

CITY COUNCIL PROCEEDINGS

AGENDA ITEM

February 9, 2015

1. Following the Pledge of Allegiance, a regular meeting of the City Council of the City of St. Cloud, Minnesota, was held on February 9, 2015 at 6 p.m. in the City Council Chambers.
2. Moment of Silence for our men and women serving in the Armed Forces.
3. Councilmember present were Goerger, Gohman, Hontos, Johnson, Lewis, Libert, and Masters.

Consent Agenda:

4. **APPROVAL OF AGENDA.** ACTION TAKEN: Approved.
5. **APPROVAL OF THE COUNCIL MINUTES OF THE REGULAR MEETING HELD JANUARY 26, 2015.** ACTION TAKEN: Approved.
6. **AMENDMENT TO THE AUGUST 11, 2014, CITY COUNCIL MEETING MINUTES.** ACTION TAKEN: Approved.
7. **A) CONFIRM MAYOR'S APPOINTMENT TO THE ST. CLOUD LIBRARY BOARD.** ACTION TAKEN: Approved the appointment of Dr. Fred Hill to a term to commence immediately and expire December 31, 2017.
B) CONFIRM MAYOR'S APPOINTMENT TO THE ZONING BOARD OF APPEALS. ACTION TAKEN: Approved the appointment of Abdul Kulane to a term to commence immediately and expire April 30, 2015.
8. **CONFIRM MAYOR'S APPOINTMENTS TO THE TRANSPORTATION INFRASTRUCTURE ADVISORY BOARD.** ACTION TAKEN: Approved the appointments of Jose' L. Rivera Jr. to a first term to commence immediately and expire June 30, 2015 and Sue Ek to her first term to commence immediately and expire June 30, 2016. Confirmed the appointment of Caleb Dirckx to an ex-officio position to commence immediately and expire June 30, 2015.

9. **APPOINTMENT OF BOARD OF APPEALS AND EQUALIZATION BOARD MEMBERS AND APPROVAL OF APRIL 29, 2015 AS THE DATE FOR THE ANNUAL MEETING. ACTION TAKEN:** Approved.
10. **APPLICATION FOR A SMALL BREWER OFF-SALE INTOXICATING AND BREWERY TAP ROOM ON SALE INTOXICATING LICENSE FOR LUPINE BREWING COMPANY, LLC DBA LUPINE BREWING COMPANY, 3320 3rd STREET NORTH. ACTION TAKEN:** Public hearing set for February 23, 2015.
11. **RESOLUTION AUTHORIZING THE ST. CLOUD ALL CITY HS BAND TO CONDUCT CHARITABLE GAMBLING ACTIVITIES AT THE RIVER'S EDGE CONVENTION CENTER MARCH 19-21, 2015. ACTION TAKEN:** Resolution was adopted and assigned number 2015-2-12.
12. **APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR GUYNS, LLC (GUY SPRINGER) DBA KONRAD'S, 27 7TH AVENUE NORTH. ACTION TAKEN:** Public hearing was set for February 23, 2015.
13. **APPLICATION FOR ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSES FOR MUY PIZZA MINNESTOA, LLC DBA PIZZA HUT #31282, 305 5TH AVENUE SOUTH, SUITE 190. ACTION TAKEN:** Public hearing was set for February 23, 2015.
14. **APPROVAL OF THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY OF ST. CLOUD INFORMATION TECHNOLOGY DEPARTMENT AND DELL FINANCIAL SERVICES. ACTION TAKEN:** Approved.
15. **CONSERVATION PARTNERS LEGACY GRANT PROJECT – RIVER BLUFFS REGIONAL PARK. ACTION TAKEN:** Approved.
16. **EASTMAN REGIONAL PARK 2015-2017 JOINT USE AGREEMENT WITH ST. CLOUD STATE UNIVERSITY FOR THE LAKE GEORGE BOAT HOUSE PROGRAM. ACTION TAKEN:** Hontos/Gohman moved approval. Motion carried unanimously.

17. **WHITNEY REGIONAL PARK – SAUK RIVER DAM REMOVAL PROJECT.** ACTION TAKEN: Gohman/Libert moved approval. Motion carried unanimously.
18. **CITY PROPERTY AND RIGHT OF WAY MOWING SERVICES CONTRACT FOR 2015-2017.** ACTION TAKEN: Approved.
19. **RESOLUTION ACCEPTING A \$705,000 CLEAN WATER FUND GRANT FROM THE BOARD OF SOIL AND WATER RESOURCES TO IMPLEMENT STORMWATER BEST MANAGEMENT PRACTICES IN NORTHEAST ST. CLOUD.** ACTION TAKEN: Resolution was adopted and assigned number 2015-2-13.
20. **WASTEWATER TREATMENT FACILITY EQUIPMENT REPLACEMENT PURCHASE.** ACTION TAKEN: Approved.
21. **ORDINANCE REZONING PROPERTIES WITHIN AND ADJACENT TO THE ST. AUGUSTA BUSINESS PARK FROM C5, HIGHWAY COMMERCIAL DISTRICT TO I1, LIGHT INDUSTRIAL DISTRICT. LOCATION: 2101, 2102, 2109, 2110, 2117, 2125, 2205 251ST STREET; 2106 AND 2124 252ND STREET; 2105, 2116, 2165, AND 2225 255TH STREET; 25177, 25183 AND 25183 21ST AVENUE; AND 25112, 25113, 25122, 25123, 25135 22ND AVENUE.** ACTION TAKEN: Reading and public hearing were set for February 23, 2015. Assigned proposed ordinance number 2015-07.
22. **RESOLUTION RECEIVING CITY ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR FEBRUARY 23, 2014, TO CONSIDER 9TH AVENUE SOUTH FROM 4TH STREET SOUTH TO UNIVERSITY DRIVE BITUMINOUS RESURFACING IMPROVEMENTS.** ACTION TAKEN: Councilmember Hontos questioned why this project wasn't extended down to 33rd Street South. Steve Foss, City Engineer, stated that this wasn't included in the proposed project and is scheduled for a future date. Currently there isn't any funding available to extend to 33rd St. S. Hontos/Gohman moved to amend the resolution by including a cost estimate of extending the project to 33rd Street South. Motion carried 6-1: Council Member Lewis voted against. In addition, the City Council requested information on when the extension to 33rd St. S. is currently scheduled to be

completed. Hontos/Masters moved approval of the resolution as amended. Motion carried 6-1; Council Member Lewis voted against. Resolution was adopted and assigned number 2015-2-14.

23. **RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR RAYMOND AVENUE N.E. AREA NEIGHBORHOOD IMPROVEMENTS – AREA A, CONTRACT 2015-02A.** ACTION TAKEN: Approved. Resolution was adopted and assigned number 2015-2-15.
24. **RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT BETWEEN SKYWEST AIRLINES, INC., AND THE CITY OF ST. CLOUD RELATED TO REIMBURSEMENT OF FEES AND CHARGERS.** ACTION TAKEN: Hontos/Libert moved approval. Motion carried unanimously. Resolution was adopted and assigned number 2015-2-16.

Open Forum:

- Mary Mathews, 315 3rd Ave. S., addressed concerns in regard to a property near her home. This property has an absentee landlord and there is an issue with the number of people/vehicles on the property. Ms. Mathews has contacted the City and noted that Travis Bistodeau has aggressively dealt with her complaint. In reviewing the complaint and looking into City ordinances and the Land Development Code, Ms. Mathews feels that the code is heavily focused on commercial property. She feels that the code needs clarification and perhaps additional regulation.
- Farhan Abdi, Director of the St. Cloud Somali Youth Organization, addressed the City Council on their Mission, Vision, and Goals. He gave a brief overview of the group's history and named their objective and outcomes. He also mentioned their need for funding.

Public Hearings:

25. **A PUBLIC HEARING ON AMENDING LAND DEVELOPMENT CODE AND COMPLYING WITH**

NEW STORMWATER REQUIREMENTS:

- A) ORDINANCE AMENDING ARTICLE 4 - LAND USE APPLICATIONS AND ENFORCEMENT, SECTION 4.16 ENFORCEMENT; ARTICLE 19 - OFF-SITE DEVELOPMENT STANDARDS, SECTION 19.12 - DRAINAGE IMPROVEMENTS, AND SECTION 19.13 - EROSION AND SEDIMENT CONTROL; AND SECTION 21 - OFF SITE DEVELOPMENT, SECTION 2.15 GENERAL TERMS DEFINITIONS, OF THE LAND DEVELOPMENT CODE TO CHANGE THE POST CONSTRUCTION STORMWATER STANDARDS AND THE LAND DISTURBANCE PERMIT REVIEW PROCESS.
- B) ORDINANCE AMENDING CHAPTER 365 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED STORMWATER SYSTEM USE.
- C) ORDINANCE AMENDING CHAPTER 575 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED PUBLIC UTILITIES DEPARTMENT FEES.
- D) ORDINANCE AMENDING CHAPTER 1100 OF THE 2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD ENTITLED SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES.

Pat Shea, Public Services Director, reviewed items A, B, C, and D and noted that the Minnesota Pollution Control Agency requires the City to adopt requirement related to post-construction Stormwater management to meet the new requirements of the permit. Council President Goerger opened the public hearing. The following individuals testified:

Jane DeAustin, represented the Central MN Builders Association - 1124 W. St. Germain St. - and spoke on the Watershed Ordinance. Ms. DeAustin noted that the group has been working with Noah Czech to become better understanding of the requirements. She commented that this is difficult because even though these fees are assessed post construction builders have to plan pre-construction. She also commented that it would be helpful if the City department work together and all have the same information. She also wondered if the City would reduce record retention to three years.

Will Huston, Engineer working with Westwood Services - 3701 12th St. N. He works with the City's Watershed Ordinance.

Council President Goerger closed the public hearing. Masters/Libert moved approval of items A, B, C, and D. Pat Shea commented that the City will retain the 5-year record

retention. He also commented that the Utilities Department, Planning, and Engineering have been working together. He also noted that there is an annual report submitted each year. Motion for approval on Item A – *Ordinance amending Article – Land Use Applications and Enforcement, Section 4.16 Enforcement: Article 19 – Off-Site Development Standards, Section 19.12 – Drainage Improvements, and Section 19.13 – Erosion and Sediment Control; and Section 21 – Off Site Development, Section 2.15 General Terms Definitions, of the Land Development Code to change the Post Construction Stormwater Standards and the Land Disturbance Permit Review Process* – carried unanimously. Ordinance was assigned number 2611. Motion for approval on Item B – *Ordinance amending Chapter 365 entitled Stormwater System Use* – carried unanimously. Ordinance was assigned number 2612. Motion for approval on Item C – *Ordinance amending Chapter 575 entitled Public Utilities Department Fees* – carried unanimously. Ordinance was assigned number 2613. Motion for approval on Item D – *Ordinance amending Chapter 1100 entitled Schedule of Civil Fines for Administrative Offenses* – carried unanimously. Ordinance as assigned number 2614.

26. **CONSIDERATION OF POINT PLEASANT DRAINAGE IMPROVEMENTS.**

Steve Foss, City Engineer, presented the item and noted that this neighborhood has experienced localized flooding. The scope of the improvements includes installation of a limited storm drain system. Council President Goerger opened the public hearing. The following individuals testified:

Holly Nelson, 2030 Prospect Dr. NE. Ms. Nelson purchase her home in 2012 and has experience severe flooding. In 2013 they had 3 inches of water in their basement and they spent \$11,000 in improvements and in 2014 spent another \$1500. There yard is under constant water and their young son and dog cannot play in the yard. They are constantly pumping out water. She strongly favors the improvements.

Rick Walter, 427 Wilson Ave. SE. Mr. Walter owns the empty lot and is converting it into an orchard. He spoke in favor of the improvements.

Trevor McConnell, 1904 Highway 23E. Mr. McConnell is not against the improvements but feels that they fixed a pipe before and it didn't help. He also questioned how many man holes would be installed.

Council President Goerger closed the public hearing. In addressing one of Mr. McConnell's concerns, Mr. Foss noted that they would be using an 18 inch pipe which is larger than what is currently in place. He also noted the number of man holes that would be installed. Libert/Masters moved approval. Motion carried unanimously by roll call vote. Resolution was adopted and assigned number 2015-2-17.

Old Business:

27. **RESOLUTION ADOPTING ASSESSMENT ROLL 1 FOR IMPROVEMENTS CONSTRUCTED DURING 2014.**

Councilmember Libert noted that he was abstaining due to the fact that his employment is within an improvement area on the Assessment Roll. Steve Foss, City Engineer, presented the item. He noted that the Engineering office completed a review of all written objections to the proposed assessments and are recommending that all except for one proposed special assessment proceed unchanged. The only change was to a property at 3307 Southway Drive. There was a letter presented on the dais that was submitted by Robert Scheeler – homeowner at 425 19 ½ Ave. N. His letter referenced that he paid more in property taxes than he should have based on market value and he would like that amount to offset his assessment costs. There was no change for this property. There was some discussion among the City Council on the current policy and rates (in particular – commercial rate). Johnson/Lewis moved approval. Motion carried 5-1-1; Councilmember Johnson voted against and Councilmember Libert abstained. Resolution was adopted and assigned number 2015-2-18.

Open Discussion:

- Councilmember Hontos questioned whether or not the Study Session is being taped and played through Granicus. Mayor Kleis noted that the previous study

session was taped, however, was not streamed online. The Conference Room will be set up to stream through Granicus in the future.

- Councilmember Hontos brought forward discussion on the City Council's abilities to bring forward issues/items/concerns. He is concerned that the City Council waits on the Administration, or depends on the Administration, to bring forward items. He would like the City Council to have a meeting where each member can bring forward issues/items that they feel are important to them and to the community. Councilmember Masters wondered if this could take place at the City Council retreat. Council President Goerger noted that the agenda is set for the retreat. Councilmember Libert agreed with Councilmember Hontos and feels that there should be a study session where councilmembers can bring forth issues. Councilmember Johnson also questioned having more structure to study sessions and follow up of study session items. Hontos/Johnson moved for the City Council to have a study session within the next 10 days to discuss said issues. Motion failed 3-4: Councilmembers Lewis, Libert, Goerger, and Masters voted against. Hontos/Johnson moved that at the next Study Session on March 2, 2015 there be this one agenda item - City Council Members bringing forward their lists of issues/items that they want to discuss and then prioritize these items for future Study Session discussion. Motion carried 6-1; Councilmember Masters voted against.

Adjournment: There being no further business to discuss the meeting was adjourned at 8:37 p.m.

Respectfully Submitted,
Jennifer Burrows
Recording Council Secretary

City Council President
Jeff Goerger