

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, March 11, 2019
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, Jeff Goerger, George Hontos, Steve Laraway, Paul Brandmire
Councilmembers Absent: Mike Conway, Dave Masters

SPECIAL RECOGNITION:

4. **MAYOR KLEIS PRESENTS THE NEIGHBOR OF THE MONTH FOR MARCH 2019**
Mayor Kleis recognized Jasper Bond as March's Neighbor of the Month

CONSENT AGENDA:

5. **APPROVAL OF AGENDA**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
6. **RESOLUTION AUTHORIZING THE ISSUANCE OF AN OFF-SITE CHARITABLE GAMBLING PERMIT TO THE CENTRAL MN NOON OPTIMIST CLUB FOR ACTIVITIES TO BE HELD AT THE RIVER'S EDGE CONVENTION CENTER MAY 6, 2019.**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
RESOLUTION ADOPTED AND ASSIGNED 2019-03-25
7. **RESOLUTION AUTHORIZING CHARITABLE GAMBLING PREMISES PERMIT FOR THE CENTRAL MN NOON OPTIMIST CLUB TO CONDUCT EVENTS AT MIDTOWN BAR & GRILL, 3333 W. DIVISION STREET #120.**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
RESOLUTION ADOPTED AND ASSIGNED 2019-03-26
8. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR WEAVER HOLDINGS, INC. DBA MIDTOWN BAR & GRILL, 3333 WEST DIVISION STREET #120.**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
9. **RESOLUTION AUTHORIZING SPONSORSHIP OF CROSS-COUNTRY SKI TRAILS OPERATED BY THE NORDIC SKI CLUB OF CENTRAL MINNESOTA**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
RESOLUTION ADOPTED AND ASSIGNED 2019-03-27
10. **AGREEMENT WITH MINNESOTA STATE COLLEGES AND UNIVERSITIES FOR USE OF THE WHITNEY RECREATION CENTER AND WHITNEY REGIONAL PARK SPORTS FIELDS ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0**

11. **HERITAGE PARK SKATE PLAZA PROJECT CONSTRUCTION CONTRACT**
ACTION TAKEN: HONTOS/LEWIS/APPROVED 4-0 (COUNCILMEMBER HONTOS ABSTAINED)

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Lewis to approve. Councilmember Hontos requested clarification on the bid amount and if it includes exclusions listed. Variance in amount approved and cost presented tonight. City Parks Director Scott Zlotnik responded that approved budget was \$1,413,240 and bid before Council tonight shows a net savings to the approved budget of \$257,237 which includes exclusions. Councilmember Hontos will abstain from vote. Motion approved 4-0 with Councilmember Hontos abstaining.

12. **CONSIDERATION OF ORDINANCE AMENDING SECTION 540 OF THE 2007 CODE OF ORDINANCES FOR THE CITY OF ST. CLOUD TITLE MUNICIPAL ATHLETIC COMPLEX (MAC) FEES**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
PUBLIC HEARING SET FOR MARCH 25, 2019
13. **RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO EXECUTE AGREEMENTS RELATED TO THE HYDROELECTRIC GENERATION FACILITY CONTROLS AND MONITORING IMPROVEMENTS PROJECT – PHASE 1**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
RESOLUTION ADOPTED AND ASSIGNED 2019-03-28
14. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 4TH AVENUE SE NEIGHBORHOOD IMPROVEMENTS AND ALLEY BETWEEN RIVERSIDE DRIVE SE AND WILSON AVENUE SE FROM TH 23 TO 7TH STREET SE, CONTRACT 2019-03**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
RESOLUTION ADOPTED AND ASSIGNED 2019-03-29
15. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR MARCH 25, 2019, TO CONSIDER 2019 SEAL COAT IMPROVEMENTS**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
RESOLUTION ADOPTED AND ASSIGNED 2019-03-30

PUBLIC HEARINGS:

16. **CONSIDERATION OF ORDINANCE AMENDING SECTION 2.66 OF THE ST. CLOUD HOME RULE CHARTER REGARDING THE CITY COUNCIL'S AUTHORITY TO OVERRIDE THE MAYOR'S VOTE**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0 TO TABLE UNTIL MARCH 25, 2019

City Council President Goerger recommended item be tabled as it needs unanimous vote from Council. Public Hearing will continue as scheduled.

City Attorney Cynthia Kirchoff introduced item. Heard by Charter Commission on January 24, 2019. Suggested that the language of charter be amended to require the City Clerk promptly notify council on Mayor's veto and also Council can reconsider veto at next regularly scheduled Council meeting.

City Council President Goerger opened the Public Hearing.

Beth Schlangen, 717 1st St NE, St. Cloud – requested clarification on the amendments to the Charter.

Gary Morgenroth – Waite Park – requested clarification on Council's opportunity to override veto and inquires on what authorities the Mayor will have moving forward.

No additional speakers. City Council President Goerger closed the Public Hearing and requested City Administrator Matthew Staehling to share information regarding the Charter and the Charter Commission. Staehling provided a brief overview of the Charter Commission and explanation of recommended changes before Council tonight. Mayor Kleis provided history of Charter and aspect of the Veto. In agreement with the Charter Commission recommendation. Councilmember Hontos brought forward to Charter Commission for more formality of veto process. City Council should have 10 days to consider override of veto just as the Mayor has 10 days. Charter Chair Tom Lies commented that Councilmember Hontos is correct and suggests next regular meeting or 30 days. Councilmember Hontos is concerned that the Council still may not have enough time. Lies indicated this is a procedural issue only and does not need to go back to Charter. Staehling will make changes and add to next agenda.

Councilmember Laraway thanked Charter Commission for their work. It was moved by Councilmember Lewis, seconded by Councilmember Laraway to table until March 25, 2019. Motion unanimously passed. Item tabled.

17. CONSIDERATION OF ORDINANCE AMENDING SECTION 3.20 OF THE ST. CLOUD HOME RULE CHARTER REGARDING POWERS AND DUTIES OF THE MAYOR TO APPROVE JOB DESCRIPTIONS FOR ADMINISTRATIVE PERSONNEL.

ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0 TO TABLE UNTIL MARCH 25, 2019

City Council President Goerger recommended item be tabled as it needs unanimous vote from Council. Public Hearing will continue as scheduled.

City Attorney Cynthia Kirchoff introduced item. Heard by Charter Commission on January 24, 2019. Suggested that the language of charter be amended to strike language that Mayor must submit language on job descriptions to Council.

City Council President Goerger opened the Public Hearing.

Beth Schlangen, 717 1st St NE, St. Cloud – requested clarification on the amendments to the Charter.

City Council President Goerger closed the Public Hearing. Kirchoff read the change in language for Schlangen. Job descriptions would not be required to be submitted to City Council. No further discussion. It was moved by Councilmember Lewis, seconded by Councilmember Laraway to table until March 25, 2019. Motion unanimously passed. Item tabled.

18. A) ORDINANCE REZONING PROPERTIES LOCATED AT 37, 45, 47, AND 53 COOPER AVENUE NORTH FROM I2, HEAVY INDUSTRIAL DISTRICT TO C5, HIGHWAY COMMERCIAL DISTRICT

ACTION TAKEN: LARAWAY/BRANDMIRE/APPROVED 5-0
ORDINANCE ADOPTED AND ASSIGNED 2771

B) PRELIMINARY AND FINAL PLATS OF EICH MOTOR 2ND ADDITION. (LOCATION: 1931 DIVISION STREET; 38, 46, 52 & 53 19TH AVENUE NORTH; 52 19 ½ AVENUE NORTH; 37, 45, 47 & 53 COOPER AVENUE NORTH)

ACTION TAKEN: LARAWAY/LEWIS/APPROVED 5-0

Community Development Director Matt Glaesman introduced item. Intended to accommodate development for Eich. Item A creates consistent zoning for all parcels. Item B creates two contiguous parcels. Staff recommends approval.

Councilmember Goerger opened the Public Hearing. No one spoke. Councilmember Goerger closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Brandmire to approve Item A. Councilmember Brandmire inquired on if Eich Motor owns all property. Glaesman confirmed they do. No further discussion. Motion unanimously passed. Item A approved.

It was moved by Councilmember Laraway, seconded by Councilmember Lewis to approve Item B. No discussion. Motion unanimously passed. Item B approved.

19. ORDINANCE AMENDING THE ST. CLOUD LAND DEVELOPMENT CODE REGARDING SMALL CELLULAR TECHNOLOGY IN HISTORIC DISTRICTS; THE MAXIMUM PROJECTION OF A SIGN INTO THE RIGHT-OF-WAY LOCATED IN THE C3 AND C4 DISTRICTS; AND REVISED REGULATIONS FOR INSTITUTIONAL USES LOCATED WITHIN THE CITY'S RESIDENTIAL DISTRICTS.

ITEM A:

ACTION TAKEN: LEWIS/LARAWAY/APPROVED 5-0
ORDINANCE ADOPTED AND ASSIGNED 2772

ITEM B:

ACTION TAKEN: LARAWAY/LEWIS/APPROVED 5-0
ORDINANCE ADOPTED AND ASSIGNED 2773

ITEM C:

ACTION TAKEN: BRANDMIRE/HONTOS/APPROVED 5-0 TO TABLE UNTIL MARCH 25, 2019

Community Development Director Matt Glaesman introduced item. Three provisions proposed. Section 1 coming from Staff. Section 2&3 coming from Zoning Board of Appeals. Section 1: added language allows wireless and communication equipment subject to the same restrictions as other technology equipment. Section 2: from Zoning Board of Appeals in response to variance Council took action on. Change in size downtown district signage. Section 3: from Planning Commission and Zoning Board of Appeals in response to variances proposed and approved by prior Council Action. Increase size of wall signage by 5% in residential zoning districts. And, establishes guidelines for free standing signage in residential zoning districts.

Councilmember Goerger opened the Public Hearing.

Blaze Sommer, Indigo Signworks – grateful for sign changes.

Councilmember Goerger closed the public Hearing. Councilmember Hontos requested separate actions on each issue. Councilmember Goerger renamed 19A, 19B, and 19C. It was moved by Councilmember Lewis, seconded by Councilmember Laraway to approve Item A. No discussion. Motion unanimously approved. Item A approved.

It was moved by Councilmember Laraway, seconded by Councilmember Lewis to approve Item B. Councilmember Brandmire inquired on if there are separate requirements for electronic signage. Glaesman indicated that there will be restrictions on brightness on signage. There will be no restrictions on brightness in Item 3. No further discussion. Motion unanimously passed. Item B approved.

It was moved by Councilmember Lewis, seconded by Councilmember Laraway to approve Item C. Glaesman indicated, in response to Councilmember Brandmire's question, that item could be tabled to address brightness concerns. Councilmember Hontos commented on ISD 742 proposed, and failed, 3rd Street project. Would like staff to all concerns and revise, and bring back to Council at later date. It was moved by Councilmember Brandmire, seconded by Councilmember Hontos to postpone. Councilmember Lewis commented that residents in Minden Township will appreciate changes proposed. Council President Goerger in agreement with Councilmembers Hontos and Brandmire. Councilmember Hontos inquired on what proposed wording on for sale signs on Agricultural land. Glaesman confirmed that this does not address for sale signs. Motion to postpone Item C unanimously passed. Item C tabled to March 25, 2019.

OPEN DISCUSSION:

Councilmember Lewis congratulated the SCSU Wrestling Team for their NCAA Division 2 Championship. Also, SCSU Hockey Team for having a perfect home season. Brief reading on Harriet Tubman.

Councilmember Laraway congratulated St. Cloud Cathedral for winning the Class A State Hockey Tournament. Also, spoke about the St. Cloud Airport. Appreciates the valuable resource. Spoke with City Manager and Communications Manager of Punta Gorda to expand services. Visited a Punta Gorda council meeting.

OPEN FORUM:

Moira Walsh, PO Box 7756, St. Cloud, MN – spoke about Northstar Train.

Cecelia Cathy, 815 31st Ave N, St. Cloud, MN – discussed snow blowing from alley in backyard by neighbors. Requests a law preventing this as it presents a challenge for her dogs.

Aaron Imholte, Big Lake, MN – presented Councilmember Hontos with a Gofundme check for Councilmember Hontos to replace HRA per diem.

Gary Morgenroth, Waite Park, MN - discussed preventative maintenance and requested that the City Council consider the health risks connected with 5G networks.

ADJOURNMENT:

It was moved by Councilmember Hontos, seconded by Councilmember Laraway to adjourn. Motion unanimously passed. Meeting adjourned at 7:23 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President