

CITY OF ST. CLOUD PROCEEDINGS
Monday, July 12, 2021
6:00 P.M.
City Council Chambers

- 1. PLEDGE OF ALLEGIANCE.**
- 2. MOMENT OF SILENCE FOR OUR MEN AND WOMEN SERVING IN THE ARMED FORCES.**
- 3. ROLL CALL:**
PRESENT: PAUL BRANDMIRE, MIKE CONWAY, JEFF GOERGER, GEORGE HONTOS, STEVE LARAWAY, CAROL LEWIS, AND DAVE MASTERS

CONSENT AGENDA:
- 4. APPROVAL OF AGENDA.** ACTION TAKEN: IT WAS MOVED BY COUNCILMEMBER BRANDMIRE, SECONDED BY COUNCILMEMBER LEWIS, TO APPROVE AGENDA ITEMS 4 – 20 WITH THE EXCEPTION OF ITEM 13 PULLED FOR SEPARATE DISCUSSION. COUNCILMEMBER LEWIS ADDED AN ITEM UNDER OPEN DISCUSSION RELATED TO THE ST. CLOUD ROX. THE MOTION UNANIMOUSLY CARRIED.
- 5. APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 21, 2021.** ACTION TAKEN: APPROVED.
- 6. APPOINTMENT OF KRISTER JOHNSON TO THE HERITAGE PRESERVATION COMMISSION FOR A TERM TO COMMENCE IMMEDIATELY AND EXPIRE ON APRIL 30, 2024.** ACTION TAKEN: APPROVED.
- 7. RESOLUTION REAPPOINTING JOHN LIBERT TO THE ST. CLOUD METROPOLITAN TRANSIT COMMISSION.** ACTION TAKEN: RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-86.
- 8. APPLICATION FOR A TOBACCO LICENSE FROM SAINT CLOUD MINI MART, LLC DBA SAINT CLOUD MINI MART, 1220 32ND AVENUE NORTH.** ACTION TAKEN: APPROVED.
- 9. APPLICATION FOR ON-SALE INTOXICATING LIQUOR LICENSE FROM TRAVIS SCHERTZ AND ERIC SJELIN, OWNERS OF STIHL WOLF, LLC DBA STIHL WOLF, 515 WEST SAINT GERMAIN STREET.** ACTION TAKEN: PUBLIC HEARING WAS SET FOR JULY 26, 2021.
- 10. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE PURCHASE AND EXECUTE MNDOT OFFICE OF AERONAUTICS GRANT FOR A MULTI-PURPOSE TRACTOR AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-87.
- 11. RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO UTILIZE JAG GRANT FUNDING TO PURCHASE A HURST JAWS OF LIFE MULTI-PURPOSE TOOL FOR \$6,965.00.** ACTION TAKEN: RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-88.

12. **RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE A NEW FORD POLICE INTERCEPTOR SUV FOR \$37,402.56 AND APPROXIMATELY \$12,264.84 IN NEW VEHICLE EQUIPMENT.** ACTION TAKEN: RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-89.
13. **RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE A NEW TRAILER CAMERA SURVEILLANCE SYSTEM FOR \$59,998.00.** ACTION TAKEN: IT WAS MOVED BY COUNCILMEMBER LARAWAY, SECONDED BY COUNCILMEMBER MASTERS, TO ADOPT THE RESOLUTION AS PRESENTED. ST. CLOUD POLICE COMMANDER MARTY SAYRE INTRODUCED THE ITEM. COUNCIL COMMENTS WERE SUPPORTIVE AS THE SURVEILLANCE CAMERA SYSTEM WILL SERVE AS A GREAT TOOL FOR ST. CLOUD LAW ENFORCEMENT. THE MOTION UNANIMOUSLY CARRIED. RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-90.
14. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A JOINT POWERS AGREEMENT WITH ST. CLOUD STATE UNIVERSITY FOR THE IMPACT DIVERSION PROGRAM FOR FISCAL YEAR 2022.** ACTION TAKEN: RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-91.
15. **RESOLUTIONS ADOPTING THE STIPULATIONS BETWEEN THE CITY OF ST. CLOUD AND THREE (3) VARIOUS LIQUOR LICENSE ESTABLISHMENTS REGARDING INTOXICATING LIQUOR LICENSE VIOLATIONS OF SECTION 810 OF THE ST. CLOUD CODE OF ORDINANCES AND CHAPTER 340A.503 OF MINNESOTA STATUTES.** ACTION TAKEN: RESOLUTIONS ADOPTED AND ASSIGNED NUMBERS 2021-07-92 (BUFFALO WILD WINGS); 2021-07-93 (HOUSE OF PIZZA); AND 2021-07-94 (WALMART LIQUOR).
16. **RESOLUTION ADOPTING THE STIPULATION BETWEEN THE CITY OF ST. CLOUD AND MEGAVAPES, INC. REGARDING A TOBACCO VIOLATION OF SECTION 424 OF THE 2007 ST. CLOUD CODE OF ORDINANCES AND MINNESOTA STATUTE §461.12, SUBD.2.** ACTION TAKEN: RESOLUTION ADOPTED AND ASSIGNED NUMBER 2021-07-95.
17. **RESOLUTION APPROVING WASTEWATER TREATMENT SYSTEM USE AGREEMENT WITH CITY OF FOLEY.** ACTION TAKEN: RESOLUTION ASSIGNED NUMBER 2021-07-96.
18. **APPLICATION FOR A SPECIAL PARKING ZONE PERMIT AT 1712 – 7TH AVENUE SOUTH.** ACTION TAKEN: APPROVED.
19. **APPLICATIONS FOR RENEWAL OF LOADING ZONE PERMITS IN DOWNTOWN METERED PARKING AREA AND IN THE “E” AND “G” PARKING PERMIT ZONES FOR JULY 1, 2021, THROUGH JUNE 30, 2022.** ACTION TAKEN: APPROVED.
20. **REQUEST FOR AN EXEMPTION FROM THE CITY NOISE ORDINANCE TO ALLOW FOR NIGHTTIME AND SUNDAY CONSTRUCTION FOR THE 2021 BITUMINOUS STREET RESURFACING IMPROVEMENTS – PHASE 1.** ACTION TAKEN: APPROVED.

PUBLIC HEARINGS:

- 21. RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PLAN IN ACCORDANCE WITH MINNESOTA STATUE §475.521.** FINANCE DIRECTOR RUTH WIPPER INTRODUCED THE ITEM AND SPOKE TO DETAILS REGARDING THE ISSUANCE OF THE BONDS. SHE EXPLAINED THAT THE PUBLIC HEARING WAS A REQUIREMENT AND THE NEXT STEP IN THE PROCESS OF TURNING THE OLD TECH HIGH SCHOOL INTO THE NEW CITY HALL. COUNCIL PRESIDENT GOERGER OPENED THE PUBLIC HEARING. NO ONE SPOKE. THE PUBLIC HEARING WAS CLOSED. IT WAS MOVED BY COUNCILMEMBER BRANDMIRE, SECONDED BY COUNCILMEMBER LARAWAY, TO APPROVE THE RESOLUTION AS PRESENTED. THE MOTION UNANIMOUSLY CARRIED. THE ADOPTED RESOLUTION WAS ASSIGNED NUMBER 2021-07-97.
- 22. RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION STREET RECONSTRUCTION BONDS AND ADOPTING A FIVE-YEAR STREET RECONSTRUCTION PLAN IN ACCORDANCE WITH MINNESOTA STATUE §475.58.** FINANCE DIRECTOR RUTH WIPPER INTRODUCED THE ITEM. THESE BONDS WILL FUND A PORTION OF THE COSTS ASSOCIATED WITH THE 2021-2025 STREET AND UTILITY IMPROVEMENT PROJECTS AS ALLOWED BY THE FIVE YEAR PLAN. COUNCIL PRESIDENT GOERGER OPENED THE PUBLIC HEARING. NO ONE SPOKE. THE PUBLIC HEARING WAS CLOSED. IT WAS MOVED BY COUNCILMEMBER LARAWAY, SECONDED BY COUNCILMEMBER MASTERS, TO APPROVE THE RESOLUTION AS PRESENTED. THE MOTION UNANIMOUSLY CARRIED. THE ADOPTED RESOLUTION WAS ASSIGNED NUMBER 2021-07-98.
- 23. RESOLUTION AMENDING ASSESSMENT ROLL 2 FOR 2018 PUBLIC IMPROVEMENTS.** CITY ATTORNEY RENEE COURTNEY INTRODUCED THE ITEM. SHE SPOKE TO THE SPECIFIC ASSESSMENT OF KEVIN AND JULIANNA CARPENTER AT THE PROPERTY OF 2919-8TH STREET NORTH. THE CITY HIRED AN APPRAISER TO CONDUCT A SPECIAL BENEFITS APPRAISAL FOR THE PROPERTY. THE APPRAISER'S ESTIMATE SUPPORTED A \$4,000 REDUCTION TO THEIR ASSESSMENT. CITY ATTORNEY AND CITY ENGINEER RECOMMEND ADOPTION OF THE REASSESSMENT TO ASSESSMENT ROLL 2 IN THE AMOUNT OF \$4,000. CITY COUNCIL PRESIDENT OPENED THE PUBLIC HEARING. NO ONE SPOKE. THE PUBLIC HEARING WAS CLOSED. IT WAS MOVED BY COUNCILMEMBER MASTERS, SECONDED BY COUNCILMEMBER CONWAY, TO APPROVE THE RESOLUTION AS PRESENTED. COUNCILMEMBER HONTOS QUESTIONED THE VALIDITY OF THE CITY'S CALCULATION PROCESS. CITY ATTORNEY COURTNEY EXPLAINED THAT THIS ISSUE IS CURRENTLY IN LITIGATION AND PENDING BEFORE DISTRICT COURT. COUNCILMEMBER LEWIS COMMENTED THAT THE CITY IS FOLLOWING STATE STATUTE WITH ITS PROCESS. COUNCIL DISCUSSION ENDED DUE TO THE PENDING LITIGATION. THE MOTION UNANIMOUSLY CARRIED. THE ADOPTED RESOLUTION WAS ASSIGNED NUMBER 2021-07-99.
- 24. RESOLUTION AMENDING THE CHILDREN'S HOME RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW 12-FOOT HIGH FENCING, AND EIGHT-FOOT BY EIGHT-FOOT WELCOME CENTER BUILDING, AND GATING OF THE SOUTHERN ACCESS TO 7TH AVENUE SOUTH. (LOCATION: 1726, 1728, & 1730 7TH AVENUE SOUTH AND 375 16TH STREET SOUTH) (DPA-2021-01)** COMMUNITY DEVELOPMENT DIRECTOR MATT

GLAESMAN INTRODUCED THE ITEM. HE DISPLAYED SCHEMATICS ON THE OVERHEAD REVIEWING THE FOUR ELEMENTS THAT WERE BROUGHT TO THE PLANNING COMMISSION ALONG WITH THEIR RECOMMENDED MODIFICATION TO THE FOURTH ELEMENT – THE FENCING ON THE WESTERLY PROPERTY LINE. COUNCIL PRESIDENT GOERGER OPENED THE PUBLIC HEARING. THE FOLLOWING INDIVIDUALS SPOKE:

- JOHN MEYER, 2000 7TH AVENUE S. ADDRESSED HIS CONCERN THAT THE PARK PLACE NEIGHBORHOOD IS BECOMING FILLED WITH INSTITUTIONS. HE SUGGESTED THAT 12-FOOT HIGH FENCING WOULD APPEAR TO BE A PRISON WITH GUARDED STATIONS WITHIN A RESIDENTIAL NEIGHBORHOOD.

NO ONE ELSE SPOKE. THE PUBLIC HEARING WAS CLOSED. IT WAS MOVED BY COUNCILMEMBER MASTERS, SECONDED BY COUNCILMEMBER CONWAY, TO APPROVE THE RESOLUTION AS PRESENTED. BRETT SHUEMAKER, VICE PRESIDENT OF DEVELOPMENT FOR NEWPORT HEALTHCARE, WAS IN ATTENDANCE TO ADDRESS THE COUNCIL. IN RESPONSE TO COUNCILMEMBER MASTER'S INQUIRY OF WHY A FENCE WAS NECESSARY, MR. SHUEMAKER EXPLAINED THAT SINCE THE PURCHASE OF THE PROPERTY THERE HAS BEEN ONGOING SECURITY ISSUES, INCLUDING A RECENT FIRE. ALTHOUGH THIS WILL NOT BE A LOCKDOWN OR RESTRAINT FACILITY, A FENCE IS NECESSARY TO REDUCE VANDALISM AND KEEP PEOPLE OUT. AS A COMPROMISE AND FOR ESTHETIC PURPOSES, HIS COMPANY ACCEPTED THE 8-FOOT VINYL FENCING TO BE CONSTRUCTED ON THE RESIDENTIAL WESTERLY SIDE. HIS COMPANY'S INTENTION IS TO MAINTAIN A GOOD RELATIONSHIP WITH CATHOLIC CHARITIES AND THE ENTIRE NEIGHBORHOOD. COUNCIL PRESIDENT GOERGER ASKED MR. SHUEMAKER TO RESPOND TO MR. MEYER'S PUBLIC HEARING COMMENT REFERRING TO CREATING A PRISON. MR. SHUEMAKER WAS CANDID AS HE SPOKE TO HIS FIRST TIME TOURING THE CHILDREN'S HOME AS HE WITNESSED LOCKDOWN AND ISOLATION ROOMS. HE SAID THAT IS NOT WHAT HIS COMPANY DOES. NEWPORT HEALTHCARE WILL OFFER 60 ADOLESCENCE CLIENTS (AGES 13-18 OF BOTH GENDERS) WITH SUB-ACUTE MENTAL HEALTH ISSUES A FREE-WILL PLACE TO LIVE. DURING DISCUSSION, THE COUNCIL OFFERED FAVORABLE, SUPPORTING COMMENTS. THE MOTION UNANIMOUSLY CARRIED. RESOLUTION 2021-07-100.

- 25. ORDINANCE VACATING A 15-FOOT WIDE DRAINAGE AND UTILITY EASEMENT THAT WAS LOCATED ON THE COMMON LOT LINE BETWEEN LOTS 5 AND 6, BLOCK 2, WESTWOOD PARKWAY PLAT 10. (ADDRESS: 6557 WESTWOOD PARKWAY)** COMMUNITY DEVELOPMENT DIRECTOR MATT GLAESMAN INTRODUCED THE ITEM. COUNCIL PRESIDENT GOERGER OPENED THE PUBLIC HEARING. NO ONE SPOKE. THE PUBLIC HEARING WAS CLOSED. IT WAS MOVED BY COUNCILMEMBER MASTERS, SECONDED BY COUNCILMEMBER LARAWAY, TO ADOPT THE ORDINANCE TO VACATE A 15-FOOT WIDE DRAINAGE AND UTILITY EASEMENT LOCATED ON THE COMMON LOT LINE BETWEEN LOTS 5 AND 6, BLOCK 2, WESTWOOD PARKWAY PLAT 10. THE MOTION UNANIMOUSLY CARRIED. ADOPTED ORDINANCE ASSIGNED NUMBER 2837.
- 26. ORDINANCE VACATING THREE INTERIOR SIDE YARD DRAINAGE AND UTILITY EASEMENTS BETWEEN LOTS 1 AND 2, BLOCK 1, QUARRY WOODS SEVENTH ADDITION;**

LOTS 2 AND 3, BLOCK 3, QUARRY WOODS EIGHTH ADDITION; AND LOTS 5 AND 6, BLOCK 3, QUARRY WOODS EIGHTH ADDITION. (LOCATION: 3410 & 3416 STONE WAY SOUTH, 3465 & 3471 GRANITE WAY SOUTH, AND 3483 & 3489 GRANITE WAY SOUTH) (VAC-2021-05) COMMUNITY DEVELOPER DIRECTOR MATT GLAESMAN INTRODUCED THE ITEM. HE EXPLAINED THAT THE APPLICANT IS NO LONGER REQUESTING THE PROPOSED VACATION BETWEEN LOTS 1 AND 2, BLOCK 2 OF QUARRY WOODS SEVENTH ADDITION. COUNCIL PRESIDENT GOERGER OPENED THE PUBLIC HEARING. NO ONE SPOKE. THE PUBLIC HEARING WAS CLOSED. IT WAS MOVED BY COUNCILMEMBER CONWAY, SECONDED BY COUNCILMEMBER BRANDMIRE, TO ADOPT THE ORDINANCE WITH THE REMOVAL OF 3410 & 3416 STONE WAY SOUTH (LOTS 1 AND 2, BLOCK 1, QUARRY WOODS SEVENTH ADDITION). THE MOTION UNANIMOUSLY CARRIED. THE ADOPTED ORDINANCE WAS ASSIGNED NUMBER 2838.

OPEN DISCUSSION:

COUNCILMEMBER LEWIS CONGRATULATED THE ST. CLOUD ROX BASEBALL TEAM FOR LEADING THE FIRST-HALF OF THE SEASON IN THE NORTHWOODS LEAGUE WITH A 13-GAME WINNING STREAK.


ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS, IT WAS MOVED BY COUNCILMEMBER CONWAY, SECONDED BY COUNCILMEMBER LEWIS, TO ADJOURN THE MEETING AT 6:56 P.M. THE MOTION UNANIMOUSLY CARRIED.

OPEN FORUM (NOT TELEVISED)

SUSAN MURRAY, 145 NORTHWAY DRIVE, APT. 205, Phone #651-747-7397 – MS. MURRAY SPOKE OF ISSUES REGARDING RENTAL PROPERTIES IN THE CITY. SHE WAS SPEAKING ON BEHALF OF HER DAUGHTER WHO WAS UNABLE TO ATTEND.

SPEAKER #2, RECORDER WAS UNABLE TO HEAR THE NAME OR ADDRESS OF THIS SPEAKER– SPEAKER HAD QUESTIONS AND CONCERNS REGARDING THE RECENT PURCHASE OF A POLICE TRAILER.



Seth Kauffman, City Clerk



Jeff Goerger, City Council President