

Pursuant to due call and notice thereof, the City Council for the City of St. Joseph met in regular session on Monday, April 5, 2021, at 6:00 PM in the St. Joseph Government Center.

Members Present: Mayor Rick Schultz. Councilors Bob Loso, Kelly Beniek, Kevin Kluesner

City Representatives Present: Administrator Therese Haffner, City Clerk Kayla Klein, Finance Director Lori Bartlett, Community Development Director Nate Keller, Public Works Superintendent Ryan Wensmann, Police Chief Dwight Pfannenstein, City Engineer Randy Sabart

Public Comments: *Jacob Czech and Liz Hamak were present to provide an update on events happening at CSB/SJU. Czech noted that April 24th is CASE day and that the Senate will be involved in the cleanup efforts after.*

Loso does not support CASE day and has know other members in the community that have had college students enter their homes late at night and scary that is for the homeowners.

Approve Agenda: **Kluesner made a motion to approve the agenda; seconded by Loso and passed unanimously.**

Consent Agenda: **Loso made a motion to approve consent agenda; seconded by Kluesner and passed unanimously.**

- a. Minutes – **Requested Action:** Approve the minutes of March 15, 2021 and March 23, 2021.
- b. Bills Payable – **Requested Action:** Approve check numbers 057527-057591, Accounts Payables EFT #1976, Payroll EFT 112048-112055 and Regular Pay Period 6, 6.01, 6.02 and City Council Pay Period 3.01.
- c. Transfers and Budget Amendment – **Requested Action:** Authorize the 2020 and 2021 transfers as presented.
- d. Equity Designations. Financial Year 2020 – **Requested Action:** Approve the equity designations as presented.
- e. Recreation Director Hiring Process – **Requested Action:** Authorize staff to begin the hiring process for the Recreation Director.

Public Hearing. Foreclosed Auction Sale Proposed Re-Assessment: MN Statutes allows local governments to assess unpaid fees for charges noted in the City Ordinances. Charges include weed cutting, snow removal, street sweeping, utility bills, tree trimming, etc. Statute also allows the City to re-assess property maintenance costs and street assessments that fell off the tax rolls due to foreclosure once the property sells. In the past, the Council has agreed to allow up to five years for repayment of the re-assessments at 0% interest rate. If the property is developed or changes hands, the remaining assessments due would become due and payable at the time of the sale.

Schultz moved to adopt Resolution 2021-014 Adopting Re-Assessment from Foreclosure Sale; seconded by Loso and passed unanimously.

Chokecherry Acres LLC, Parcel 84.53300.0293: The property owner reached out to staff that they would like to sell the property and would like utilities extended to their 120.36-acre parcel. The property boundary abuts the city limits of St. Joseph and St. Cloud. The property is guided for Light Industrial. Extension of public improvements (water, sanitary sewer, storm sewer, street, curb, gutter, lights, trail, etc.) is generally development driven and costs are typically the responsibility of the developer and/or property owner. The property owners have requested to present and discuss with the Council the availability of water, sewer, and access to the property.

John Uphoff, Realtor for Property Owners: Uphoff noted the biggest hurdle is getting services to the lot and presented the option of having separate wells and septic systems for each lot. Additional options discussed were connecting to the sewer system to the St. Cloud pipe.

Jeff Blonigen, Family Representative: Blonigen stated there have been multiple developers interested in the property but have not purchased it due to fees associated with the utility extensions.

Staff noted that separate wells and septic systems are not allowed on residential lots in the City per city ordinance.

The Council directed staff to compile a list of what would be required of a developer if they were to purchase the property. The list would then be provided to Uphoff for marketing purposes.

2021-2022 Liquor License Fees: In 2020, the Council approved a 50% reduction in license fees for liquor establishments with on-sale/off-sale intoxicating licenses. City Clerk Kayla Klein asked the Council if they would like to waive any fees for the 2021-2022 licensing period.

General consensus of the Council was to send out license renewals and see what the response is from businesses on whether or not they need assistance.

Little Saints Lease Waiver Request: Little Saints Academy is requesting the April 2021 lease payment be waived due to a delay in closing of the property as well as the expenses incurred through the environmental review.

Loso and Beniek were opposed to the waiver as the buyer is purchasing the property as-is. Schultz and Kluesner were in favor of waiving the fee as the buyer was unaware at the time of purchase that an environmental review would need to be completed.

Kluesner moved to waive the April 2021 lease payment for Little Saints Academy. The motion was seconded by Schultz.

**Aye: Schultz, Kluesner
Nay: Loso, Beniek**

Motion Failed 2:2

Ordinance Amendments

Parking Lot Standards & Wetland Setbacks: The Planning Commission met and recommended approval of the ordinance amendments for wetland setbacks and parking lot standards. The wetland setback amending ordinance reduces the setback to 50 feet for drive and parking areas. The amending ordinance for parking lot standards would allow exceptions to curbing requirements if certain criteria are met.

Schultz moved to adopt Ordinance 2021-04 Amending Section 502.10 of the St. Joseph Zoning Ordinance relating to parking lot standards; seconded by Kluesner and passed unanimously.

Kluesner moved to adopt Ordinance 2021-05 Amending Section 502.19 of the St. Joseph Zoning Ordinance relating to wetland setbacks; seconded by Loso and passed unanimously.

Zoning Ordinance Variances, 7967 Sterling Drive.

Andy Fischer from MN Home Improvements has requested variances from the parking lot material, curbing requirements and wetland setbacks for their property at 7967 Sterling Drive. State Statute outlines the facts and conditions that need to exist in order to grant a variance: 1. The variance is consistent with the adopted St. Joseph Comprehensive Plan, 2. The variance is in harmony with the general purpose and intent of the Ordinance, 3. The applicant establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties as used in connection with the granting of a variance shall mean: the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to the circumstances unique to the property not created by the landowner; the variance will not alter the essential character of the locality. Economic conditions alone should not constitute practical difficulties.

Keller reported that each variance has a resolution approving the variance that was recommended for approval by the Planning Commission as well as a resolution drafted by staff denying the variance requests.

Kluesner asked the applicant if the reason for not paving the parking lot was due to costs. Fischer responded that cost was the main factor in that particular request as not paving would save roughly \$30,000.

Discussion was had regarding the reasons why the city has regulations on curbing and paving of parking lots even in industrially zoned areas.

Schultz moved to approve Resolution 2021-018A approving a variance to the minimum wetland setbacks for driveways; seconded by Kluesner and passed unanimously.

Schultz moved to approve Resolution 2021-019A approving a variance to the minimum driveway material requirements; seconded by Loso and passed unanimously.

Loso moved to approve Resolution 2021-020A approving a variance to the minimum curbing requirements; seconded by Kluesner and passed unanimously.

Ordinance Amendments Continued: Keller reported the Planning Commission recommended approval of the proposed amendments to the Outdoor Patio/Sidewalk Café Ordinance. The changes are to allow for flexibility with outdoor seating and to streamline the approval process.

Schultz had concerns about the ordinance being too restrictive for businesses that have temporary patio setups due to COVID.

Council consensus was to table approval of the amending ordinance.

Fences: The Planning Commission recommended approval of the fence ordinance changes. The amendment is meant to clarify the application and inspection process, eliminate unnecessary and redundant language, clarify fence placement requirements, and clarify expectations for fences that are non-compliant with the current code.

Beniek believed that all fences should be required to be 2 feet off of the property line. The Council also were not supportive of having a landowner gain the approval of the neighbor for putting the fence up to the property line, as ownership of properties can change over time.

Schultz moved to approve Ordinance 2021-02 as presented and with the following changes: 1. Change the fence height for fencing in the front yard back to a maximum height of four feet; 2. All fencing should have a setback of two feet from the property line. The motion was seconded by Beniek and passed unanimously.

Accessory Structures: The Planning Commission recommended approval of Ordinance 2021-03. This amendment is meant to create consistency between city code language and other applicable codes, clarify and eliminate redundant language, provide flexibility as it relates to maximum size requirements for detached buildings.

Schultz moved to approve Ordinance 2021-03 amending section 502.12 of the St. Joseph Zoning Ordinance regarding accessory buildings in residential districts; seconded by Beniek and passed unanimously.

Loso moved to approve Resolution 2021-021 directing summary publication of Ordinance Nos. 2021-03, 2021-04, and 2021-05; seconded by Schultz and passed unanimously.

Wastewater System Use Agreement Exhibit C Amendment: The Council had reviewed the pooled capacity amendment at the March 1, 2021, meeting and recommended the area cities meet another time to review before approval.

Loso asked if legal had time to review and approve of the document. Staff was unsure and will bring the document to legal for review. If approved by legal, the item will go on the April 19, 2021 consent agenda for Council approval.

Mobile Sewer Camera: The city has been outsourcing its televising of sanitary sewer lines. Over the last 3 years the city has spent just under \$10,000. Staff is proposing to purchase a used cameral that was owned by the City of Arden Hills.

Schultz made a motion authorizing staff to purchase the sewer camera at a cost not exceeding \$33,500.00 using existing 2021 sanitary and storm sewer budget; seconded by Beniek and passed unanimously.

Mayor Reports: Schultz testified at the hearing to amend the bonding bill for the community center.

Adjourn: **Loso made a motion to adjourn at 8:20 PM; seconded by Schultz and passed unanimously.**



Kayla Klein
City Clerk