDS. Community Development Director Matt Glaesman introduced item to council. City simplifies standards for usage. Includes electronic sign standards. Increases size of signage for lots of larger size. 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 Goerger to approve. Roll Call vote. Councilmember Libert requested clarification on hour limitation of light decrease at night and if we should place in the ordinance to require light be turned off vs. just being

dimmed. Council President Lewis commented to hold off and see how it goes. Council President Lewis inquired on if this impacts District 742's request for new signage at the Roosevelt school site. Glaesman confirms this will now allow the signage at Roosevelt to be implemented. Councilmember Hontos concerned about the impact on neighbors in the Roosevelt neighborhood. Council should be sensitive to that and hesitant to approve as it infringes on neighborhood livability. Glaesman answered that staff intentionally broke down the ordinance to allow flexibility for council. It was moved by Councilmember Hontos to amend motion to remove section three from the motion. Councilmember Goerger seconded the motion. Councilmember Goerger inquired on conversation with regard to light intrusion at the Planning Commission. Glaesman answered, indicating that the Planning Commission felt the light was too much and would have potentially dropped section three of the ordinance. Motion in favor of amendment unanimously passed. Motion to approve sections one and two unanimously passed. Sections One and Two Approved. Ordinance adopted and assigned 2733.

20. REMOVED FROM AGENDA.

OLD BUSINESS:

21. PRESENTATION REGARDING SIDEWALK ON 7TH STREET NORTH. City Engineer Steve Foss provided information as to why the sidewalk was recommended to be placed on the southside of street. It was moved by Councilmember Goerger, seconded by Council Laraway to approve. Councilmember Goerger appreciates the work Foss put into clarifying the recommendation. Councilmember Hontos in agreement. Inquired on why sidewalk on 32nd moved from east to west side. Petition accepted and sidewalk moved. Foss does not agree. Original proposal always on the west side. Sidewalk was never moved and would not be moved based solely on petition. Concerns by residents on 31st as well. Councilmember Hontos inquired on why the sidewalk does not go all the way down the street. Foss indicated that this is done in sections. Councilmember Hontos suggested bike lanes be considered. Foss stated that they will explore that option. Motion unanimously passed. Approved.

21A. COUNCIL RULES OF ORDER. Council President Lewis, Councilmember Laraway, and Councilmember Hontos met to review rules and suggested changes they feel are positive. Approval is not requested at this time. Just discussion. Council discussed each rule individually and will reconvene next meeting to vote on changes.

NEW BUSINESS:

22. REQUEST TO REMOVE TIME LIMIT PARKING RESTRICTIONS ALONG 31ST AVENUE NORTH BETWEEN DIVISION STREET (TH 23) AND 1ST STREET NORTH. City Engineer Steve Foss introduced item to council. Petition to remove time limit parking filed. Restrictions in place since 1977. It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve.

Adam Schnettler, 53 31st Ave N, St. Cloud, MN 56303 – obtained signatures from all owners on east side of block. West side of block, he is the only property owner. All other units are rental properties. Gilliland Chevrolet is the only business that may be impacted and there is a sufficient number of spaces in the parking lot. No concerns.

Motion unanimously passed. Approved. Resolution adopted and assigned 2017-11-220

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos requested that Administration to let Council know when a Charter Commission meeting is held. And, also, inquired on how agenda items for Charter are proposed. City Administrator Matthew Staehling answered that Administration may add or Council may add with majority vote. Councilmember Hontos requested clarification on how the mayor conveys his action of a veto be placed in the Charter. Veto should be formally provided to the council to allow them an opportunity to override. Councilmember Hontos and Mayor Kleis discussed the actions of the Mayor and his veto of T21 ordinance. Councilmember Johnson stated that he was very aware that Mayor Kleis intended to veto. It was moved by Councilmember Hontos for Charter Commission to review the process. Councilmember Masters seconded the motion. Councilmember Masters requested clarification on the process. City Attorney Cynthia Kirchoff indicated that the Charter Commission may discuss and recommend a change, but unanimous approval of the council is needed for the change to be official. Council President Lewis suggested that the process be clarified moving forward to allow process to run smoothly. Councilmember Laraway commented that the Charter commission to discuss is a good idea and the formalized notification of the veto is a good idea. Motion to include in next Charter Commission discussion unanimously passed. Approved. Councilmember Hontos requested notification of the next Charter Commission meeting date.

Councilmember Johnson commented on Presidential Search of new SCSU President. Local search for a candidate is very important.

Councilmember Masters commented on discussion on last council meeting and on T21. Bringing forward a proposal for official position of the City Council to support a change at the state level. Council President Lewis is preparing a memorandum for next council meeting.

ADJOURNMENT:

There being no one else to speak, Council President Lewis adjourned the meeting at 8:03 PM.



Council President Carol Lewis

Respectfully submitted by



Seth Kauffman
Recording Council Secretary