

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, December 3, 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, John Libert, Jeff Johnson, George Hontos, Steve Laraway Jeff Goerger, Dave Masters (arrived at 7:29pm)

CONSENT AGENDA

4. **APPROVAL OF AGENDA**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
5. **MAYOR KLEIS' APPOINTMENT OF HELLEN LOTARA TO THE CIVIL SERVICE BAORD WITH A TERM TO COMMENCE IMMEDIATELY AND EXPIRE ON 6/30/2021.**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
6. **APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD NOVEMBER 19, 2018**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
7. **APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2018 CANVASSING BOARD MEETING**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
8. **RESOLUTION AUTHORIZING THE MINNESOTA DEPARTMENT OF COMMERCE TO RENEW THE CURRENCY EXCHANGE LICENSE FOR SAMCO FINANCIAL SERVICES CORP. LOCATED AT 900 COOPER AVE SOUTH.**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
PUBLIC HEARING SET FOR DECEMBER 17, 2018
9. **APPROVAL OF A NEW MASSAGE FACILITY FOR CHRISTINE LORI PALLANSCH DBA: A NEW DAY THERAPEUTIC MASSAGE AT 600 25TH AVE S, STE 210**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
10. **SET A PUBLIC HEARING AMENDING SECTION 575 OF THE 2007 CODE OF ORDINANCES ENTITLED "PUBLIC UTILITIES DEPARTMENT FEES"**
ACTION TAKEN: HONTOS/GOERGER /APPROVED 6-0
PUBLIC HEARING SET FOR DECEMBER 17, 2018

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Goerger to approve. Councilmember Hontos inquired on what the estimate costs that staff is anticipating complying with these new regulations. Public Services Director Pat Shea commented that the project is a \$34 million project beginning in 2020 with design in

2019. Rate increases reflect expenditures of this project. Fees will also cover reserves equal to one year of bond payment. No additional questions. Motion passed unanimously.

11. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR DECEMBER 17, 2018, TO CONSIDER 4TH/5TH AVENUE SOUTH FROM UNIVERSITY DRIVE TO 16TH STREET SOUTH AND 16TH STREET OUTH FROM 4TH/5TH AVENUE SOUTH TO CLEARWATER ROAD BITUMINOUS RESUFRACING IMPROVEMENTS**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
PUBLIC HEARING SET FOR DECEMBER 17, 2018
12. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR DECEMBER 17, 2018 TO CONSIDER ROLLING RIDGE ROAD FROM CYPRESS ROAD TO CSAH 4 BITUMINOUS RESURFACING IMPROVEMENTS**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
PUBLIC HEARING SET FOR DECEMBER 17, 2018
13. **ORDINANCE REZONING PORTIONS OF PROPERTIES LOCATED AT 121 AND 129 7TH AVENUE SOUTHEAST FROM C5, HIGHWAY COMMERCIAL DISTRICT TO R5, GENERAL MULTI-FAMILY RESIDENTIAL DISTRICT (LOCATION: 121 AND 129 7TH AVENUE SOUTHEAST)**
ACTION TAKEN: GOERGER/ LARAWAY /APPROVED 6-0
PUBLIC HEARING SET FOR DECEMBER 17, 2018

PUBLIC HEARINGS

14. **RESOLUTION ADOPTING THE FINAL PROPERTY TAX LEVY AND BUDGET FOR THE 2019 GOVERNMENTAL FUNDS**
ACTION TAKEN: GOERGER/LIBERT/APPROVED 4-2 (HONTOS & JOHNSON OPPOSED)
RESOLUTION ADOPTED AND ASSIGNED 2018-12-172

Mayor Dave Kleis introduced item. Final proposal of Governmental Funds budget. One change from what was presented in August and what is proposed. Projections from County off a bit which would result in an increase in property taxes or a reduction in the levy. City proposing the latter. Mayor Kleis commented on budget, focusing on public safety and increased communication with public.

Council President Lewis opened the Public Hearing.

John Palmer, 832 Halliday Rd, St. Cloud, MN – commented on property taxes and an increase of 9% and excessive fees

Council President Lewis closed the Public Hearing.

It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve.

Councilmember Hontos requested clarification on tax base growth variance from 5.5 (preliminary) to 4.6 (current) – is this reflective of the reduction now proposed? Finance Director Ruth Wipper confirmed that it is reflective of the budget reduction. Councilmember Hontos inquired on how much the tax base growth is coming from increased value of existing properties versus new growth. Estimate not available at

this time. Budget considers new construction and existing properties. Councilmember Hontos' taxable market value increased by 10%. City Assessor Lisa Janssen commented that the majority is from market value adjustments of existing property. Councilmember Hontos commented that economic development is important and a concern.

Councilmember Hontos inquired on how much the city will be taking from fund balance to balance this budget. Wipper commented that no funds will be used from general fund to balance budget. Funds of approximately \$2 million will be transferred from the overall governmental funds. This is an approximate number.

Councilmember Hontos commented that the budget does not adequately provide consideration for the neighborhood groups and helping with making neighborhoods more livable. City needs to provide a firm commitment to strengthen neighborhoods. This budget does not adequately support these efforts. Suggested a part time, contract employee to help with these efforts.

Councilmember Laraway commented that he appreciates that solution to the upcoming police retirements. Inquired on what the financial impact is on 2019. Mayor Kleis commented that all impact is covered under budget proposal. Councilmember Laraway requested more police presence downtown. Mayor Kleis commented that we need to allocate accordingly. The rates of crime in downtown are minimal compared to other parts of the city.

Councilmember Goerger commented that Councilmember Hontos should consider preparing staff with anticipated questions ahead of meeting.

Councilmember Johnson commented from the US Census Bureau website that the median household income for state of Minnesota is \$63,217. The percentage of those living below federal poverty line is 9.5%. The medium household income for St. Cloud is \$45,223 with 23.2% below federal poverty line. Raises in taxes, although a little raise here or there, becomes significant over the years. Speaking for those who are on fixed income.

Mayor Kleis commented that this is not a tax increase in this budget. There is an aspect in valuation. The levy, to keep it constant, the budget was cut. In some cases, there is an actual decrease. Property values increases in a healthy aspect of the city. Capturing the growth is a matter of policy implemented by the Council. When the community is doing poorly, many communities increase taxes, the City of St. Cloud choose to cut spending. The city spent less in 2018 than it did in 2008. The City focuses on the core. The reason for the Public Hearings is to address community concerns on budget. Regarding neighborhoods, the city focuses on neighborhoods in whatever it does. Administration is putting before Council a budget with consideration of fiscal accountability with the least burden to the homeowner.

No further discussion. Motion passed 4-2 with Councilmembers Hontos and Johnson opposed. Resolution adopted and assigned 2018-12-172.

15. CONSIDERATION OF RESOLUTION ORDERING 33RD STREET SOUTH FROM STONE GATE DRIVE TO COUNTY ROAD 136 IMPROVEMENTS

ACTION TAKEN: LARAWAY/JOHNSON/APPROVED VIA ROLL CALL 6-0
RESOLUTION ADOPTED AND ASSIGNED 2018-12-173

City Engineer Steve Foss introduced item with review of improvements to 33rd Street South including a signal near new Tech High School and roundabouts located at remaining corridors. The only assessments are against District 742 which is paying approximately \$1 million for their cost share. Total cost improvement is \$7.821 million.

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 Johnson to approve.

Councilmember Hontos requested clarification that the city is building a 4-lane divided highway with turn lanes included. Foss confirmed. The entire corridor will use four lanes. Approving the entire construction, however the bituminous trail will not be constructed until 2020. Waiting for federal funds to cover this construction.

Councilmember Johnson inquired on traffic signal located at 42nd. Foss commented that it will help with traffic flow from Tech High School.

City Clerk Seth Kauffman conducted a roll call. Councilmember Hontos – Yes; Councilmember Laraway – Yes; Councilmember Johnson – Yes; Councilmember Goerger – Yes; Councilmember Libert – Yes; Council President Lewis – Yes. Motion unanimously passed. Resolution adopted and assigned 2018-12-173.

16. CONSIDERATION OF RESOLUTION ORDERING 1ST STREET NORTH AND VETERANS BRIDGE WATER MAIN IMPROVEMENTS

ACTION TAKEN: GOERGER/JOHNSON/APPROVED VIA ROLL CALL 6-0
RESOLUTION ADOPTED AND ASSIGNED 2018-12-174

City Engineer Steve Foss introduced item with review of construction of the 1st Street North water main crossing improvements with the largest crossing located on Veterans Bridge which failed in 1991. Since 1991 the city has been running on 2 water main crossings. Also included street improvements to 1st Street North and decorative crossings consistent with other downtown improvements.

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 additional discussion.

City Clerk Seth Kauffman conducted a roll call. Councilmember Hontos – Yes; Councilmember Laraway – Yes; Councilmember Johnson – Yes; Councilmember Goerger – Yes; Councilmember Libert – Yes; Council President Lewis – Yes. Motion unanimously passed. Resolution adopted and assigned 2018-12-174.

17. CONSIDERATION OF RESOLUTION ORDERING PETITIONED ALLEY BITUMINOUS RESURFACING BETWEEN RIVERSIDE DRIVE NE AND 2ND AVENUE NE FROM 5TH TO 6TH STREET NE

ACTION TAKEN: LARAWAY/GOERGER/APPROVED VIA ROLL CALL 6-0
RESOLUTION ADOPTED AND ASSIGNED 2018-12-175

City Engineer Steve Foss introduced item with discussion on petition made by several property owners to replace Alley in poor condition with the bulk of the cost to the City.

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. No additional discussion.

City Clerk Seth Kauffman conducted a roll call. Councilmember Hontos – Yes; Councilmember Laraway – Yes; Councilmember Johnson – Yes; Councilmember Goerger – Yes; Councilmember Libert – Yes; Council President Lewis – Yes. Motion unanimously passed. Resolution adopted and assigned 2018-12-175.

18. CONSIDERATION OF RESOLUTION ORDERING PETITIONED ALLEY BITUMINOUS SURFACING BETWEEN 20TH AND 21ST AVENUE NORTH FROM ST. GERMAIN STREET TO 2ND STREET NORTH

ACTION TAKEN: GOERGER/LIBERT/APPROVED VIA ROLL CALL 6-0
RESOLUTION ADOPTED AND ASSIGNED 2018-12-176

City Engineer Steve Foss introduced item with discussion on petition made by several property owners to replace gravel alley with paved alley. Staff recommends approval.

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 to approve. Councilmember Goerger requested the record to show that it is 2nd Street South rather than 2nd Street North as title indicates. No additional discussion.

City Clerk Seth Kauffman conducted a roll call. Councilmember Hontos – Yes; Councilmember Laraway – Yes; Councilmember Johnson – Yes; Councilmember Goerger – Yes; Councilmember Libert – Yes; Council President Lewis – Yes. Motion unanimously passed. Resolution adopted and assigned 2018-12-176.

19. CONSIDERATION OF RESOLUTION ORDERING PETITIONED AMBLEWOOD DRIVE IMPROVEMENTS

ACTION TAKEN: GOERGER/LARAWAY/TABLED WITH PUBLIC HEARING TO REMAIN OPEN

City Engineer Steve Foss introduced item with discussion on petition made by property owners on Amblewood Drive to upgrade road to urban section roadway. The intent was to improve this roadway when property platted but budgetary considerations delayed the improvement. The petition comes from property owners located in neighborhood. The original subdivision agreement included a sidewalk

on east side of Amblewood. City is proposing the sidewalk be placed on the west side instead. Proposed assessments ½ of rate that would have been applied to east side of roadway.

**** NOTE: Councilmember Masters joined the meeting at this time (7:29 PM) ****

Council President Lewis opened the Public Hearing.

Gordon Hansmeier, Abounding Joy Lutheran Church, 6000 Cty Rd 120 - President of Abounding Joy Lutheran Church. Opposed to assessment process. Two actual petitions. A 1999 subdivision agreement indicating that the improvements will be completed by 2002 by the city of St. Cloud. That agreement is deemed not valid as it is past its statute of limitations. 2nd petition is current petition by homeowners not located on proposed assessment area. Church is only entity proposed to pay for assessment equaling approximately \$120,000. The improvement does not increase market value of property. Written objection provided to City Administrator Matthew Staehling.

Robert Lorenz, 1825 Amblewood Drive – circulated petition due to traffic concerns.

Jim Miller, 5736 Glenview Lane – Amblewood is a rural road that needs to be improved. Requested lighting be placed on the road along with improvements.

City Administrator Matthew Staehling recommended the item be tabled with Public Hearing still open to continue discussion with regard to arguments addressed by Mr. Hansmeier.

Councilmember Goerger inquired on if the church is opposed to the project or is it just opposed to the assessment. Mr. Hansmeier stated that the church does not take a position on the project. Only opposed to assessment. It was moved by Councilmember Goerger to table.

Councilmember Hontos inquired on if church to all assessments. Mr. Hansmeier commented that the church is not benefiting from this project. The issue is how the project is funded. It does not increase the church's market value.

Councilmember Laraway requested clarification on assessment and if the church pays the entire assessment. Foss confirmed the church pays the entire \$120,000.

Councilmember Laraway seconded Councilmember Goerger's motion to table. Motion unanimously passed. Item tabled.

20. A. ORDINANCE REZONING PROPERTY LOCATED AT 25274 58TH AVENUE FROM AG, AGRICULTURAL DISTRICT TO RR, RURAL RESIDENTIAL DISTRICT (LOCATION: 25274 58TH AVENUE)

ACTION TAKEN: GOERGER/JOHNSON/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2763

B. PRELIMINARY AND FINAL PLATS OF LOMMEL ADDITION (LOCATION: 25274 58TH AVENUE)

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

Community Development Director Matt Glaesman introduced item. Applicant is intending to create two parcels to allow of separate ownership of two existing residents. Requires rezoning from agricultural to rural residential district. Planning commission recommends approval.

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

It was moved by Councilmember Goerger, seconded by Councilmember Johnson to approve Item A. Motion unanimously passed. Ordinance adopted and assigned 2763.

It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve Item B. Motion unanimously passed.

21. A. ORDINANCE REZONING PROPERTY LOCATED AT 38 24TH AVENUE NORTH FROM R2, SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT 42

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2764

B. RESOLUTION AMENDING PUD #42 TO CONVERT AN EXISTING SINGLE-FAMILY HOME AT 38 24TH AVENUE NORTH INTO A GRIEF COUNSELING CENTER

ACTION TAKEN: GOERGER/LIBERT/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2018-12-177

Community Development Director Matt Glaesman introduced item. Applicant is intending to open a stand-alone grief center. Requires rezoning from residential district to PUD, and amend PUD to comply. Planning commission recommends approval.

Council President Lewis opened Public Hearing.

Roxanne Storms, 318 20th Ave N – advocate for the rezoning of the property. There is a great community need for community grief center. Petition has over 370 signatures advocating for center.

Kathleen Steiner, 1221 22nd St S, Sartell – requests a copy of the petition and inquired if neighbors signed this petition. City needs to be very careful with what it is “pushing.”

Council President Lewis closed the Public Hearing. No discussion.

It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve Item A. Council President Lewis commented that the item came before the Planning Commission which she attended and signed copies of the petition were provided. The Planning Commission was concerned about amount of traffic but felt the church parking lot would provide parking and remedy problem. Planning Commission no additional parking spaces be created at this time.

Councilmember Goerger responded to speakers. Seconded Ms. Storms comments. St. Cloud needs this facility. To Ms. Steiner – no agenda is being pushed, these are just people who would like to help.

Councilmember Laraway commented that there is a huge need for this in our community. Glad to see this item come forward.

Councilmember Hontos inquired on if the property next door is residential. Glaesman confirmed. In the event this is not successful, what happens to rezoning of property. Glaesman indicated that the PUD is narrowed to allow for this accommodation only.

Councilmember Hontos commented to Ms. Steiner that the petition is attached to agenda.

Motion unanimously passed. Ordinance adopted and assigned 2764.

It was moved by Councilmember Goerger, seconded by Councilmember Libert to approve Item B. Motion unanimously passed. Resolution adopted and assigned 2018-12-177.

22. ORDINANCE VACATING TWO DRAINAGE EASEMENTS LOCATED ON THE WEST SIDE OF THE PROPERTY LOCATED AT 1979 AND 1999 PINE CONE ROAD

ACTION TAKEN: MASTERS/JOHNSON/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2765

Community Development Director Matt Glaesman introduced item. Property being re-platted per prior approval. Number of utility easements need to be vacated to clean up records.

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

It was moved by Councilmember Masters, seconded to Councilmember Johnson to approve. Councilmember Libert responded to an email inquiry stating that trees will be planted by developer. No further discussion. Motion unanimously passed. Ordinance adopted and assigned 2765.

23. ORDINANCE AMENDING ARTICLE 9 (MOTOR VEHICLE RENTAL/LEASING FACILITIES) ARTICLE 14 (DWELLING UNIT FOUNDATION), AND ARTICLE 21 (AMUSEMENT CENTERS) OF THE LAND DEVELOPMENT CODE.

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2766

Community Development Director Matt Glaesman introduced item. Three changes proposed. First change to accommodate interest in motor vehicle rental/leasing locations on prominent corners. Second change to address growing interest in manufactured homes and ensuring a foundation or appearance thereof on property. Third, strike balance between historic concerns and current usages, applying a practical application of the code.

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

It was moved by Councilmember Laraway, seconded to Councilmember Masters to approve. No further discussion. Motion unanimously passed. Ordinance adopted and assigned 2765.

OPEN DISCUSSION

Councilmember Johnson discussed enrollment at St. Cloud State University (SCSU) - Neighborhoods want good public safety, good drinking water, good healthcare, and good paying jobs. This is the key to improving our neighborhoods. With that being said, the Tech College enrollment is up 3.9%, this is great news! SCSU enrollment is down over 7%. 2010 to date enrollment is down 45-50%. Suggests a community wide town hall meeting. Higher education contributes to a well-educated workforce. We cannot afford for SCSU to fail.

Councilmember Johnson commented on Refugee Resettlement and thanked Councilmember-Elect Brandmire for his editorial. Local government is not getting the answers required by the Act of 1980. The agencies are not in compliance. Requested if the people coming to this city are finding success in this city. We cannot ignore our responsibilities.

Councilmember Johnson commented on the loss of President H.W. Bush.

Councilmember Laraway commented on the Eastside Visioning Session. 100 people attended. Thanked Joan Jaye and Carolyn Garven for putting the session together. Changing the east side starts with a grassroots effort.

OPEN FORUM

Gary Gross, 425 Raymond Ave NE, St. Cloud – Thanked Councilmember Johnson. Commented that the Council has a listening problem. Commented about SCSU enrollment.

Pastor Dennis Campbell, Granite City Baptist Church - Discussed a new political entity – Islam – and its desire to dominate.

Pat Morin, 917 13th Ave SE, St. Cloud, MN – commented on immigration. Current immigrants need to "melt" into our society.

Kathleen Steiner, 1221 22nd St S, Sartell – commented on immigration and financial impact on budget. Requested this be included in the city's budget planning.

Peter J. Wilson, 1108 Celebration Dr, Sartell – Thanked Councilmember Johnson. Commented on SCSU and an increasing degradation of many areas in St. Cloud. Commented that St. Cloud now is a poverty city.

ADJOURNMENT:

It was moved by Councilmember Goerger, seconded by Councilmember Libert to adjourn. Motion unanimously passed. Meeting adjourned at 8:32 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President