

**CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS**  
**Monday, November 4, 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, Paul Brandmire, Steve Laraway, Dave Masters, Carol Lewis, George Hontos
4. **NEIGHBOR OF THE MONTH & SPECIAL RECOGNITION**  
November's Neighbor of the Month declined to be acknowledged. Mayor Kleis swore in new Battalion Chief Steve Richardson and new Public Services Director Tracy Hodel

**CONSENT AGENDA:**

5. **APPROVAL OF AGENDA**  
ACTION TAKEN: GOERGER/BRANDMIRE/APPROVED 7-0  
  
Council President Goerger pulled item for further discussion. It was moved by Council President Goerger, seconded by Councilmember Brandmire to approve. Council President Goerger added an item to tonight's agenda under Old Business entitled Mayor Kleis' Overview of 2020 Enterprise Funds. No further discussion. Motion unanimously passed.
6. **APPOINTMENTS TO THE HERITAGE PRESERVATION COMMISSION**  
ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0
7. **APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETINGS HELD SEPTEMBER 9, SEPTEMBER 23, OCTOBER 7, & OCTOBER 21, 2019**  
ACTION TAKEN:  
MINUTES FOR SEPT 9 – HONTOS/BRANDMIRE/APPROVED 6-1 WITH HONTOS OPPOSED  
MINUTES FOR SEPT 23 – GOERGER/LEWIS/APPROVED 6-1 WITH HONTOS OPPOSED  
MINUTES FOR OCT 7 – LARAWAY/HONTOS/APPROVED 7-0  
MINUTES FOR OCT 21 – BRANDMIRE/MASTERS/APPROVED 7-0  
  
Councilmembers Hontos and Brandmire pulled item for further discussion. Item will be split up in four parts. It was moved by Councilmember Hontos, seconded by Councilmember Brandmire to approve the Minutes from September 9, 2019. Councilmember Hontos opposed of the minutes discussing his Censure and would like detail removed. No further discussion. Motion passed 6-1 with Councilmember Hontos opposed.  
  
It was moved by Councilmember Goerger, seconded by Councilmember Lewis to approve the Minutes from September 23, 2019. Councilmember Hontos opposed of the minutes discussing his Censure and would like detail removed. Councilmember

Brandmire corrected an error on page seven. No further discussion. Motion passed 6-1 with Councilmember Hontos opposed.

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

It was moved by Councilmember Brandmire, seconded by Councilmember Masters to approve. Councilmember Brandmire corrected typo on page five. No further discussion. Motion unanimously passed.

**8. APPLICATION FOR A LICENSE TO SELL TOBACCO FOR ZENTENO'S EXPRESS, INC DBA ZENTENO'S EXPRESS, 1522 3<sup>RD</sup> STREET NORTH**

ACTION TAKEN: ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

**9. A RESOLUTION DESIGNATING POLLING PLACES FOR 2020**

ACTION TAKEN: ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-11-172

**10. APPLICATION FOR TEMPORARY INTOXICATING LIQUOR LICENSE FOR THE PARAMOUNT CENTER FOR THE ARTS FOR AN EVENT TO BE HELD NOVEMBER 14, 2019**

ACTION TAKEN: ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

**11. APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FOR BRICK & BOURBON ST CLOUD, LLC DBA BRICK & BOURBON, 119 5<sup>TH</sup> AVENUE SOUTH**

ACTION TAKEN: ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

**12. RESOLUTION APPROVING APPLICATION FOR A \$260,575.00 GRANT FUNDED BY THE US/DOT NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) THROUGH THE DEPARTMENT OF PUBLIC SAFETY'S OFFICE OF TRAFFIC SAFETY (OTS) FOR A PROJECT ENTITLED TOWARDS ZERO DEATH DURING THE PERIOD OF OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 AT NO COST TO THE CITY OF ST. CLOUD.**

ACTION TAKEN: ACTION TAKEN: MASTERS/LARAWAY/APPROVED 7-0

RESOLUTION ADOPTED AND ASSIGNED 2019-11-173

**PUBLIC HEARINGS:**

**13. ORDINANCE VACATING 14<sup>TH</sup> STREET SOUTH RIGHT-OF-WAY BETWEEN 4<sup>TH</sup> AND 5<sup>TH</sup> AVENUES SOUTH (LOCATION 410 14<sup>TH</sup> STREET SOUTH) (VAC-2019-13)**

ACTION TAKEN: MASTERS/BRANDMIRE/APPROVED 7-0

ORDINANCE ADOPTED AND ASSIGNED 2793

City Development Director Matt Glaesman introduced item. Unutilized for public purposes. Clear title to make it available for private property as it has been for years. Staff recommends approval.

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 Brandmire to approve. Councilmember Masters inquired on parking. Glaesman commented that the parking is for private use. Councilmember Hontos inquired on if the new owner will be required to pave the area. Glaesman commented that hasn't been discussed. Councilmember Hontos requested that paving be required. Glaesman requested consultation with the City

Attorney as it is grandfathered in. Councilmember Hontos requested staff explore this requirement. Councilmember Laraway inquired on who ends up on owning the property. Glaesman commented that the adjoining two parties receive half each. Councilmember Conway commented that it would be disingenuous of the city to require the private owners to pave the right-of-way after so many years of the city not paving. Councilmember Hontos that this is the opportune time to ensure property complies with current code. Glaesman commented that this is a vacating action only. Motion unanimously passed. Ordinance adopted and assigned 2793.

**14. ORDINANCE VACATING 15 FEET OF A 20-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT LOCATED WEST OF LOT 9, BLOCK 1, SAUK RIVER VILLAS (LOCATION:790 RILLA ROAD) (VAC-2019-11)**

ACTION TAKEN: MASTERS/ /APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2794

City Development Director Matt Glaesman introduced item. Original platting and utility design plan will be shifted to east. Vacating current easement and relocating.

Council President Goerger opened the public hearing.

**Harry Beckers, 2717 23<sup>rd</sup> Ave S, St. Cloud** – easement adjacent to apartments. Inquired on intentions. Concerned about impact to common area near his home.

**Chad Carlson, Lumber One, St. Cloud** – moving easement to east. Plat is current four lots, will be reduced to three.

Council President Goerger closed the public hearing. It was moved by Councilmember Masters, seconded by Councilmember Brandmire to approve. Councilmember Masters requested Glaesman comment on how relocating the easement will affect subsequent properties. Glaesman commented that the plans have not been discussed, this is simply a relocation of the easement. Applicant Carlson will still follow zoning codes and will be set back from property line. Motion unanimously passed. Ordinance adopted and assigned 2794.

**15. ORDINANCE VACATING THE ALLEY LOCATED EAST OF BLOCK P, RESIDENCE PARK (LOCATION: 1700 BLOCK OF 7<sup>TH</sup> AVENUE SOUTH) (V AC-2019-12)**

ACTION TAKEN: LARAWAY/CONWAY/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2795

City Development Director Matt Glaesman introduced item. Public alley unutilized. Existing parcels will be re-platted into a continuous parcel.

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 Conway to approve. No discussion. Motion unanimously passed. Ordinance adopted and assigned 2795.

**16. A. ORDINANCE REZONING PROPERTY LOCATED AT 3062 COUNTY ROAD 74 FROM AG, AGRICULTURAL DISTRICT TO STONE GATE PLANNED UNIT DEVELOPMENT (PUD)**

ACTION TAKEN: CONWAY/LEWIS/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2796

**B. RESOLUTION AMENDING THE STONE GATE PUD GENERAL DEVELOPMENT PLAN INCLUDING REGARDING STREET CONFIGURATION AND LAND USE (REZ-2019-08)**

ACTION TAKEN: MASTERS/LEWIS/APPROVED 7-0  
RESOLUTION ADOPTED AND ASSIGNED 2019-11-174

**C. PRELIMINARY PLAT OF STONE GATE (PLAT-2019-22)**

ACTION TAKEN: MASTERS/CONWAY/APPROVED 7-0

**D. ORDINANCE VACATING A PORTION OF A 66-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT; A 15-FOOT-WIDE WALKWAY RIGHT-OF-WAY FROM NOTTINGHAM ROAD; A PORTION OF A 15-FOOT-WIDE WALKWAY RIGHT-OF-WAY SOUTH OF NOTTINGHAM ROAD; AND THE DRAINAGE AND UTILITY EASEMENTS ASSOCIATED WITH 21 SINGLE FAMILY LOTS (VAC-2019-10)**

ACTION TAKEN: LARAWAY/LEWIS/APPROVED 7-0  
ORDINANCE ADOPTED AND ASSIGNED 2797

City Development Director Matt Glaesman introduced item. Item A adds a single property into PUD. Item B is PUD amendment. Developer requests lot on 33<sup>rd</sup> become commercial. Item C separates commercial from residential and re-plat to accommodate residential area. Item D is a clean up of development and relocating easements where necessary.

Council President Goerger opened the public hearing.

**Chad Carlson, Lumber One, Avon, MN** – developer of property. Spoke about intended uses and addressed Councilmember Conway's concerns regarding traffic.

Council President Goerger closed the public hearing. It was moved by Councilmember Conway, seconded by Councilmember Lewis to approve Item A. No discussion. Motion unanimously passed. Ordinance adopted and assigned 2796.

It was moved by Councilmember Masters, seconded by Councilmember Lewis to approve Item B. Councilmember Conway inquired on if developer has received any comments from residents. Carlson commented that no residents commented. Also, a new trail will be built for pedestrian traffic. No further discussion. Motion unanimously passed. Resolution adopted and assigned 2019-11-174.

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

It was moved by Councilmember Laraway, seconded by Councilmember Lewis to approve Item D. No discussion. Motion unanimously passed. Ordinance adopted and assigned 2797.

**17. CONSIDERATION OF RESOLUTION ORDERING 25<sup>TH</sup> AVENUE NORTH AND UPPER PAN SANITARY SEWER REROUTING IMPROVEMENTS (ROLL CALL OF 6 AFFIRMATIVE VOTES REQUIRED)**

ACTION TAKEN: LEWIS/MASTERS/APPROVED 6-1 WITH BRANDMIRE OPPOSED  
RESOLUTION ADOPTED AND ASSIGNED 2019-11-175

City Engineer Steve Foss introduced item. A public hearing was held on September 9<sup>th</sup>. Controversy regarding the sidewalk. This is a second opportunity to continue dialogue with residents and reconsider improvements.

Council President Goerger opened the public hearing.

**Nate Court, 1048 25<sup>th</sup> Ave N, St. Cloud** – Residents request the sidewalk not be built. Large impact to properties.

**Kari Court, 1048 25<sup>th</sup> Ave N, St. Cloud** – Addressed potential pilot program for snow removal. Requested sidewalk not be built.

**Devin Helmick, 1215 14<sup>th</sup> St N, Apt. 104, St. Cloud** – existing sidewalk in poor condition on 25<sup>th</sup>. Requested instead of building a new sidewalk, the west sidewalk be fixed.

**Audrey Sterriker, 845 25<sup>th</sup> Ave N, St. Cloud** – commented on sewer and water special assessments. Potential Hardship. Requested interest rate be lowered.

Council President Goerger inquired from City Attorney Renee Courtney on the reason this item was brought back to Council. Mayor Kleis commented that the Administration can place items back on agenda. Reason it is back is that this is a significant artery and the utilities/infrastructure are estimated to last no more than a year. Administration does not want these utilities to fail. Also provided additional comments on sidewalk ordinance. Proposed a pilot for this artery for the city to remove the snow off the sidewalks for one season. Then, have a broader discussion for future seasons to see if it is feasible. Pilot not necessary for resolution. Administrative action. Council President Goerger inquired on if sidewalks will have boulevard. Foss commented that a viable boulevard will be built wherever possible. Councilmember Lewis inquired on programs for assistance with special assessments. Foss commented on program available for residents to help. It was moved by Councilmember Lewis, seconded by Councilmember Masters to approve. Councilmember Conway requested Foss talk to residents regarding boulevard and positioning sidewalks. Councilmember Conway commented that he is reluctantly approving this resolution because 25<sup>th</sup> is an important artery in our city. However, he would like to bring back sidewalk ordinance. Councilmember Brandmire commented on sidewalks. He is opposed to requirement of sidewalks and reluctant to opposing because it is tied to replacing infrastructure that is over 100 years old. Councilmember Masters commented that he is a proponent of safe streets for schools. Councilmember Hontos requested clarification that everything the city is proposing is within the city's right-of-way. Foss confirmed. Council President Goerger hesitant to approve and concerned about the impact of the pilot program as it is bad precedent to set. No further discussion. City Clerk Seth Kauffman performed a roll call vote. Motion passed 6-1 with Councilmember Brandmire opposed. Resolution adopted and assigned 2019-11-175.

#### **OLD BUSINESS:**

#### **18. RESOLUTION OUTLINING THE LEGISLATIVE PRIORITIES FOR THE CITY OF ST. CLOUD MINNESOTA FOR THE 2020 LEGISLATIVE SESSION**

ACTION TAKEN: LEWIS/MASTERS/APPROVED 6-1 WITH HONTOS OPPOSED  
RESOLUTION ADOPTED AND ASSIGNED 2019-11-176

Mayor Dave Kleis introduced item and discussed priorities discussed in Study Sessions, potential increase in sales tax, and upcoming projects. It was moved by Councilmember Laraway, seconded by Councilmember Masters to approve. Councilmember Laraway inquired about the ½ cent sales tax. Requested the language of “transportation needs” be changed to “maintenance for roads.” Mayor Kleis commented that specific road projects must be identified prior to lobbying the legislature. Councilmember Masters inquired on if the roads need to be regional roads or can they be municipal roads as well? Mayor Kleis commented that it must be regional roads. Councilmember Hontos inquired on the ice being moved to the Tech site and would like additional discussions on this and on the sales tax. Moved to table item. No second. Motion failed. Mayor Kleis commented that additional discussion will be required prior to moving forward. Will be discussed in December. Deadline is January 31<sup>st</sup>. This is a state requirement. This resolution must be approved prior to obtaining state approval. Councilmember Hontos will not support without further discussion. Council President Goerger commented that the Council discussed this for an extensive period of time at the Study Session. No further discussion. Motion passed 6-1 with Councilmember Hontos opposed.

**19. MAYOR KLEIS' OVERVIEW OF THE 2020 ENTERPRISE FUNDS**

Mayor Kleis presented an overview of the 2020 Enterprise Funds Budget.

**OPEN DISCUSSION/ANNOUNCEMENTS:**

Mayor Kleis commented that Monday is Veterans Day. Also, on Sunday, the MetroVets will sponsor a parade.

**ADJOURNMENT:**

Meeting adjourned at 7:49 PM. No motion was made to adjourn.



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Seth Kauffman, Recording Secretary



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Jeff Goerger, Council President

## **OPEN FORUM**

**Julie McDunna**, 347 Waite Ave S, St. Cloud, MN - Traffic Petition representing Anguishire Meadows - complaints about traffic outlined in the petition. Install additional stop signs additional signage.

**Kay Steiner, Sartell, MN** - She attended water facility and was impressed with the facilities, not sure about chemicals going into the water. Against fluoride in the water because of the expense, and against the mind-altering properties of fluoride. Ran for school board and needs to get rid of sex education and propose to get rid of Sex education.