

**CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS**  
**Monday, April 16, 2018**  
**6:00 pm**  
**City Council Chambers**

1. **PLEDGE OF ALLEGIANCE**
2. **MOMENT OF SILENCE FOR OUR MEN AND WOMEN SERVING IN THE ARMED FORCES**
3. **ROLL CALL: Councilmembers Present:** Carol Lewis, Steve Laraway, George Hontos, John Libert, Dave Masters, Jeff Goerger, Jeff Johnson

MAYOR KLEIS SWEARS IN MATT O'BRIEN AS THE NEW CITY HEALTH DIRECTOR

**CONSENT AGENDA:**

4. **APPROVAL OF AGENDA**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
5. **APPROVAL OF MINUTES FROM COUNCIL MEETING DATED FEBRUARY 26, 2018.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
6. **MAYOR'S APPOINTMENT OF SUSANNE BARKALOW TO THE ZONING BOARD OF APPEALS.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
7. **RESOLUTION AUTHORIZING A CHARITABLE GAMBLING PREMISE PERMIT FOR GRANITE CITY LUMBERJACKS TO CONDUCT GAMBLING AT SCHMIDTY'S BK, 4325 CLEARWATER ROAD.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-36
8. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE TO BE USED IN CONJUNCTION WITH THE ANNUAL SPRING FUNDRAISING EVENT OF ST. CATHERINE DREXEL SCHOOL ON MAY 18, 2018.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
9. **RESOLUTION AUTHORIZING THE MINNESOTA DEPARTMENT OF COMMERCE TO RENEW THE CURRENCY EXCHANGE LICENSE FOR SAMCO FINANCIAL SERVICES CORP LOCATED AT 900 COOPER AVE S.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
PUBLIC HEARING SET FOR APRIL 30, 2018
10. **APPLICATION FOR THE TRANSFER OF AN ON-SALE WINE AND 3.2% MALT LIQUOR LICENSE FROM BO DIDDLEY'S INC. DBA BO DIDDLEY'S ON 25<sup>TH</sup> TO WEISBIRCH INC. DBA BO DIDDLEY DELI & PUB, 129 25<sup>TH</sup> AVENUE SOUTH.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0

11. **AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE PARAMOUNT CENTER FOR THE ARTS FOR AN ART RECEPTION TO BE HELD ON MAY 3, 2018.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
12. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE TO BE USED IN CONJUNCTION WITH EARTH DAY RUN ON APRIL 21, 2018.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
13. **(A) APPROVE A REQUEST FOR THE 8<sup>TH</sup> ANNUAL SUMMERTIME BY GEORGE FESTIVAL FROM THE ST. CLOUD ROTARY CLUB, AND (B) PROVIDE AN AUTOMATIC EXEMPTION TO THE ST. CLOUD CITY NOISE ORDINANCE; AND (C) APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
14. **RESOLUTION AUTHORIZING SPONSORSHIP OF CROSS-COUNTRY SKI TRAILS OPERATED BY THE NORDIC SKI CLUB OF CENTRAL MINNESOTA.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-37
15. **AGREEMENT WITH THE BOYS & GIRLS CLUB OF CENTRAL MINNESOTA TO CONSTRUCT A STORAGE GARAGE BUILDING LOCATED AT RAYMOND PARK.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
16. **AUTHORIZATION TO PURCHASE SELF CONTAINED BREATHING APPARATUS (SCBA) AIR COMPRESSOR AND FILL STATION.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0
17. **ORDINANCE AMENDING SECTION 810 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED "INTOXICATING LIQUOR."**  
ACTION TAKEN: HONTOS/MASTERS/APPROVED 7-0  
PUBLIC HEARING SET FOR APRIL 30, 2018

Councilmember Hontos pulled this item for further discussion. Councilmember Hontos moved to approve. Councilmember Masters seconded the motion. Councilmember Hontos inquired on if all the license holders will be contacted regarding the change. And, if they will be sent a letter alerting them of the change. City Administrator Matthew Staehling responded stating that this change does not limit license holders, but rather provides an opportunity. The city will mail a letter notifying license holders, although not planned, a good idea. Councilmember Hontos stated that since this was a controversial issue a few years prior, liquor license holders should have an opportunity to know that the city is taking action on the item. Councilmember Hontos inquired on who initiated the request. Staehling commented that it was requested by a private party and is not at liberty to disclose details. The person is active in the community, currently holds two liquor licenses, and looking at another opportunity.

18. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LABOR AGREEMENT WITH AFSCME, AFL-CIO COUNCIL #65, LOCAL UNION #748 (PROFESSIONAL EMPLOYEES UNIT).**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-38
19. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR APRIL 30, 2018 TO CONSIDER 2018 SEAL COAT IMPROVEMENTS.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-39
20. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR APRIL 30, 2018 TO CONSIDER ALLEY BITUMINOUS RESURFACING IMPROVEMENTS FOR ALLEY BETWEEN 28<sup>TH</sup> AND 29<sup>TH</sup> AVENUE NORTH FROM DIVISION STREET TO 1<sup>ST</sup> STREET NORTH.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-40  
PUBLIC HEARING SET FOR APRIL 30, 2018
21. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR APRIL 30, 2018 TO CONSIDER 7<sup>TH</sup> STREET SE SIDEWALK IMPROVEMENTS.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-41  
PUBLIC HEARING SET FOR APRIL 30, 2018
22. **RESOLUTION AUTHORIZING CITY ADMINISTRATION TO EXECUTE AGREEMENTS RELATED TO SOLAR ENERGY SUBSCRIPTIONS AND SOLAR INSTALLATIONS ON CITY PROPERTY.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-42
23. **ORDINANCE VACATING A 20' WIDE WATER MAIN EASEMENT LOCATED ON THE NORTHERN PORTION OF 2959 CLEARWATER ROAD.**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0  
PUBLIC HEARING SET FOR APRIL 30, 2018
24. **ST. CLOUD RIGHT-OF-WAY PLAT NO. 9 (LOCATION: 3350 COUNTY ROAD 74 AND 4059 & 4119 33<sup>RD</sup> STREET SOUTH)**  
ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0

#### **PUBLIC HEARINGS**

25. **CONSIDERATION OF A RESOLUTION APPROVING THE ALIGNMENT FOR THE BEAVER ISLAND TRAIL PHASE #8 IMPROVEMENTS AND AUTHORIZING THE ACQUISITION OF ASSOCIATED RIGHTS-OF-WAY AND CONSTRUCTION EASEMENTS**  
ACTION TAKEN: MASTERS/LIBERT/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-43

City Park Director Scott Zlotnik introduced this item. Alignment map and preliminary design map provided and reviewed. The preliminary map design addresses the

types of acquisitions required for the alignment, including utility easements necessary, permanent trail easements, and fee simple.

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 to approve. Councilmember Laraway would like the record to reflect that he is on the Executive Committee of the St. Cloud Opportunities and the city will need to acquire property owned by the group. Intends to vote. Councilmember Masters sits on Park & Rec Board, extensive discussion of this trail, and did approve the plan. Councilmember Hontos inquired on prices. Zlotnik indicated that prices have not been negotiated and will be brought forward to council when prices attained.

**26. CONSIDERATION OF AN APPLICATION FOR AN ON SALE 3.2% LIQUOR LICENSE AND WINE LICENSE FOR BRANDL BASEBALL, LLC DBA ST. CLOUD ROX, 5009 VETERANS DRIVE (FABER FIELD)**

ACTION TAKEN: GOERGER/JOHNSON/APPROVED 7-0

City Clerk Seth Kauffman introduced this item. Separation from MAC license, listed as an individual entity now. State statute does authorize the city to issue license in this format.

Council President Lewis opened the Public Hearing. No one spoke. Council President Lewis closed the Public Hearing.

It was moved by Councilmember Goerger, seconded by Councilmember Johnson to approve. No discussion.

**27. A) ORDINANCE REZONING PROPERTIES LOCATED AT 3135 COUNTY ROAD 136 AND 3701 33<sup>RD</sup> STREET SOUTH FROM AG. AGRICULTURAL DISTRICT TO A MIXED USE PLANNED UNIT DEVELOPMENT (PUD)**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2748

**B) PRELIMINARY PLAT OF SCHWINGHAMMER FARM PLAT 2. (LOCATION: 3135 COUNTY ROAD 136 & 3701 33<sup>RD</sup> STREET SOUTH)**

ACTION TAKEN: GOERGER/LIBERT/APPROVED 7-0

City Community Development Director Matt Glaesman introduced this item. 40-acre track for commercial development. Before Council tonight is to intend to complete the rezoning and preliminary plat. Planning commission recommends approval.

Council President Lewis opened the Public Hearing.

**Randy Jenniges, SEH**, representing Schwinghammer Farms – present to answer questions

Council President Lewis closed the Public Hearing.

It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve Item A. Councilmember Hontos inquired on when the tax changes on

the property. Glaesman commented that the tax changes are associated with the development of the property. Remains unchanged until then.

It was moved by Councilmember Goerger, seconded by Councilmember Liberty to approve Item B. No discussion.

**28. RESOLUTION APPROVING THE CITY OF ST. CLOUD'S COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN FOR YEAR FOUR USE OF FUNDS DURING CDBG PROGRAM YEAR 2018.**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-44

Community Development Director Matt Glaesman introduced this item. There are more requests than funds available for program year 2018. Requests exceed \$700,000. Anticipated only \$500,000 available.

Council President Lewis opened the Public Hearing.

**Katrina Pfeifer, Smart Kids Program** – discussed how they intend to allocate funds to serves homeless students ages 5-18.

**Patrick Shepherd, TriCap & Project Connect** – discussed how they intend to allocate funds to serve homeless

**Charles Hempick, Anna Marie's Alliance** – discussed how they intend to allocate funds to serve victims of domestic violence by purchasing software

**Laura Hood, Whitney Senior Center and Jean Haley, Dining Site Coordinator for Catholic Charities** - discussed how they intend to allocate funds for the center's kitchen project phase #2

**Tim Wensman, Pathways 4 Youth, Rotary and Scott Anderson, Youth 4 Christ** – discussed how they intend to allocate funds to serve homeless youth ages 16-23.

**Louise Reis, St. Cloud HRA** - discussed how they intend to allocate funds to serve low-income homeowners of Single Family Housing Rehabilitation Loan Program

**Chris Zabinski, City of St. Cloud Park Maintenance Supervisor** - discussed how they intend to allocate funds to maintain Haws Park and Rotary East Playgrounds for low income residents

**John Palmer, 832 Halliday Rd, St. Cloud** – not asking for money, asking that the Council wisely performs their fiduciary responsibility with regard to this money

Council President Lewis closed the Public Hearing.

It was moved by Councilmember Libert, seconded by Councilmember Johnson to approve Planning Commission's recommended allocation. Councilmember Johnson requested justification for the program administrative cost of \$100,000. Glaesman commented that the burden for the reporting and proofing for the program has required full time hours between the Planning Department and Finance Department. Glaesman indicated that the administrative burden is greater than the \$100,000 allocated. \$100,000 is the appropriate expenditure to meet

requirements. Councilmember Hontos inquired on clarification of estimates program funds available. Glaesman stated that the program income is an estimate only. The city does not know their entitlement amount at this time. If it comes in under, city council will have to revisit the issue. If it comes in higher, staff discretion to allocate appropriately. It was moved by Councilmember Hontos, seconded by Councilmember Masters to amend motion that includes all excess funds be allocated to St. Cloud HRA Single Family Loan Program. Motion on amendment passed unanimously. Councilmember Hontos commented on planning commissions revised allocation versus staff recommendation – increase to Anna Marie's and Whitney Senior Center. Council President Lewis responded, indicating that the planning commission wanted to spread the money out further, so everyone gets something. Councilmember Hontos inquired on park request since the city has the \$1,000,000 commitment from Costco sale and suggested moving some of the allocated funds from park request to HRA. Council President proposed an alternative funding allocation. Decreasing allotted amount to HRA and fully funding Smart Kids Program, Anna Marie's, Crisis Nursery, and giving an additional \$5,000 or \$6,000 to Rotary Pathway 4 Youth. Council has in the past few years given the bulk of the money to HRA. Would like to fully fund other programs as well. Councilmember Libert inquired on Anna Marie's Alliance case management software and where it falls within program guidelines. Glaesman commented that using CDBG funds for software a grey area. It was moved by Councilmember Libert, seconded by Councilmember Goerger to withdraw the \$15,000 allocated to Anna Marie's and move it to the HRA. Councilmember Goerger believes the software funding is a grey area and the city recently sold land to Anna Marie's below market value, providing them a large benefit. HRA's program has made a difference and helps a lot of people. Great example of what the funds are for. Councilmember Masters commented that he does see the value of the HRA program. Councilmember Laraway commented on the Planning Commission's recommended allocations, believing allocated fairly. Motion to withdraw \$15,000 allocation to Anna Marie's and put towards HRA passed 4-3 with Councilmember Laraway, Councilmember Masters and Councilmember Lewis opposed. Mayor Kleis responded to Mr. Palmer's and council's comments. This is a federal program the city administers for the federal government. This is something the federal government requires the city to allocate. This is not part of the city budget. Motion to approve allocation of Planning Commission's recommendations unanimously passed.

## **OPEN DISCUSSION**

Councilmember Hontos requested information on the restaurant inspection process and city's policy on frequency of inspections. Community Development Director Matt Glaesman responded, stating that it is dictated by the State of Minnesota, depending on the risk. There is not a minimum inspection requirement for low risk restaurants. City Health Director Matt O'Brien commented, indicating that frequency is based on risk of establishment, including food service and grocery stores. High Risk, once a year, medium risk is every 18 months, and low risk is every 24 months. Attempting to increase frequency on problem establishments. Councilmember Hontos commented that the inspection rates 10 years ago were

higher than the minimal one time per year. Councilmember Hontos requested a report providing the city is compliant. Mayor Kleis commented that the city will provide the report, as requested. The city is certified, as are six other cities in the state, to manage health inspections. The city has asked the state to come in earlier than usual to review and ensure the health department continues to remain compliant. The report will be provided once the state has visited the city's offices.

Councilmember Hontos commented on Heritage Park/Costco transaction. Inquired on if there is a site development agreement signed by Costco. Glaesman responded that the city has a purchase agreement in hand, signed by Costco and a site development plan in draft form. The site development agreement is not officially signed. The city anticipates the plan in hand in the next couple weeks. Councilmember Hontos inquired on if the removal of the trees was part of the purchase agreement or site development plan. Mayor Kleis stated that it is in the purchase agreement with a stipulation that if plans do not move forward, Costco is required to replant all trees. Councilmember Hontos requested a copy of the agreement once it is available to the public.

#### **OPEN FORUM**

**Nicole Wolgamott, 1925 13<sup>th</sup> Ave SE, St. Cloud, MN 56304** – commented on Right to Work laws and safe working conditions

**Peter Veljkovich** – spoke on Tech H.S. property ideas (shared on behalf of spouse)

**Maira Walsh**, commented on paid sick time and the right of cities to decide

**John Palmer, 832 Halliday Rd., St. Cloud** – commented on his removal from council meeting on February 26, 2018 and his first amendment rights

**Brian Severson**, - addressed concerns on special assessments and council's role

**ADJOURNMENT:**

It was moved by Councilmember Libert, seconded by Councilmember Masters to adjourn. Motion passed unanimously. Meeting adjourned at 8:08 PM.



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Carol Lewis, Council President



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Seth Kauffman, Recording Secretary