

CITY OF ST. CLOUD CITY COUNCIL PROCEEDINGS
Monday, September 23, 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, George Hontos, Paul Brandmire, Steve Laraway, Dave Masters
Councilmember Absent: Carol Lewis

CONSENT AGENDA:

4. **APPROVAL OF AGENDA**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
5. **RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY, CASUALTY, AUTOMOBILE AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD OF OCTOBER 1, 2019 TO SEPTEMBER 30, 2020.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-132
6. **APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR PANTOWN BREWING COMPANY FOR AN EVENT TO BE HELD AT THE STEARNS HISTORY MUSEUM OCTOBER 3, 2019.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
7. **APPLICATION FOR AN AMUSEMENT DEVICE LICENSE FROM SEARLES ON 5TH AVE, LLC DBA SEARLES ON FIFTH AVE, 18 5TH AVENUE SOUTH**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
8. **APPLICATION FOR A TEMPORARY INTOXICATING LIQUOR LICENSE FROM THE WHITNEY SENIOR CENTER FOR A TEMPORARY LIQUOR LICENSE, FOR AN EVENT TO BE HELD ON OCTOBER 10, 2019.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
9. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR BRICK & BOURBON ST CLOUD, LLC DBA BRICK & BOURBON, 119 5TH AVENUE SOUTH.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
10. **APPLICATION FOR THE EXPANSION OF THE LIQUOR SERVICE AREA FOR TBA ENTERTAINMENT, LLC DBA THE VERANDA LOUNGE, 22 5TH AVENUE SOUTH.**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
11. **RESOLUTION SETTING DECEMBER 2, 2019, FOR THE PUBLIC HEARING ON THE FINAL 2020 GOVERNMENTAL FUNDS BUDGET AND TAX LEVY**
ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-133

- 12. RESOLUTION GRANTING AN INCREASE IN THE CHANGE FUND FOR THE MUNICIPAL ATHLETIC COMPLEX**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-134
- 13. RESOLUTIONS DETERMINING THE VALUE OF PROPERTIES THAT ARE NEEDED TO BE ACQUIRED TO COMPLETE THE PROPOSED 33RD STREET SOUTH FROM COUNTY ROAD 136 TO COOPER AVENUE SOUTH IMPROVEMENTS:**
- A. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3135 COUNTY ROAD 136**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-135
- B. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3150 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-136
- C. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3285 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-137
- D. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3251 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-138
- E. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3268 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-139
- F. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3282 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-140
- G. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3286 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-141
- H. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3290 – 33RD STREET SOUTH**
 ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
 RESOLUTION ADOPTED AND ASSIGNED 2019-9-142

I. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3294 – 33RD STREET SOUTH

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-143

J. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3315 COUNTY ROAD 136

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-144

K. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3262 BENT TREE DRIVE

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-145

L. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2201 – 33RD STREET SOUTH

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-146

M. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 2071 – 33RD STREET SOUTH

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-147

N. RESOLUTION DETERMINING THE VALUE OF PROPERTY LOCATED AT 3208 WALDEN WAY

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-148

14. A. ORDINANCE REZONING 325 33RD AVENUE NORTH FROM C1, BUSINESS OFFICE DISTRICT TO PLANNED UNIT DEVELOPMENT NUMBER 7 (LOCATION: 325 33RD AVENUE NORTH – SUITES 101 THRU 110) (REZ-2019-06)

B. RESOLUTION AMENDING THE GENERAL DEVELOPMENT PLAN FOR PUD NUMBER 7.

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
PUBLIC HEARING SET FOR OCTOBER 7, 2019

15. ORDINANCE VACATING THE 10-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT LOCATED ON THE COMMON PROPERTY LINE BETWEEN LOTS 4 AND 5, BLOCK 1, COYOTE CREEK. (LOCATION: 1675 & 1687 39TH STREET SOUTH) (VAC2019-07)

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
PUBLIC HEARING SET FOR OCTOBER 7, 2019

16. ORDINANCE VACATING THE 10-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT LCOATED ON THE COMMON PROPERTY LINE BETWEEN LOTS 4 AND 5, BLOCK 2, SOMMERSBY PLAT 2. (LOCATION: 2117 & 2131 37TH STREET SOUTH) (VAC2019-08)

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
PUBLIC HEARING SET FOR OCTOBER 7, 2019

17. **ORDINANCE VACATING PORTIONS OF A DRAINAGE AND UTILITY EASEMENT SURROUNDING A WETLAND LOCATED ON THE ROLLING RIDGE ESTATES PLAT 3, BLOCK 3, LOT 8 AND ROLLING RIDGE ESTATES PLAT 4, BLOCK 1, LOT 5. (LOCATION: 1209 MULBERRY COURT AND 1405 MULBERRY ROAD) (VAC2019-09)**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
PUBLIC HEARING SET FOR OCTOBER 7, 2019

18. **PRELIMINARY PLAT OF GRANITE CITY CROSSINGS (LOCATION: 4211 AND 4247 HADRIAN ROAD)**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0

19. **APPEAL OF HERITAGE PRESERVATION COMMISSION'S DENIAL OF A HERITAGE ALTERATION PERMIT FOR WINDOW REPLACEMENTS AT 820 – 31ST AVENUE NORTH (HAP-2019-17)**

ACTION TAKEN: LARAWAY/MASTERS/APPROVED 6-0
PUBLIC HEARING SET FOR OCTOBER 7, 2019

PUBLIC HEARINGS:

20. **APPLICATION FOR AN ON-SALE INTOXICATING AND SPECIAL SUNDAY LIQUOR LICENSE FOR SEARLES ON 5TH AVE, LLC DBA SEARLES ON FIFTH AVENUE, 18 5TH AVENUE SOUTH**

ACTION TAKEN: LARAWAY/BRANDMIRE/APPROVED 6-0

City Clerk Seth Kauffman introduced item. All fees paid for item. Additional departmental reviews required.

Council President Jeff Goerger opened the Public Hearing.

Darin Agnew, 18075 62nd St, Becker, MN – new owner of building. Intends to be up and running within a month.

Councilmember Laraway commented that he likes the new concept of the venue and looks forward to visiting it. Council President Goerger closed the Public Hearing. It was moved by Councilmember Laraway, seconded by Councilmember Brandmire to approve. No further discussion. Motion unanimously passed.

21. **CONSIDERATION OF A RESOLUTION ORDERING 33RD STREET SOUTH FROM COUNTY ROAD 136 TO COOPER AVENUE SOUTH IMPROVEMENTS**

ACTION TAKEN: MASTERS/CONWAY/APPROVED 6-0 VIA ROLL CALL VOTE
RESOLUTION ADOPTED AND ASSIGNED 2019-9-149

City Engineer Steve Foss introduced item. Continued improvements to 33rd Street South corridor. Consistent with earlier planning. No assessments. Public Information Meeting held. Fence placed on plans where warranted but not set and may change.

Council President Jeff Goerger opened the Public Hearing.

Michael Bengston, 3417 Deer Crk Trl, St. Cloud – inquired on if a right turn lane will be placed back into Savannah Rich PUD (undeveloped property)

Jeff Meyer, 405 Chiwook Ave SW, Avon – Owns 35 acres in intersection of Oak Grove Rd and Cty Rd 136. He requested a fence be placed back in the plans for his property. Also, questioned the amount of money offered for 3 acres. Feels the amount is too low.

Doug Boser, Inventure Properties – In agreement with Mr. Bengston that a right turn lane be placed back into the PUD.

City Engineer Steve Foss indicated that there will be a right in/right away access from this PUD. However, a right turn lane will need to be justified and is unclear if it is.

City Council President Goerger closed the Public Hearing. It was moved by Councilmember Masters, seconded by Councilmember Conway to approve.

Councilmember Masters requested Foss to comment with regard to Mr. Meyer's comments on the fence and valuation of 3 acres as well as the right turn lane. Foss commented that a privacy fence will be installed where an existing home appears. With a large wetland area with no buildings, not necessarily needed but will be considered. With regard to appraisal amount, the property owners are welcome to get a separate appraisal and then a negotiation will occur. With regard to the right in/right out turn access point into PUD, he wasn't clear that a right turn lane was to be placed there. It will be considered now.

Councilmember Conway inquired on Cooper Ave interchange and PUD development right in/right out. Would like to know what the development may be. Concerned with residential areas surrounding that PUD. Requests a comprehensive look at the traffic flow and how it affects the east side of Cooper Ave.

Councilmember Brandmire inquired what the traffic control will be at the intersection of 33rd Street South and Cooper. Foss commented that it will stay the existing roundabout recently constructed. No median crossing will exist.

Councilmember Conway on where traffic signal will be located. Foss commented that the only traffic signal will be at the Tech High School entrance.

Councilmember Laraway inquired on if there will be any major changes to the look of the corridor. Foss commented that there will be only minor changes to accommodate the highly developed area.

Councilmember Conway inquired on if the future plan of 33rd will be a major artery for the city. Would like the City to figure out to help the residents move on/off 33rd. Are there provisions for putting in traffic control in specific intersections where needed? Foss commented that the use of the roundabouts was well planned to consider the traffic. Does not see a time where traffic signals will be installed.

City Clerk Seth Kauffman conducted a roll call vote. Motion unanimously passed. Resolution adopted and assigned 2019-9-149.

OLD BUSINESS:

22. CERTIFICATION OF DELINQUENT NUISANCE ABATEMENT CHARGES TO THE COUNTIES FOR COLLECTION WITH TAXES PAYABLE IN 2020

ACTION TAKEN: LARAWAY/BRANDMIRE/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-150

Health & Inspections Director Matt O'Brien introduced item. List was brought to Public Hearing held September 9, 2019. Tabled and all abatements reviewed. No discrepancies found.

It was moved by Councilmember Masters, seconded by Councilmember Laraway to approve.

Councilmember Masters inquired on if all five individuals that spoke at that meeting had resolution with their concerns. O'Brien commented that the items reviewed and consistent with what was being charged.

Motion unanimously passed. Resolution adopted and assigned 2019-9-150.

~~**23. CERTIFICATION OF DELINQUENT SNOW REMOVAL CHARGE TO THE COUNTY FOR COLLECTION WITH TAXES PAYABLE IN 2020.**~~

~~ACTION TAKEN: ITEM WITHDRAWN DUE TO PAYMENT RESOLUTION~~

23. CONFIRMATION OF CENSURE VOTE

Council President Goerger added this item because there has been some confusion to the process that was used to vote. Request City Clerk Seth Kauffman return ballots and councilmembers will identify ballots accordingly.

Councilmember Hontos requested to speak. Council President Goerger requested he wait until after the identification of ballots complete.

Motion to censure confirmed, 4-2 vote with Councilmembers Laraway and Lewis opposed.

City Attorney Renee Courtney provided a definition of Censure per Council President Goerger's request.

Councilmember Hontos commented that he is disappointed at the council's decision. He referenced the St. Cloud Times September 15th editorial which supports his freedom of speech and the right to express a dissenting opinion. Also referenced a letter received by the ACLU calling for the immediate amendment of council rules of conduct and rescission of the censure. Requested an opinion from the legal department regarding the issue.

City Attorney Courtney stated that she was not in a position to provide an opinion at this time as she just received the letter late last Friday and needs time to research, conduct thorough review and consult with the League of Minnesota Cities.

Councilmember Hontos stated that he was not part of the rules that were written and did not appreciate Council President Goerger's insinuation that he was because Council President Goerger was not on the council until 2005.

Councilmember Brandmire spoke regarding his disapproval of Councilmember Hontos' actions. Moreover, his Letter to the Editor dated August 15, 2019 (hereinafter "Letter") was a violation of Rule #6 of the Council Rules of Conduct. Also, Councilmember Hontos has been a council member since 2001 and should know and understand the rules as they are and if he disagreed with them, he has had ample time to suggest changing them. A censure is not denying Councilmember Hontos' right to free speech, it is the way he exercised this free speech through the Letter that was not appropriate.

Councilmember Masters commented that the motion to censure was made out of frustration over years of dealing with misconduct which has been brought to Councilmember Hontos' attention numerous times. Councilmember Hontos simply disregards and does what he wants. Councilmember Masters stated that the censure allows the council to say that his behavior, not just in writing the Letter, but overall, is not acceptable and it is undermining the ability of the council to do its duty.

Councilmember Conway commented that the Times should confirm their facts before publishing an editorial as the facts in the editorial dated September 13 were incorrect. These facts are regarding the open forum. The speakers at the open forum are recorded and included in the minutes. The only change was that the testimonies are not aired. Also, Councilmember Hontos has been on the council every day since the Rules of Conduct were enacted and these rules have been accepted and reviewed by the council and Councilmember Hontos. Councilmember Hontos has had fifteen years to change the rule if he wished. Councilmember Conway continued stating that *"this was not an action taken over a single letter as many think this action, this censure, was taken over several months of rules infractions the specific letter to the editor was the proverbial straw that broke the camel's back several examples of my recent association with the council reprimanding staff and public over issues that could be clearly handled with a call directly to staff and if you're wondering what I'm referring to I turn you to the meeting of April 29th go to the timestamp one hour and 20 minutes and you'll hear Councilman Hontos comments directly repeatedly bringing subjects to the open discussion to have been discussed rehashed and many times voted on wasting council and staff time to re litigate old issues calendar discussion of April 29th meeting is one of those examples Unfortunately you were not present at the meeting on the calendar for the 2019 year was adopted if you were not present then you can't vote and Lastly walking out of two council meetings December 17th of last year and again the leading August 9th as a council member who has stayed or as a council member who is stayed that you work diligently, stated that you work diligently for your constituents, and I agree you do, however, I beg the question how does walking out of a meeting before it's adjourned being respectful to the others on the council and representing your constituents As for the changes to the open form part of council meetings First I refer to my opening statements no individual rights or access to the council is limited or restricted the only thing that is changed to this part of the evening is not televised and let me explain my last part last part of my statement the current rules regarding who can speak at the open forum were drafted by committee and Councilman Hontos was not part of that committee he actively chose not to be he was part of those rules but the rules as far as the changes recently chose not to be part of for the record Councilman Hontos was the first to say open form part of the*

meeting was broken and I give him credit for that he did so in the March 28th open discussion portion of the council meeting for those again who wish to review this portion of the meeting I ask you to go to timestamp index 2 hours 5 minutes 25 seconds approximately Councilman Hontos was expressing his concern and I'm going to quote last week under open forum I was the brunt of a little over the top grandstanding by a local radio guy. Councilman Hontos used the term grandstanding four times during the statement in which to have the individual ruled out of order limiting the individuals freedom to address the council Councilman Hontos statements were the starting point for the ultimate changes to the rules regarding the open forum in Councilman Hontos' letter to the editor dated August 14th and I'm going to quote two passages from that letter in the past this is a quote five individuals were given three minutes to come before the council and share just about anything they would like with the public the administration and the council this statement is true it has not changed the community watching the meeting on TV or at later time provide available video would be able to hear these individuals come before the council with their views and concerns or share community activities. This has been changed now. Early in the year Councilman Hontos was all about limiting who and what can be brought forth during the open forum. As I stated earlier, again I go back to the meeting of the 25th timestamp 2 hours in 25 seconds approximately, and I ask the question which is it Councilman Hontos, do you want to prevent grandstanding or not? We are not limiting the right of individuals to address the council for whatever reason they wish. The only thing we are not doing is putting it on television. This action I believe helps prevent the "grandstanding" Councilman Hontos wanted in the first place and focuses the forum to a more city focused order of business."

Councilmember Hontos commented that he has written editorials to the paper voicing his dissenting opinion for years and this is the first time an action has been taken against him for rights he has under the constitution. Further, the Rules written are in violation of the constitution and feels it interesting that the council reaffirmed their action to censure before the city attorney had a chance to review and explore law. Councilmember Hontos feels that the rule doesn't override the constitution and doesn't override Minnesota statutes.

Council President Goerger commented, stating "Mister Hontos ... nobody limited your speech; nobody said you couldn't speak; what we're saying is we disagree with the violation of our rules. There is nothing punitive about what we did. There is no punishment as Mister Brandmire said. To go back to what Mister Masters said, this is an issue that's been hashed out for years with your behavior. We've had retreats where female council people have cried because of statements you've made. That's not productive for a council trying to govern this city. Every retreat we've spoken about your conduct. You received a letter from miss Lewis talking about your conduct. We all received that letter. And that was, probably within the last year if I remember right. So, this isn't something that's brand new. I think it's ironic that you asked me to censure a member of the public and then you take offense because you think since you're being censured, your First Amendment rights are being violated. You speak your peace, you have to deal with the consequences. This council and the majority said we find that a violation of our rules occurred. You've asked often for strict

enforcement of rules, mostly pertaining to our health and inspection, and severe penalties, yet when you violate our rules you find it uncomfortable, or you don't like the fact that you get a reprimand publicly. We have talked about this issue over and over and over privately and it's only now that it's rose to the point of speaking about it publicly. You talk about transparency, yet when asked to raise your hand or speak up during the vote, you don't. After a meeting, I asked 'George, could you please just help me out and raise your hand so I can tell how you voted and so that Mister Kauffman knows how you voted?' You said, 'I didn't do it for President Lewis and I'm not going to do it for you.' All I'm asking is that you act respectfully towards staff and towards your fellow council people. That's all that any of us want so that we can deal with the business at hand and not with other things that don't pertain to making this a better community."

Councilmember Hontos commented that the council is just trying to build more of an argument for a censure and there was nothing actually wrong with the Letter. Councilmember Hontos moved to remove rule #6, #7, & #8 from the Council Rules of Conduct until a future time that the Council can work out better language. No second. Motion failed.

Councilmember Hontos commented further on the other councilmember's behaviors.

Councilmember Conway interrupted with a Point of Order because Councilmember Hontos' motion failed for lack of a second. Councilmember Hontos disregarded Councilmember Conway's Point of Order. Councilmember Conway commented that "when there is a point of order, your speech stops."

Councilmember Goerger ended the discussion.

NEW BUSINESS:

24. DUE PROCESS HEARING TO CONSIDER TO REVOCATION OF THE RENTAL LICENSE FOR THE PROPERTY LOCATED AT 1312/1316 12TH AVENUE N, OWNED BY BAMBENEK CONSTRUCTION LLC, JASON BAMBENEK.

ACTION TAKEN: MASTERS/CONWAY/APPROVED 6-0
RESOLUTION ADOPTED AND ASSIGNED 2019-9-151

City Attorney Renee Courtney introduced item. Property has accumulated 12 enforcement actions in the last twelve months. Under city ordinance, property only eligible for provisional rental license. Regular rental license revoked effective August 20, 2019. Property owner appeals herein.

Health & Inspections Director Matt O'Brien testified to the 12 enforcement actions

Jason Bambenek, owner, commented that he is aware of problem and working with tenants. This is not a direct reflection of his intention. However, he did provide proof that special collections were set up to mitigate a couple of the enforcement actions. Therefore, Bambenek argues that there should be only 8 enforcement actions, not 12. His other properties are better examples of how he runs his properties. He requests that the city works with the landlord rather than punish them.

City Attorney Courtney inquired on if Bambenek would agree that within the time frame they are speaking of, ten or more enforcements is correct. Bambenek does not agree. Further questioning continued. Bambenek never notified the City about any of the issues.

Councilmember Laraway inquired on what type of construction Bambenek Construction does. Bambenek no longer works in construction. Owns 40 or 50 rental units, 200 renters. Has experience with rental properties and understands the importance of keeping good properties. Could not evict because the provision to maintain clean property was not included in the lease. Other issues - he has the ability to fix and waited for tenant to move out to fix. Does not feel he needs to "babysit" his properties. Councilmember Laraway inquired why he did not take the Rental Training. He commented that he did but did not have records of it.

Councilmember Hontos inquired about the meaning of a "pre-rental" status. O'Brien commented. The provisional license only affects new pre-rentals only (properties in application for new rental license).

Councilmember Conway inquired if all fines/fees have been paid. O'Brien confirmed all but one has been paid in full. Councilmember Conway inquired on how the nuisance accumulation violations are discovered in the department. O'Brien indicated that these violations were complaint based.

Council President Goerger inquired on when Bambenek purchased a property in St. Cloud. Bambenek stated 2002. Council President Goerger commented that he should have figured this out throughout the years. Landlords have to contribute to fixing these neighborhoods up and taking a more active role in their properties.

It was moved by Councilmember Masters, seconded by Councilmember Conway to approve. No further discussion. Motion unanimously passed. Resolution adopted and assigned 2019-9-151.

OPEN DISCUSSION/ANNOUNCEMENTS:

Councilmember Brandmire thanked the fire department and local fireman's union for hosting Fire Ops 101 on September 22, 2019.

Councilmember Masters read two letters from members of southside university neighborhood and design guidelines. Councilmember Masters inquired on how the city can move forward with this process. City Development Director Matt Glaesman does intend to put the letters on the Planning Commission Agenda and move forward through that process.

Councilmember Laraway spoke regarding the Whitney Senior Center's upcoming fundraiser.

Mayor Dave Kleis announced that St. Cloud 301 will be held on Saturday, September 28th at the Public Works Building.

ADJOURNMENT:

It was moved by Councilmember Laraway seconded by Councilmember Masters to adjourn. Motion unanimously passed. Meeting adjourned at 7:57 P.M.



Seth Kauffman, Recording Secretary



Jeff Goerger, Council President

Open Forum

Mike Stromme, 1040 McKinley Place S, St. Cloud - Neighborhood issue, rental issue with neighborhood, calling on people who rent property and disregard the neighborhood.

Al Keller, 2521 19th St N, St. Cloud - Wondering when the trail will be done near Whitney park. Lightning in and around the trail, safety issue with kids and others walking.

Kay Steiner, Sartell, MN - Issues with councilmembers, wants to know why general public is not allowed to see the open forum, Reprimanding council for tonight's vote confirmation