

CITY COUNCIL PROCEEDINGS

AGENDA ITEM:

NOVEMBER 4, 2013

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota was held on November 4, 2013, at 6:00 p.m. in the City Council Chambers.
2. A Moment of Silence was held for our men and women serving in the Armed Forces.
3. Council members Gohman, Hontos, Johnson, Lewis, Libert, and Masters were present. Council President Goerger was absent. Council Vice President Libert chaired the meeting.

CONSENT AGENDA:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved with the addition of two items added to Open Discussion (Hontos--The *Build It In St. Cloud* Program and Johnson--SCSU and Police update).
5. **APPLICATION FOR A CONSUMPTION AND DISPLAY PERMIT FOR LILY'S WINGS, INC. dba LILY'S WINGS, 2106 8TH ST. N.** ACTION TAKEN: A public hearing was set for November 18, 2013.
6. ~~**AN APPLICATION FOR A TOBACCO LICENSE FOR STOP N GO LOCATED AT 2715 CLEARWATER ROAD.**~~ ACTION TAKEN: Applicant withdrew the application.
7. **AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR DISTRICT 5-M8 LIONS CONVENTION TO BE HELD FEBRUARY 7-9, 2014, AT THE BEST WESTERN KELLY INN.** ACTION TAKEN: Approved.
8. **THE 2014 PUBLIC UTILITIES CHEMICAL PROPOSALS.** ACTION TAKEN: Approved.
9. **A RESOLUTION ACCEPTING A MINNESOTA DEPARTMENT OF HEALTH SOURCE WATER PROTECTION GRANT.** ACTION TAKEN: Resolution adopted and assigned number 2013-11-157.
10. **SETTING A PUBLIC HEARING FOR NOVEMBER 18, 2013, ON AN ORDINANCE AMENDING SECTION 1000:15 ENTITLED, "NUISANCES AFFECTING SAFETY, HEALTH, PEACE AND GENERAL WELFARE" REGARDING OUTDOOR FURNITURE.** ACTION TAKEN: Set a reading and public hearing for November 18, 2013. Proposed Ordinance #2013-23.
11. **TRAFFIC SIGNAL IMPROVEMENTS AND LEFT-TURN LANES AT THE INTERSECTION OF 25TH AVENUE N. AND 3RD STREET NORTH.** ACTION TAKEN: Approved.

12. **T.H. 15 AND 33RD STREET SOUTH INTERCHANGE IMPROVEMENTS: (A) RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR T.H. 15 AND 33rd STREET SOUTH INTERCHANGE IMPROVEMENTS, CONTRACT 2013-10, S.A. P. 162-151-002; and (B) RESOLUTION ESTABLISHING ACCESS CONTROL TO T.H. 15; and (C) RESOLUTION ESTABLISHING PARKING RESTRICTIONS ON 33RD STREET SOUTH FROM CSAH 74 TO STONE GATE DRIVE.** ACTION TAKEN: Johnson pulled item and requested an update from City Engineer Steve Foss on the project. Johnson/Masters moved approval of Item A. Motion unanimously carried. Adopted Resolution was assigned number 2013-11-158. Johnson/Lewis moved approval of Item B. Motion unanimously carried. Adopted resolution was assigned number 2013-11-159. Masters/Johnson moved approval of Item C. Motion unanimously carried. Adopted resolution was assigned number 2013-11-160.

13. **RESOLUTION SETTING PUBLIC HEARING FOR DECEMBER 2, 2013, TO CONSIDER PROPOSED AMENDMENT TO ASSESSMENT ROLL 1 FOR 2012 PUBLIC IMPROVEMENTS.** ACTION TAKEN: A public hearing was set for December 2, 2013. Adopted Resolution assigned number 2013-11-161.

14. **THE PURCHASE OF AN UNBUDGETED USED PICKUP TRUCK FOR PARKING DIVISION OF THE PUBLIC WORKS DEPARTMENT.** ACTION TAKEN: Approved.

15. **CHANGE ORDER 1 TO CROSSWIND RUNWAY RECONSTRUCTION PROJECT TO COMPLETE THE PARKING LOT PROJECT AT THE ST. CLOUD REGIONAL AIRPORT.** ACTION TAKEN: Approved.

OPEN FORUM:

No one spoke.

PUBLIC HEARINGS:

16. **RESOLUTION AMENDING THE ANNA MARIE'S PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW CONSTRUCTION OF A 16 FOOT BY 20 FOOT PET CARE LEARNING CENTER AND INCREASE THE LENGTH OF STAY LIMITATIONS.** Community Development Director Matt Glaesman explained that the applicant requests to amend the General Development Plan to allow the accessory use of a pet care and learning center for the pets of the residents. The building is proposed to be 16' by 20' and located on the west side of the parking lot. The applicant is also requesting to increase the 45-day length of resident stay for those residents with a court mandated protection order or similar documentation. The Planning Commission has recommended approval. Council Vice President Libert opened the public hearing. The following person spoke:

Margaret Bushinger, PO Box 364, serves as an advocate for Anna Maries and has been in her position for the past ten years. She spoke in support of the proposed requests.

There being no one else wishing to speak, Vice Chair Libert closed the public hearing. A brief Council discussion ensued. It was moved by Councilmember Gohman, seconded by Councilmember Johnson, to approve the resolution as presented. The motion unanimously carried. The adopted resolution was assigned number 2013-11-162.

17. **HEARING ON THE RENTAL LICENSE REVOCATION FOR THE PROPERTY**

AT 2105 8TH STREET NORTH. City Attorney Matt Staehling gave a brief introduction to the quasi-judicial hearing for the rental license property located at 2105 8th Street North (Dorothy Olson, owner). Health Director Lisa Schreifels explained that the location is a duplex which contains the addresses of 2105 and 2107 8th Street North. Health Director Schreifels gave the timeline and specifics of the violations at the property of 2105 8th Street North. There were five administrative citations for violations since June 11, 2013. These violations include unlicensed vehicles, failure to provide smoke alarms, nuisances affecting health and safety, and failure to close a vacant structure. All administrative citations were issued for violations affecting the entire property. City staff recommends the revocation of the rental dwelling license. The property may be granted a provisional license upon receipt of an acceptable application and mitigation plan. Following Health Director Schreifels introduction, Councilmember Hontos asked about the “linkage” of this rental license as it applies to all City licensures/dealings with Ms. Dorothy Olson, the owner of the property. Ms. Schreifels responded that the licensure and hearing pertain to this property only and cannot be linked to Ms. Olson’s other properties. Council Vice Chair Libert opened the public hearing. The following people spoke:

Dorothy B. Olson, 18940 Fall Ridge Road, Richmond, read a personal statement. In summary she said that in 1964 she and her husband purchased the four bi-level duplexes on 8th Street N. She has served as landlord since then, noting that her husband passed away in 1974. She became familiar with a change in City policy when she received her first citation of \$500 for debris at the units of 2113 and 2115 8th Street N. Then, she said she started to receive citations for 2105 8th Street N. She spoke with her renter about the unlicensed vehicles and the violations occurring, saying she chose to use positive reinforcement rather than negative reinforcement. Unfortunately, the renter did not comply with making the corrections and eventually left the rental unit. A black licensed car and a boat remain in the parking lot. She said that both units (2105 and 2107) are now empty and are being painted and carpeted. She has she has paid all her fines to date. Her units are in a prime location. She intends to keep all of her units in good condition.

(Following her comments, she responded to the concerns from the City Council members regarding her missed inspection appointments, having no property manager on site, having no heat available for tenants for an extended period of time, allowing malfunctioned smoke alarms in her units, and for deteriorating management of the units. Throughout the hearing the Council members encouraged her to work on providing a mitigation plan and provisions for an on-site manager.)

Cari Rodecker, 207 13th Street N., Sauk Rapids; rents a unit from Ms. Olson in Sauk Rapids and felt the past renter at 2105 8th Street N. took advantage of Ms. Olson and her kindness. She offered to help Ms. Olson keep her rental license by being the on-site property manager.

Following the question and answer period, Ms. Olson provided a brief final statement requesting that her rental license be allowed.

Council Vice President Libert closed the hearing. The Council briefly discussed the facts presented. Councilmember Lewis spoke to allowing a provisional license to assist Ms. Olson the time to make necessary provisions to regain good standing. Following further discussion, it was moved by Councilmember Johnson, seconded by Councilmember Masters, to adopt the resolution as presented to revoke the rental license at 2105 8th Street North. The motion carried by a 5-1 vote with Councilmember Lewis voting against.

OPEN DISCUSSION AND ANNOUNCEMENTS.

Councilmember Hontos brought up the topic of the *Build It In St. Cloud* Program (a discounting program for building permits) that was extended to August 31, 2013. After a brief update on the number of recipients who received the incentive, Hontos asked the Council to make a decision about the continuation of the program. Masters suggested discussing this topic further at an upcoming Study Session. Following comments, it was moved by Councilmember Hontos, seconded by Councilmember Gohman, to place the item on the November 18th agenda under Old Business. The motion carried by a vote of 4-2 with Lewis and Masters voting against.

Councilmember Johnson asked for an update on the SCSU police arrangement on campus (3-yr public safety contract) and the status of backfilling the three police officers. Mayor Kleis responded that the Council will receive a written, detailed update on a quarterly basis. He also commented that the feedback from the SCSU Campus, the neighborhood, and the Police Department during the last three months has been very positive. He intends to have a full police force of 102 officers by December.

City Administrator Mike Williams announced that the City Council will conclude its Goal Setting at a retreat scheduled for Thursday, November 7, 2013, 5 p.m., at the St. Cloud Regional Airport conference room.

ADJOURNMENT:

There being no one else wishing to speak, Council Vice President Libert adjourned the meeting at 7:43 p.m.

Council Vice President John Libert

Respectfully submitted by

Sandy Hilsgen
Recording Council Secretary