

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS  
Monday, April 30, 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

**CONSENT AGENDA:**

4. APPROVAL OF AGENDA  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0
5. APPROVAL OF THE MARCH 12, 2018, MARCH 26, 2018 & APRIL 16, 2018 COUNCIL MEETING MINUTES.  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0
6. MAYOR KLEIS' APPOINTMENTS TO THE ZONING BOARD OF APPEALS AND THE WHITNEY SENIOR CENTER ADVISORY BOARD.  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0
7. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LABOR AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LOCAL LODGE 623.  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-45
8. AWARD BID FOR THE WEST WATER TOWER REHABILITATION.  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-54
9. CENTRAL PARK AND PAN ADDITION NEIGHBORHOOD IMPROVEMENTS  
A. RESOLUTION ACCEPTING BID FOR CENTRAL PARK AND PAN ADDITION NEIGHBORHOOD IMPROVEMENTS, CONTRACT 2018-04  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-46  
  
B. 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 2018-04.  
ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-47
10. RESOLUTION APPROVING MNDOT AGENCY AGREEMENT FOR 33<sup>RD</sup> STREET SOUTH IMPROVEMENTS.

ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-48

**11. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND CALLING FOR A PUBLIC HEARING TO CONSIDER LAKE GEORGE PARKING LOT RESURFACING IMPROVEMENTS.**

ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-49

**12. FINAL PLAT AND SUBDIVISION AGREEMENT FOR DEERK CREEK CROSSING 10**

ACTION TAKEN: MASTERS/GOERGER/APPROVED 7-0

**PUBLIC HEARINGS:**

**13. 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 WEISBRICH INC. DBA BO DIDDLEY'S DELI & PUB, 129 25<sup>TH</sup> AVENUE SOUTH.**

ACTION TAKEN: GOERGER/LARAWAY/APPROVED 7-0

Item introduced by Seth Kauffman, City Clerk. Transfer of liquor license. Investigation completed. A few ancillary items still need to be cleaned up prior to issuance of license. License will expire on June 30, 2018 and will be brought forward to council again during the annual renewal process.

Council President Lewis opened the Public Hearing.

Councilmember Masters inquired from applicant, since new owner, what type of changes will be made to restaurant.

**Lee Weisbrich, Weisbrich, Inc.** commented that everything will remain the same.

Council President Lewis closed the Public Hearing.

It was moved by Councilmember Goerger, seconded by Councilmember Laraway to approve. Councilmember Johnson inquired on the missing law enforcement signature. Kauffman confirmed that a law enforcement will complete background check and sign prior to license being issued. Motion passed unanimously.

**14. 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: MASTERS/LARAWAY/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2018-4-50

Item introduced by Seth Kauffman, City Clerk. Samco will be doing business at Coborn's on Cooper Ave S. City does not issue these licenses and do not process the applications of the licenses. Minnesota Department of Commerce handles all aspects of the process. The City's role is to allow the public to speak to the issue in a public hearing setting. Council has three options: approve, take no action, or deny. Recommended option to approve. Council President Lewis requested clarification of what currency exchange is and inquired if it is a payday loan. Kauffman

indicated that it is check cashing and overseas currency exchange. It is not a payday loan.

Council President Lewis opened the Public Hearing.

**Gary Morgenroth, 425 Cherrywood Ct, Waite Park, MN** - inquired on if the Council is approving the exchange of US Currency of US Dollars to other dollars to allow dollars to be sent overseas. Morgenroth inquired on how long this program has been used in the area. Kauffman indicated that there are a few locations in town that provide this service, including pawn shops. Kauffman indicated that this is not a renewal, but rather a new currency exchange. Samco Financial is located in Texas and in cooperation with Coborn's. Morgenroth inquired on if Samco has a foreign interest in this exchange and indicated that the City Council should look into this further. Council President Lewis stated that the Minnesota Department of Commerce handles all investigations. Kauffman stated that all testimony from the public hearing will be forwarded to the Minnesota Department of Commerce for consideration.

Council President Lewis closed the Public Hearing.

It was moved by Councilmember Masters, seconded by Councilmember Laraway for approval. Councilmember Masters requested to inquire from the owner of the business regarding business model. Owner not present. No further questions. Motion passed unanimously.

15. **ORDINANCE AMENDING SECTION 810 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD ENTITLED "INTOXICATING LIQUOR."**  
ACTION TAKEN: GOERGER/LIBERT/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2749

Item introduced by Seth Kauffman, City Clerk. Ordinance allows for an increase in the number of on-sale liquor licenses the city may issue to one person. Increase of one additional license. State statute does not restrict the number of licenses an individual may hold. Cities are allowed to be stricter than state statute.

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 Libert for approval. Councilmember Hontos stated that he is not against doing this. This is different than a few years ago when a downtown business owner brought this request forward to council, there was serious reservations. Now, we are going to proceed. It is up to Administration to enforce the ordinances strong and consistent. Easy to allow to happen with a good operator versus a bad operator. In favor of the ordinance. At some point, the Council will need to consider that this could create a monopoly in the area. Councilmember Goerger does not disagree with Hontos. Things have changed and that additional liquor license will still come before council for approval. Council will have an opportunity to not approve. Important for vitality in downtown. Council President Lewis a bit leery of the change. Motion passed unanimously.

**16. CONSIDERATION OF RESOLUTION ORDERING 2018 SEAL COAT IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2018-4-51

Item introduced by City Engineer Steve Foss. Item covers a range of seal coat maintenance work including 9<sup>th</sup> Ave S, University Drive, local residential street. Routine seal coating with a cost estimate of \$442,000. No assessments for improvement. Councilmember Masters requested clarification on if 4<sup>th</sup> Street S will be resurfaced. Foss indicated that this is just on 9<sup>th</sup> Avenue South from 4<sup>th</sup> to 33<sup>rd</sup>.

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 Masters for approval. Roll call. Motion passed unanimously.

**17. CONSIDERATION OF A RESOLUTION ORDERING ALLEY BITUMINOUS RESURFACING IMPROVEMENTS BETWEEN 28<sup>TH</sup> AND 29<sup>TH</sup> AVENUE NORTH FROM DIVISION STREET TO 1<sup>ST</sup> STREET NOTH (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).**

ACTION TAKEN: GOERGER/JOHNSON/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2018-4-52

City Engineer Steve Foss introduced this item. Initiated by the Public Works department regarding alley by Panera Bread. Alley in very poor condition and becoming increasingly difficult to patch. Funded by combination of city cost and assessments of abutting property owners. No input received for or against from abutting property owners.

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. Council President Lewis commented that the alley is a disaster and needs improvement. Roll call. Motion passed unanimously.

**18. CONSIDERATION OF RESOLUTION ORDERING 7<sup>TH</sup> STREET SE SIDEWALK IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED).**

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2018-4-53

City Engineer Steve Foss introduced this item. Petition received from neighborhood to the east requesting a missing section be filled in that completes sidewalk to highway 10. Agrees that it would be nice to fill in the gap. Improvement will accomplish this. Councilmember Masters inquired on if this is located next to Culvers and Kwik Trip. Foss indicated that it is to the west of these landmarks.

Council President Lewis opened the Public Hearing.

**Eldred Statz, 618 19<sup>th</sup> Ave SE, St. Cloud, MN** - Requested that there is a bus stop across from Holiday Gas station. Six apartment buildings where college students reside are located where the sidewalk is missing. Commonly walked corner. Would appreciate, for safety sake, to have a sidewalk placed there.

**Gary Morgenroth, 425 Cherrywood Ct, Waite Park, MN** - this has been a concern over the past 18 years and nothing has been done. Requesting that the city takes this into consideration this time.

It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve. No discussion. Roll Call. Motion passed unanimously.

19. **ORDINANCE VACATING A 20' WIDE WATER MAIN EASEMENT LOCATED ON THE NORTHERN PORTION OF 2959 CLEARWATER ROAD (VAC-2018-04).**  
ACTION TAKEN: JOHNSON/LARAWAY/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2750

City Community Development Director Matt Glaesman introduced item. Application would like to expand operation to the north and requests removal of easement to allow for expansion. Recommending approval contingent on the appropriate removal of the line. Councilmember Masters inquired on the business. Glaesman indicated that this is Autoparts Headquarters.

Council President Lewis opened the Public Hearing.

**Delores Murphy, 828 Golfview Lane, St. Cloud, MN** - property is directly across from this location. Inquired on what the purpose of the building is. Glaesman stated that this is an expansion for warehousing on the far west edge of the building. Not in the area she is concerned about. Will not affect her property.

Council President Lewis closed the Public Hearing. It was moved by Councilmember Johnson, seconded by Councilmember Laraway to approve. Motion passed unanimously.

#### **OPEN DISCUSSION:**

Councilmember Hontos discussed Charter Commission and wondered if a meeting has been held since last time issue was brought up. City Administrator Matthew Staehling indicated that there has not, but there is one scheduled for May 17<sup>th</sup>. Councilmember Hontos would like to bring items to Charter Commission's attention. Tom Lies is the current chair. He will email to City Attorney Cynthia Kirchoff with items he'd like discussed.

Councilmember Hontos also discussed housing project City Council approved recently that had a tax credit and subsidies related to the project. City Staff did not make effort to contact HRA Staff. Concerning. Two actions were taken by board at last HRA meeting. 1) a letter sent to Minnesota Housing Finance and request that the HRA be allowed to weigh in on any project funded in its jurisdiction; and 2) a letter will also be mailed to the city requesting the same. Housing project dealing with affordable housing, our local housing authority should be allowed to weigh in. A better approach may be to create an ordinance allowing the housing authority to review and comment on projects related to housing. Councilmember Hontos moved to have staff draft ordinance allowing the HRA review and comment on these projects. Councilmember Goerger commented that since this is a new item, requested that this be placed on new business or a study session so information may be provided for consideration. Councilmember Johnson seconded Councilmember Hontos' motion to have staff draft

an ordinance allowing HRA have review and comment. City Administrator Matthew Staehling requested clarification on Councilmember Goerger's exercise his privilege to hold this item over. Alternatively, he offered a motion on a study session. Councilmember Goerger clarified that he would like this issue held over and placed on study session agenda. Since this item is a new item, any Councilmember may hold the item over. Will be placed on July's Study Session schedule. It was moved by Councilmember Goerger, seconded by Councilmember Laraway to add item to July's study session. Motion passed unanimously. Councilmember Masters also sits on the HRA and hopes the Minnesota Housing Commission will respond prior to July Study Session. Councilmember Laraway appreciates the request for a Study Session and would prefer not to vote on items, like ordinances, that he has not had a chance to look at.

Councilmember Hontos inquired on if there is a signed site development agreement with Costco. City Administrator Matthew Staehling believes Costco is still working on their site development plan. Community Development Director Matt Glaesman confirmed that the City does not have the final document yet and that negotiations are progressing. An affirmative date cannot be provided. Councilmember Hontos commented that a building by the end of the year seems unlikely. Staehling indicated that we do have a purchase agreement, staff continues to be in weekly communication with Costco and that we are on track. Closing will occur when a site development plan is initiated and approved. Costco is limited to only what is in the purchase agreement to what they are able to do at this time. Councilmember Hontos requested a copy of the site development agreement once signed.

Council President Lewis inquired on if there is an update regarding the increase of taxi fares. Staehling commented that this is a topic that will be discussed at the next Study Session, including potential amendments to the taxi ordinance.

#### **OPEN FORUM:**

**Moira Walsh, PO Box 7756, St. Cloud, MN 56302** – commented that St. Cloud is a wonderful place to live.

**Elizabeth Baklaich, 1615 25<sup>th</sup> St SE, ST. Cloud, MN 56304** – Discussed exploratory memorandum regarding Refugee Resettlement

**Jolene Foss, Executive Director, St. Cloud Downtown Council** – introduction and praise Council's decision making and recognize the success of St. Cloud downtown.

**Jane Conrad, 3051 2<sup>nd</sup> Street South, St. Cloud, MN 56301** – Discussed Costco and appreciates Costco coming to St. Cloud. This area needs good wages and good businesses to support our community.

**Amy Opatz, 423 2<sup>nd</sup> Ave NE, St Cloud, MN 56304** – Presented a 3-minute video of the Skate Plaza

#### **ANNOUNCEMENTS:**

Mayor Kleis announced that a Neighborhood Summit, open to all neighborhoods, will be held in City Council Chambers Thursday at 5 p.m.

**ADJOURNMENT:**

It was moved by Councilmember Goerger, seconded by Councilmember Masters to adjourn. Motion passed unanimously. Meeting adjourned at 7:06 PM.

  
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Carol Lewis, Council President

  
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Seth Kauffman, Recording Secretary