

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, August 19, 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

SPECIAL RECOGNITION

4. **RECOGNITION OF AMERICAN LEGION POST #76**
Mayor Dave Kleis recognized the American Legion, Wallace S. Chute, Post #76 for 100 years of service

CONSENT AGENDA

5. **APPROVAL OF AGENDA**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
6. **APPROVAL OF MINUTES FROM THE REGULAR COUNCIL MEETING HELD JULY 22, 2019**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
7. **REQUEST BY BEAVER ISLAND BREWING COMPANY FOR THEIR ANNUAL OKTOBERFEST TO BE HELD IN THE PARKING LOT SOUTH OF THE TAPROOM, 216 6TH AVE S**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
8. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE SCSU UNIVERSITY FOUNDATION TO BE USED IN CONJUNCTION WITH AN ALUMNI REUNION AT ATWOOD MEMORIAL CENTER**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
9. **RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER CERTIFICATION OF DELINQUENT TREE REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-97
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
10. **RESOLUTION SETTING SEPTEMBER 9, 2019, FOR THE PUBLIC HEARING ON THE CERTIFICATION OF DELINQUENT UTILITY ACCOUNTS TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2020**
ACTION TAKEN: HONTOS/MASTERS/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-98
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019

Councilmember Hontos pulled item for further discussion. It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve.

Councilmember Hontos commented on last names missing on delinquent list. Requested full name be provided for Public Hearing. Assistant Finance Director Deanna Fah indicated that the list for the Public Hearing will be complete. No further discussion. Motion unanimously approved. Resolution adopted and assigned 2019-08-98. Public Hearing set for September 9, 2019.

11. **RESOLUTION SETTING SEPTEMBER 9, 2019, FOR THE PUBLIC HEARING ON THE 2020 SPECIAL TAX LEVY AND BUDGET FOR THE ST. CLOUD ECONOMIC DEVELOPMENT AUTHORITY (EDA)**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-99
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
12. **RESOLUTION SETTING SEPTEMBER 9, 2019, FOR THE PUBLIC HEARING ON THE 2020 SPECIAL TAX LEVY AND BUDGET FOR THE ST. CLOUD HOUSING AN REDEVELOPMENT AUTHORITY (HRA)**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-100
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
13. **RESOLUTION SETTING SEPTEMBER 9, 2019, FOR THE PUBLIC HEARING ON THE PRELIMINARY 2020 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-101
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
14. **A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH STEARNS COUNTY TO SHARE A JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$30,224.00.**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-102
15. **APPROVE UN-BUDGETED REQUEST OF \$83,000.00 FOR STATION 1 AND 3 LIGHTING UPGRADE**
ACTION TAKEN: LEWIS/LARAWAY/APPROVED 7-0

Councilmember Brandmire pulled item for further discussion. It was moved by Councilmember Lewis, seconded by Councilmember Laraway to approve. Councilmember Brandmire inquired why this lighting wasn't anticipated and budgeted for initially. Fire Chief Dean Wrobbel commented that the lighting, as a safety feature, is on a relay system. Although requested, due to inability to acquire funds during budget process, the fire department has "patched" the relays to remain effective in times of emergency. Although approved for \$30,000 in 2019, not sufficient to cover all expenses. Would like to transition from relay system to a more efficient, effective system. Completely lighting upgrade included at Station #1. Although unplanned, cost savings in long term.

Councilmember Conway requested clarification – the \$83,000 is over and above the budgeted \$30,000

Councilmember Masters inquired on how many additional stations will also get this upgrade. Chief Wrobbel indicated that there are three stations remaining and will be included in future budget planning. Councilmember Masters inquired on payback schedule: Battalion Chief Greg Newinski commented that the payback on lighting upgrade for Station #1 is 22 years, Station #3 is 20 years.

Councilmember Laraway requested Chief Wrobbel to share where each station is located.

No further discussion. Motion unanimously passed.

- 16. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER CERTIFICATION OF DELINQUENT ADMINISTRATIVE CITATION CHARGES TO THE COUNTIES FOR COLLECTION**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-103
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
- 17. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER CERTIFICATION OF DELINQUENT WEED REMOVAL/GRASS MOWING CHARGES TO THE COUNTIES FOR COLLECTION**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-104
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
- 18. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-105
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
- 19. PUBLIC UTILITIES EQUIPMENT PURCHASE – BIOSOLIDS APPLICATOR**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
- 20. REQUEST TO PURCHASE AND DESIGN SUPERVISORY CONTROL AND DATA ACQUISITION EQUIPMENT AT THE ST. CLOUD HYDROELECTRIC GENERATION FACILITY**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
- 21. RESOLUTION ADOPTING ADMINISTRATIVE HEARING OFFICER'S DECISION UPHOLDING THE CITY'S DENIAL OF ASIAN DAY SPA'S MASSAGE FACILITY LICENSE RENEWAL AND ORDERING THAT JIANHUA SHI DBA ASIAN DAY SPA CANNOT REAPPLY FOR ONE YEAR AFTER THE INITIAL DENIAL ON MARCH 13, 2019.**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-106
- 22. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER SPECIAL ASSESSMENT ROLL 2 FOR 2018 PUBLIC IMPROVEMENTS**
ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
RESOLUTION ADOPTED AND ASSIGNED 2019-08-107
PUBLIC HEARING SET FOR SEPTEMBER 9, 2019

- 23. RESOLUTION SETTING PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGES TO THE COUNTIES FOR COLLECTION**
 ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-08-108
 PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
- 24. RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR SEPTEMBER 9, 2019, TO CONSIDER 25TH AVENUE AND UPPER PAN SANITARY SEWER REROUTING IMPROVEMENTS**
 ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-08-109
 PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
- 25. 1ST/2ND STREET NORTH FROM 5TH TO 10TH AVENUE NORTH BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2019-22:**
- A. RESOLUTION ACCEPTING BIDS FOR 1ST/2ND STREET NORTH FROM 5TH TO 10TH AVENUE NORTH BITUMINOUS RESURFACING IMPROVEMENTS, CONTRACT 2019-22**
 ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-08-110
- 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 2019-22.**
 ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-08-111
- 26. A. RESOLUTION AMENDING THE LENZMEIER PLANNING UNIT DEVELOPMENT TO ALLOW USES OF THE C1, BUSINESS OFFICE DISTRICT AND C5, HIGHWAY COMMERCIAL DISTRICT AND IDENTIFY R4, TOWNHOUSE RESIDENTIAL DISTRICT AND R5, GENERAL MULTI-FAMILY RESIDENTIAL DISTRICT LOCATIONS FOR FUTURE CONSIDERATION. (LOCATION: 3500 TO 3800 BLOCK OF ROOSEVELT ROAD (HIGHWAY 75))**
- B. RESOLUTION AMENDING THE 2015 COMPREHENSIVE PLAN'S FUTURE LAND USE DESIGNATION OF 3763 AND 3765 ROOSEVELT ROAD TO OFFICE/RESEARCH AND OUTLOT A OF LENZMEIER 3RD ADDITION TO MIXED-RESIDENTIAL**
- C. PRELIMINARY AND FINAL PLATS OF LENZMEIER 3RD ADDITION. (PLAT-2019-17 & PLAT-2019-18)**
 ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
 PUBLIC HEARING SET FOR SEPTEMBER 9, 2019
- 27. ORDINANCE AMENDING THE ST. CLOUD LAND DEVELOPMENT CODE REGARDING INSTITUTIONAL IDENTIFICATION SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS (LDC-2019-03)**
 ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0
 PUBLIC HEARING SET FOR SEPTEMBER 9, 2019

28. A. ORDINANCE VACATING A PORTION OF 37TH AVENUE SOUTH LYING SOUTH OF 2ND STREET SOUTH AND WEST OF THE STEARNS HISTORY MUSEUM

B. PRELIMINARY AND FINAL PLAT APPROVAL OF GARDEN ACRES PLAT FOUR

ACTION TAKEN: BRANDMIRE/CONWAY/APPROVED 7-0

PUBLIC HEARING SET FOR SEPTEMBER 9, 2019

NEW BUSINESS

29. DUE PROCESS HEARING TO CONSIDER THE REVOCATION OF THE RENTAL LICENSE FOR THE PROPERTY LOCATED AT 1705 2ND STREET NORTH OWNED BY SHS PROPERTY THREE LLC, ABERA AND SELAMAWIT MULUGETA.

ACTION TAKEN: HONTOS/MASTERS/APPROVED 7-0

City Attorney Renee Courtney introduced item. Due process hearing. Revocation may occur with ten or more enforcement actions in previous 24 months. Written notice to property owners on July 30, 2019. Property owner requested hearing before City Council.

Health & Inspections Director Matt O'Brien reviewed each enforcement action.

Owner of property, Abera Mulugeta, testified to specific instances and citations received. Requested clarification. O'Brien clarified and answered questions.

Councilmember Lewis requested clarification on the action before council. O'Brien clarified. Councilmember Lewis inquired on if all fines have been paid. O'Brien commented that the only fine paid was the nuisance abatement. Councilmember Hontos inquired on if the unpaid assessment violation fees count as a violation as well. O'Brien commented that it does not, although payment is required in order to obtain a provisional license. City Attorney Courtney commented that the delinquent fees are not included in the ten enforcement actions. Councilmember Hontos inquired on January inspection and impact of locked door separating dwelling units. O'Brien commented. Councilmember Masters requested clarification on unpaid citation total amount. Councilmember Lewis asked about long grass and animal control issues. O'Brien commented that these are not included in enforcement actions. Councilmember Laraway inquired on if homeowner owns other properties in St. Cloud. O'Brien commented that he did not believe so. Further discussion on rental license eligibility. Property maintenance, including the roof, does not apply to license revocations.

Mulugeta commented on difficulties about being a landlord and tenants' treatment of trash on property. Requested Council to give him a chance to make appropriate changes needed to maintain his license. He also indicated he has paid all fees.

City Attorney Courtney questioned Mulugeta confirming his knowledge of the problems. Mulugeta answered in affirmative.

Councilmember Brandmire inquired on if he owns any additional St. Cloud property. Mulugeta does not. Has owned this property since 2005, lives in Apple Valley and has a Property Manager. Tenant has been evicted. All infractions belong to one tenant.

Councilmember Masters requested Mulugeta to confirm that all fines have been paid. Mulugeta confirmed that he has paid.

Councilmember Lewis inquired if Mulugeta receives notices of nuisances in Apple Valley. Mulugeta affirmed.

It was moved by Councilmember Hontos, seconded by Councilmember Masters to approve revocation. Councilmember Hontos requested clarification of provisional license status in twelve-month period. Courtney clarified. Councilmember Hontos will support revocation.

Councilmember Masters requested clarification that the fines are delinquent. O'Brien confirmed that the total past due is \$990.

Council President Goerger commented on the goal of the City Council to make our neighborhoods better. In support of revocation.

Councilmember Lewis shared a personal experience with her own neighborhood and the amount of stress a blighted house places on a neighborhood.

Councilmember Conway will support revocation.

Motion to revoke rental license unanimously passed. Resolution adopted and assigned 2019-08-111.

OPEN DISCUSSION & ANNOUNCEMENTS

Councilmember Conway requested a discussion on the Council Rules of Order as a potential violation has occurred because of Councilmember Hontos' Letter to Editor.

It was moved by Councilmember Conway, seconded by Councilmember Masters to address potential violations of Code of Conduct at next Council Meeting. Motion passed 5-1 with Councilmember Hontos opposed and Councilmember Brandmire abstained.

Councilmember Lewis extended condolences to Gilroy, California.

ADJOURNMENT:

It was moved by Councilmember Lewis, seconded by Councilmember Laraway to adjourn. Motion passed 6-1 with Councilmember Hontos opposed. Meeting adjourned at 7:15 PM.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President

OPEN FORUM

Karen Ament, 2686 Woodside Lane – Ms. Ament cited her concerns regarding the open forum not being broadcasted.

Peter Joseph Wilson, 1108 Celebration Circle Sartell, MN – Mr. Wilson stated that he believed that open forums should be broadcasted to allow for everyone to see the issues being discussed.