

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, April 29, 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, Mike Conway, Jeff Goerger, George Hontos, Steve Laraway, Paul Brandmire, Dave Masters

CONSENT AGENDA:

4. APPROVAL OF AGENDA
LEWIS/LARAWAY/APPROVED 7-0
5. APPROVAL OF THE MINUTES FROM THE MARCH 11, 2019 COUNCIL MEETING
LEWIS/LARAWAY/APPROVED 7-0
6. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE CITY OF ST. CLOUD TO BE USED IN CONJUNCTION WITH SING! ST. CLOUD ON JUNE 30, 2019
LEWIS/LARAWAY/APPROVED 7-0
7. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE FGHC ACTIVE FOR THE MAIBOCK FESTIVAL MAY 18, 2019
LEWIS/LARAWAY/APPROVED 7-0
8. APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE ST. CLOUD FIREWORKS COMMITTEE TO PROVIDE FOR LIQUOR SALES IN WILSON PARK AND HESTER PARK ON JULY 4, 2019
LEWIS/LARAWAY/APPROVED 7-0
9. PROFESSIONAL SERVICES AGREEMENT FOR DESIGN PHASE AND BIDDING SERVICES FOR THE WATER TREATMENT FACILITY ADVANCED PROCESS IMPROVEMENT AND UPGRADE PROJECT
LEWIS/LARAWAY/APPROVED 7-0
10. REPLACEMENT OF WEST TAINTER GATE ACTUATOR AND GEARBOX FOR THE HYDROELECTRIC GENERATION FACILITY
LEWIS/LARAWAY/APPROVED 7-0
11. PAN AND PAN PARK PLACE 2ND ADDITION NEIGHBORHOOD IMPROVEMENTS, CONTRACT 2019-02:
A. RESOLUTION ACCEPTING BIDS FOR PAN AND PAN PARK PLACE 2ND ADDITION NEIGHBORHOOD IMPROVEMENTS, CONTRACT 2019-02
LEWIS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-51

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 2019-02.

LEWIS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-52

12. 2019 CRACK SEAL AND SEAL COAT IMPROVEMENTS, CONTRACT 2019-11:

A. RESOLUTION ACCEPTING BIDS FOR 2019 CRACK SEAL AND SEAL COAT IMPROVEMENTS, CONTRACT 2019-11

LEWIS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-53

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 2019-11.

LEWIS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-54

13. RESOLUTION APPROVING COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR TRAFFIC SIGNAL IMPROVEMENTS ALONG CSAH 75 AND T.H. 15, S.P. 073-070-022

LEWIS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-55

14. RESOLUTION APPROVING COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR INTERSECTION IMPROVEMENTS AT CSAH 4 AND CSAH 120.

LEWIS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-56

15. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 33RD STREET SOUTH FROM CSAH 74 TO COUNTY ROAD 136 BITUMINOUS TRAIL IMPROVEMENTS, CONTRACT 2019-13, S.A.P. 162-090-008.

LEWIS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-4-57

16. FINAL PLAT OF SOMMERSBY 5

LEWIS/LARAWAY/APPROVED 7-0

PUBLIC HEARINGS:

17. A. ORDINANCE VACATING A PORTION OF A 60' SIDE DRAINAGE AND UTILITY EASEMENT THAT BISECTS LOTS 2 AND 3, BLOCK 1, AUDUBON ACRES B.

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

ORDINANCE ADOPTED AND ASSIGNED 2776

B. FINAL PLAT AND SUBDIVISION AGREEMENT FOR SAUK RIVER ESTATES PLAT 4

ACTION TAKEN: LEWIS/CONWAY/APPROVED 7-0

City Development Director Matt Glaesman introduced item. Advances the Sauk River Estates development. Planning Commission recommends approval. Councilmember

Lewis inquired on what happens with the “triangle portion” of land. Glaesman indicated that it may be used in future development.

City Council President Goerger opened the Public Hearing. No one spoke. Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve Item A. No discussion. Motion unanimously passed. Ordinance adopted and assigned 2776.

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

18. RESOLUTION AMENDING PLANNED UNIT DEVELOPMENT (PUD) 97 TO ALLOW A SCHOOL CLASSROOM TO OCCUPY A PORTION OF THE EXISTING BUILDING AT 410 37TH AVENUE NORTH

ACTION TAKEN: CONWAY/BRANDMIRE/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-4-58.

City Development Director Matt Glaesman introduced item. Allows for a new use in a multi-tenant building. No additional changes. Intention of applicant to be a temporary measure. Councilmember Conway inquired on if there will be any problems with other businesses and neighbors in proximity. Glaesman indicated that there are none.

City Council President Goerger opened the Public Hearing. No one spoke. Council President Goerger closed the Public Hearing. It was moved by Councilmember Conway, seconded by Councilmember Brandmire to approve. No discussion. Motion unanimously passed. Resolution adopted and assigned 2019-4-58.

19. ORDINANCE VACATING THE PUBLIC PARKLAND DEDICATION WITHIN LAKE PARK ADDITION (LOCATION: 1310 2ND STREET SOUTH – TECH HIGH SCHOOL PARKING LOT)

ACTION TAKEN: MASTERS/BRANDMIRE/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2778

City Development Director Matt Glaesman introduced item. 1888 Plat dedicated a small portion of land to parkland. Has never been used as parkland. Currently a parking lot. Action is to vacate as a park in order to develop. Councilmember Masters inquired on if it has any effect on the roadway next to lot. Glaesman indicated that it would not.

City Council President Goerger opened the Public Hearing.

Gary Morgenroth, Waite Park, MN – inquired on year of plat. Glaesman indicated 1888. Inquired on if the original owner would approve on the vacation.

Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Brandmire to approve. No discussion. Motion unanimously passed. Ordinance adopted and assigned 2778.

20. **ORDINANCE AMENDING ARTICLE 15.5(G), SWIMMING POOLS AND SPAS, OF THE ST. CLOUD LAND DEVELOPMENT CODE TO ALLOW AUTOMATIC POOL COVERS AND FURTHER DEFINE SAFETY FENCING REQUIREMENTS (LDC-2019-05)**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2777

City Development Director Matt Glaesman introduced item. Land development requires 6-foot fencing. This adds a second measure to achieve the safety requirement via an automatic pool cover. Councilmember Conway inquired on what happens if someone forgets to put the pool cover back in place. Has the city thought this? Glaesman stated that that is the reason for an automatic cover versus a manual cover. Administration believes this is a reasonable standard.

City Council President Goerger opened the Public Hearing.

Beth Schlangen, St. Cloud, MN – inquired on who is running the pool covers.

Council President Goerger closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Councilmember Conway inquired on if there is any possibility of liability coming back to the city. Glaesman stated that adjacent cities allow this as well as the state of Minnesota. City Administrator Matthew Glaesman commented that the condition of the property is always the responsibility of the property owner. Councilmember Lewis commented that both fencing and an automatic pool cover would be smart for homeowners. Motion unanimously passed. Ordinance adopted and assigned 2777.

21. **RESOLUTION APPROVING THE CITY OF ST. CLOUD'S COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN FOR YEAR FIVE USE OF FUNDS DURING CDBG PROGRAM YEAR 2019**

ACTION TAKEN: LEWIS/CONWAY/APPROVED 6-1 (COUNCILMEMBER CONWAY OPPOSED)
RESOLUTION ADOPTED AND ASSIGNED 2019-4-59

City Development Director Matt Glaesman introduced item. Limited number of applicants. All applicants will receive funding. The amounts allocated to each organization are conservative estimates only. Councilmember Lewis thanked staff for their hard work. Councilmember Conway inquired on if additional funds are received how will that be allocated? Glaesman responded, stating that the resolution allows staff to administratively allocate up to 50% of what the Council has decided to the same program approved by Council. No new programs may be added. Councilmember Hontos inquired on the HRA Rehab Loan Program receiving the additional funds in the past as there is no mention of that in the resolution.

City Council President Goerger opened the Public Hearing.

Paul Soenneker, Project Manager, St. Cloud HRA – Spoke about Single Family Housing Rehab Loan Program.

Peter Joseph Wilson, Sartell, MN – Commented on the loan failure rates on the houses

Charles Hempeck, Anna Marie's Alliance – Spoke about the needs of Anna Marie's Alliance

Connie Orth, Crisis Nursery, LSS – Spoke about the Crisis Nursery and thanked the Council for their support.

Council President Goerger closed the Public Hearing. It was moved by Councilmember Lewis, seconded by Councilmember Conway to approve. Councilmember Hontos commented on narrative regarding the Single-Family Housing Rehab program, should be updated to reflect entire city as boundaries are not limited any longer. Also, narrative on general information of HUD income categories need to be explained or modified to reflect actual median income. Glaesman confirmed that Administration is aware of the corrections that are needed on the median income in the narrative. Councilmember Hontos inquired on why the city itself is an applicant as it received \$1 million from sale to Costco. Councilmember Lewis answered, stating that the funds are needed for Southside Park improvements. Questions the need for the city to be applicant as other applicants are also in need and not receiving the \$1 million. Mayor Kleis commented that the Council had decided in a Study Session how the \$1 million should be allocated. Administration is following the direction of the Council, keeping it consistent with the Study Session discussion. It was moved by Councilmember Hontos to amend resolution and direct City Administration to allocate all excess funds to HRA Rehab loan program as has been done in the past. Glaesman indicated that the practice in the past has been advisory only. Glaesman commented that the general language in resolution is needed for federal application. Councilmember Conway requested clarification for allocation of overage. Additional discussion on clarification of overage allocation. Councilmember Brandmire responded to Mr. Wilson's concern, requesting clarification on the program. Soenneker commented that he does visit each home for inspection and ensure good repair. Council President Goerger requested information on Mr. Wilson's concern on loans defaulting. Soenneker commented that default is extremely low. It is a very successful program. Councilmember Hontos withdrew his motion. Motion to approve resolution unanimously passed. Resolution adopted and assigned 2019-4-59.

It was moved by Councilmember Hontos to allocate excess funds to the HRA Rehab Loan Program. Councilmember Laraway seconded the motion. Councilmember Conway concerned about this arbitrary decision.

Motion passed 6-1 with Councilmember Conway opposed.

OPEN DISCUSSION & ANNOUNCEMENTS:

Councilmember Hontos announced that May 13-17 is Bike to Work Week.

Councilmember Laraway commented that the City needs to look at Economic Growth for the City. Challenged Councilmembers to send him one idea to support an existing business and bring a new business to St. Cloud.

Councilmember Hontos commented on constituent services. Requested timely responses from Administration.

Councilmember Hontos commented that the Open Forum process is broken and requested the Council to allocate a specific time to speak about it.

Councilmember Hontos commented that the Council Calendar should be re-looked at, including ensuring that meetings are at least every two weeks and that Study Sessions are one time per month. Also requested a monthly report from City Administrator. Councilmember Lewis agreed with Councilmember Hontos on Council Calendar. It was moved by Councilmember Hontos, seconded by Councilmember Lewis, to add a Study Session in the next 60 days to discuss referenced issues. Mayor Kleis commented on the concerns on Council Calendar and Study Sessions. Council President Goerger suggested that the topics be added to the August Study Session. Councilmember Hontos requested the discussion on Open Forum be held sooner than that. Council President Goerger suggested the Open Forum discussion be added to Monday 6, 2019 Study Session. Councilmember Lewis suggested the topics be added to the June's Retreat. Councilmember Conway commented on Hontos' comments and believes that the calendar should not be changed for 2019. Suggested the topics be added to Monday's Study Session. Councilmember Masters commented on concerns and suggested the issues be handled at June Retreat. Also, Calendar should not change. Councilmember Hontos withdrew his motion and requested a discussion on the Open Forum process during Monday's Study Session.

It was moved by Councilmember Laraway, seconded by Councilmember Brandmire to add a discussion on Open Forums to the Study Session on Monday, May 6, 2019. Motion unanimously approved.

Councilmember Hontos commented further on Study Sessions and Council Calendar. It was moved by Councilmember Hontos, seconded by Councilmember Lewis to set a Study Session in the next 60 days to discuss Council Calendar and Study Sessions. Councilmember Masters commented that the Retreat is an appropriate place to discuss these topics. Councilmembers Laraway and Conway in agreements with Councilmember Masters. Councilmember Lewis and Council President Goerger also in agreement. Councilmember Lewis withdrew her second. Councilmember Brandmire seconded the motion. Motion failed 1-6 with all but Councilmember Hontos opposed. Councilmember Hontos requested confirmation that these topics will be discussed at retreat. Administration confirmed.

Councilmember Hontos commented on taxpayer settlements. For a matter of transparency, Administration should notify the public and Council, compliant with statute. Requested a policy be established. It was moved by Councilmember Hontos, to notify public and council within 30 days of all settlements over \$10,000. Mayor Kleis

responded, commenting on settlements, data privacy, and transparency. All settlements will be brought to Council for their decision. No second, motion dies. Councilmember Hontos further commented on transparency. Councilmember Brandmire now seconded the motion and recommends the Mayor specifies the thresholds as the answers were there and nothing was hidden. Councilmember Hontos in disagreement. Further comments by Mayor Kleis. There is always opportunity for the public to ask for information. A portion of St. Cloud 301 will be dedicated to teaching people how to access this information. Councilmember Hontos stated that it is public information, but Administration needs to voluntarily share this information. Mayor Kleis commented that as a matter of record, moving forward, every single settlement will be brought to Council. City Administrator Matthew Staehling commented on data practices and level of transparency for specific employees. Councilmember Masters commented that this is an open discussion forum and it is inappropriate to ask for votes unless added to agenda. Councilmember Hontos withdrew motion.

Councilmember Hontos commented on Costco and costs associated with sale to Costco. Requested from Administration all costs associated with the Costco transaction be shared with him, including the "unknowns" (i.e. Stearns History Museum expenses, demolition expenses, administrative expenses). Mayor Kleis responded and will provide the information to Council again.

Council President Goerger requested Councilmember Hontos refrain from continuously bringing up Costco at meetings.

Councilmember Brandmire requested to move on in respect to constituents waiting to speak at Open Forum.

Open Forum

Gabriel Johnson, 1428 E St. Germain, St. Cloud – appreciates the Council and the Mayor has with the Community

Marianna Diallo, 1550 E St. Germain, St. Cloud – enjoys St. Cloud and appreciates all it has to offer

John Palmer, 832 Halliday Rd, St. Cloud – indicated that the Council's use of the word "forum" is not accurate. "Forum" means discussion. Requested interaction with Council.

Harold Fleegel, 4020 Clearwater Rd, St. Cloud – St. Cloud is a terrific place to live and shared stories about ancestors

Sylvia Scheibel, 425 Raymond Ave NE, St. Cloud – concerned about road conditions and potholes

ADJOURNMENT:

It was moved by Councilmember Conway, seconded by Councilmember Masters to adjourn. Motion unanimously passed. Meeting adjourned at 8:47 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President