

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, August 5, 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:** Mike Conway, Jeff Goerger, George Hontos, Paul Brandmire, Steve Laraway, Dave Masters, Carol Lewis (arrived at 6:05pm)
4. **INTRODUCTION TO THE 2020 GOVERNMENTAL FUNDS BUDGET**
Mayor Dave Kleis introduced the 2020 Governmental Funds Budget
5. **RECOGNITION OF "NATIONAL NIGHT OUT"/NEIGHBOR OF THE MONTH**
Mayor Dave Kleis recognized Tuesday, August 6, 2019 as National Night Out and the Neighborhood Block Captains as August's Neighbors of the Month

CONSENT AGENDA

6. **APPROVAL OF AGENDA**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
7. **APPLICATION FOR A TEMPORARY INTOXICATING LIQUOR LICENSE FROM ST CLOUD TECHNICAL & COMMUNITY COLLEGE FOUNDATION FOR AN EVENT TO B E HELD ON OCTOBER 24, 2019**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
8. **RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST CLOUD AND VUKE'S PRO FUEL REGARDING TOBACCO VIOLATIONS OF SECTION 424 OF THE 2007 ST. CLOUD CODE OF ORDINANCES.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-90
9. **A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MN FOR THE PROVISION OF EMERGENCY RESPONSE TEAM SERVICES BY THE HAZARDOUS MATERIALS RESPONSE TEAM OF THE ST. CLOUD FIRE DEPARTMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-91
10. **RESOLUTION ADOPTING THE REVOCATION OF CSAH 74 FROM STEARNS COUNTY**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-92
11. **QUOTE FOR TURF RESTORATION FOR PAND AND PAN PARK PLACE 2ND ADDITION NEIGHBORHOOD IMPROVEMENTS – PHASE 2, CONTRACT 2019-02 TURF.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0

12. RESOLUTION SUSPENDING THE TECH HIGH SCHOOL PARKING PERMIT ZONE (SECTION 1700:18, SUBDIVISION 4 OF THE CODE OF ORDINANCES)

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-93

NEW BUSINESS

13. REVOCATION OF A PROVISIONAL RENTAL LICENSE FOR 722 8TH AVENUE SOUTH

ACTION TAKEN: LEWIS/MASTERS/APPROVED 7-0
RENTAL LICENSE REVOKED

Health & Inspections Director Matt O'Brien introduced item. Regular rental license revoked in Fall 2018. Conditional provisional rental license granted in April. As of June 21, 2019, conducted an inspection, indications of neglect observed. Non-compliance. Intent to revoke not disputed. Councilmember Lewis inquired on total fees outstanding. O'Brien unsure of exact total amount which will be applied as a lien against property if not paid. Councilmember Brandmire inquired on if anyone is living at the property. O'Brien believes there is as this is a fraternity. Councilmember Hontos supports motion to revoke license as it is a disruptive property. Councilmember Hontos inquired on if fines have been paid. O'Brien believes that they have not. Councilmember Hontos wonders if City is too lenient. Additional discussion about the history of property.

It was moved by Councilmember Lewis, seconded by Councilmember Masters to approve. Motion unanimously passed.

PUBLIC HEARINGS

14. RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION STREET RECONSTRUCTION BONDS AND ADOPTING A FIVE-YEAR STREET RECONSTRUCTION PLAN IN ACCORDANCE WITH MS 475.58

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-94

Finance Director Ruth Wipper introduced item. 2nd update to original five-year plan established in 2017. Projects are limited and already approved by Council. Annually updated as projects are added.

Council President Goerger opened the Public Hearing. No one spoke. Council President Goerger closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. No discussion. Motion unanimously passed. Resolution adopted and assigned 2019-08-94.

15. A. ORDINANCE REZONING PROPERTIES LOCATED AT VETERANS DRIVE AND COUNTY 134 FROM R1, SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT TO ALLOW COMMERCIAL DEVELOPMENT. (LOCATION: 863, 873, 883, 862, 5804, 5806, 5808, 5810, AND 5812 ELBOW LANE, AND 884 RILLA ROAD) (REZ-2019-05)

ACTION TAKEN: MASTERS/HONTOS/APPROVED 5-2 (HONTOS & LEWIS OPPOSED)
ORDINANCE ADOPTED AND ASSIGNED 2785

B. RESOLUTION ADOPTING THE JAZZ HOLDINGS PUD PRELIMINARY DEVELOPMENT

PLAN

ACTION TAKEN: MASTERS/CONWAY/APPROVED 5-2 (HONTOS & LEWIS OPPOSED)
RESOLUTION ADOPTED AND ASSIGNED 2019-08-95

Community Development Director Matt Glaesman introduced item. Platted in 1962 and zoned for Single Family development. Have not been developed or serviced since that time. Would like to allow properties to be marketing for commercial development. Type of uses will be limited. Any development plan will need to be brought forward for another approval. Planning Commission approved.

Council President Goerger opened the Public Hearing.

Ron Theisen, 5817 Elbow Lane – Property has most exposure to new development idea. Opposed to re-zoning.

Deb Orth, 5830 Elbow Lane – speaking for mother, LaVerne Johnson. Opposed to re-zoning.

John Wertz, 816 Rilla Rd – Opposed to re-zoning.

Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Hontos to approve Item A. Councilmember Masters inquired on traffic concerns raised by speakers. Glaesman commented that the concerns raised are exactly why this preliminary development plan was brought forward. Additional review is needed and concerns will be addressed in the future as they arise. Possibilities only for use of property. Development potential is limited. Councilmember Hontos inquired on type of zoning for this PUD and inquired if approved, will owner have legal rights that city opposes? Glaesman indicated that they will not. Preliminary development plan drafted is narrower than C1 zone. Potential access to property discussed. Motion does not make reference to conditions established in Planning Commission meeting. Councilmember Conway commented that this is the preliminary step to enable the owner to do something different with the property. Allowing the PUD change will give property owners the opportunity to voice their opinion on what is built on this property. Councilmember Laraway requested clarification on what can really be done with property and commented that this is the first step in many. Separate party owns 5 parcels in discussion. Stearns County owns three parcels surrounding. Additional discussion on possibilities of development plan. Councilmember Lewis in agreement with property owners. No draw to property and very difficult to access. Councilmember Brandmire commented that all the City Council is deciding tonight is allowing the property owner to explore what he might do with the property. Councilmember Hontos recommends that the motion includes the conditions that staff imposed in planning commission. Council President Goerger commented that the conditions are in front of council and part of the public record. Councilmember Conway called to question. Councilmember Brandmire seconded. Motion unanimously passed.

Motion to approve Item A passed 5-2 with Hontos and Lewis opposed. Ordinance adopted and assigned 2785.

It was moved by Councilmember Masters, seconded by Councilmember Conway to approve Item B. Councilmember Conway commented that this adoption is limited to

allowable principal uses only. Not, what will be, but options only of property. Councilmember Masters requested clarification, inquiring on if document reflects the conditions set forth in planning commission. Glaesman confirmed that it does. Further discussion between Councilmember Hontos and Glaesman on what is included in Council packet and motion. Council President Goerger commented on the Council's authority and the rights of the property owner. No further discussion. Motion to approve Item B passed 5-2 with Hontos and Lewis opposed. Resolution adopted and assigned 2019-08-95.

16. A. ORDINANCE REZONING 3373 WEST ST. GERMAIN STREET FROM I1, LIGHT INDUSTRIAL DISTRICT TO PLANNED UNIT DEVELOPMENT TO ALLOW A 105-UNIT MULTI-FAMILY BUILDING (LOCATION: 3373 WEST ST. GERMAIN STREET) (REZ-2019-04)

ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
ORDINANCE ADOPTED AND ASSIGNED 2786

B. RESOLUTION ADOPTING THE HERITAGE PARK RESIDENTIAL PUD GENERAL DEVELOPMENT PLAN.

ACTION TAKEN: LEWIS/LARAWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-96

C. PRELIMINARY AND FINAL PLATS AND SUBDIVISION AGREEMENT FOR MILLER COMPANIES ADDITION PLAT 3. (PLAT-2019-14)

ACTION TAKEN: CONWAY/LARAWAY/APPROVED 7-0

Community Development Director Matt Glaesman introduced item. Large apartment complex that compliments Heritage Park to the west and the industrial use to the east. Planning Commission recommends approval.

Council President Goerger opened the Public Hearing.

Dan Miller, DJ Miller Properties – commented on project; upscale apartment complex

William Maney, owner, Maney International, Inc., 14932 Knightgood Rd – commented on concerns of his business impacting the residents of this building and disruption with overnight noise activity

Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve Item A. Councilmember Masters requested Glaesman speaks to Mr. Maney's concerns of noise disruption. Glaesman commented that Maney International will continue to operate and this is merely a heads up to the property owners. Councilmember Masters requested assurance that Maney International may continue business status quo. As it is zoned, Glaesman indicated that Maney International has a right to continue business as is. Councilmember Masters supporting project. Councilmember Laraway commented that if there are preemptive measures to abate the loud noise, he'd like to see property owners consider them in their plans. Councilmember Brandmire commented about the noise, suggested a sound barrier wall, and appreciates Mr. Maney's comments. Councilmember Lewis commented that this is a good use of the property. Council President Goerger commented that Mr. Maney's

concerns are legitimate and the zoning laws do protect his business. Supporting project.

Motion to approve Item A passed unanimously. Ordinance adopted and assigned 2786.

It was moved by Councilmember Lewis, seconded by Councilmember Laraway to approve Item B. No discussion. Motion to approve Item B passed unanimously. Resolution adopted and assigned 2019-08-96.

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

17. ~~A. ORDINANCE REZONING 3950, 3958, 3964, 3972, AND 3980 21ST AVENUE SOUTH TO ALLOW 4 TWO-UNIT RESIDENTIAL DWELLINGS (DPA-2019-02)~~

~~B. ORDINANCE VACATING DRAINAGE AND UTILITY EASEMENTS ON THE SIDE AND REAR PROPERTY LINES OF LOTS 17, 18, 19, 20, AND 21, BLOCK 5, SOMMERSBY PLOT 2 AND A PORTION OF THE DRAINAGE AND UTILITY EASEMENT LOCATED ON LOT 64, BLOCK 5, SOMMERSBY PLAT 2. (VAC-2019-05)~~

~~C. PRELIMINARY AND FINAL PLATS AND SUBDIVISION AGREEMENT FOR SOMMERSBY PLAT 6 (PLAT-2019-15)~~

ACTION TAKEN: ITEM WITHDRAWN BY APPLICANT

OLD BUSINESS

18. AMENDED COUNCIL RULES OF ORDER

It was moved by Councilmember Masters, seconded by Councilmember Lewis to pull item from the Table. No discussion. Motion to pull from table approved 5-2 with Councilmembers Brandmire and Hontos opposed.

Councilmember Masters called item to question for no further discussion. Councilmember Conway seconded this motion.

Councilmember Masters called item to question to vote on motion as it stands. Councilmember Conway seconded the motion. Motion passed 5-2 with Councilmembers Brandmire and Hontos opposed.

Motion to approve amended Council Rules of Order approved 5-2 with Councilmembers Brandmire and Hontos opposed.

OPEN DISCUSSION & ANNOUNCEMENTS

Councilmember Lewis extended condolences to El Paso, Texas and Dayton, Ohio for shooting tragedies.

Councilmember Hontos commented on Southside Historic District and Realtor's concerns for property owners on historic guidelines. Suggested a discussion to encourage property sales. Requested that Administration follow up with Realtor Chris Hauck. Mayor Dave Kleis did speak with Realtor and suggested it be discussed further at Study Session.

Councilmember Hontos requested that new councilmembers have formal orientation by Administration. Recommended a manual be provided to new councilmembers.

ADJOURNMENT:

It was moved by Councilmember Lewis, seconded by Councilmember Laraway to adjourn. Motion passed 5-1 with Councilmember Hontos opposed and Councilmember Brandmire abstained. Meeting adjourned at 8:24 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President

OPEN FORUM

Leigh Lenzmeier, 1900 13th Street South – Mr. Lenzmeier thanked public works for finding and returning his pocket appointment book.

Sheri Brown, 2004 Pleasant Ave. – Ms. Brown spoke and requested that more affordable housing be brought to St. Cloud as she sees it as a need.

Lynette Robinson, 1454 Breckenridge Ave N. – Ms. Robinson spoke about her home being in a contract for deed situation.

Omar Podi, 600 8th Ave N. – Mr. Podi spoke as a community organizer who was advocating for more affordable housing.

Peter Wilson, 1108 Celebration Drive Sartell, MN – Spoke regarding the adopted building code and how communities should not be guided by large organizations who have no local interest.