

1. CALL TO ORDER

A meeting of the Waite Park City Council was held on Monday, April 17, 2023, beginning at 6:30 PM.

MEMBERS PRESENT

Members present were Mayor Miller, Members Blackburn, Linquist, Schmitt, and Theisen

CITY REPRESENTATIVES PRESENT

City Representatives present or on the call were City Administrator Johnson, City Clerk Brenny, Public Works Director Schluez, Police Chief Bentrud, Planning and Community Development Director Noerenberg, SEH Engineer Blommel

OTHERS PRESENT

2. PLEDGE OF ALLEGIANCE

3. PUBLIC INPUT

4. COUNCIL AGENDA

Member Linquist moved to approve the agenda as amended, seconded by Member Schmitt. Motion carried unanimously.

5. CONSENT AGENDA

- 5.A. Approve 3/20/23 Council Meeting Minutes
- 5.B. Approve Temp Liquor License & Fee Waiver for Family Fun Fest
- 5.C. Approve Resolution Accepting Donations to the City
- 5.D. Approve Seasonal Worker List

Member Theisen moved to approve the consent agenda as presented, seconded by Member Linquist. Motion carried unanimously.

6. REGULAR AGENDA

6.A. CORATEL HOTEL LICENSE

City Attorney Storm presented information regarding the Coratel Hotel license application. Hotels operating within the City of Waite Park are subject to licensing requirements under Ordinance 105. It is unlawful to operate a lodging establishment, hotel or motel without a valid license from the City of Waite Park. WP Ord 105.2.

When considering an application for a license, the following factors are to be considered:

- A. Failure to comply with the minimum standards of operation as outlined in this ordinance.
- B. The lodging establishment, hotel or motel has a material unabated notice of violation.
- C. The excessive nature of nuisance-related calls after being served First, Second, and Third Notices.
- D. A serious nuisance-related call which warrants immediate revocation.
- E. Failure to maintain the licensed premises to all building, fire, mechanical, zoning or licensing codes.
- F. The owner(s), operator(s), or on-site general manager(s) has multiple criminal convictions that relate to the lodging establishment, hotel or motel or has been convicted of a felony that relates to the licensed activity. This subsection shall not apply to corporations, limited liability companies, or partnerships, but shall apply to all officers, directors of any such corporations and members of any such limited liability companies, and partners of any such partnerships.

The minimum standards of operation referenced in WP Ord 105.2, subd. 2.A. are clarified in Section 105.3 as follows:

- A. No person shall be allowed to rent guestrooms without providing suitable identification at the time of registration, a copy of which shall be retained upon check in. The guest shall verify his or

6.A. CORATEL HOTEL LICENSE (Cont.)

her identification through production of a driver's license, passport, government-issued identification, or some other type of identification.

B. The true name of all persons occupying rented guestrooms shall be listed on the register at the time of registration. Any person who remains in a room after midnight (12:00 a.m.) shall be presumed to be a guest. Guestroom occupancy lists shall be recorded and maintained by the owner or operator for at least ninety (90) days.

C. The owner or operator of a lodging establishment, hotel or motel shall immediately, upon notice that a registration was incomplete or inaccurate, terminate the rental agreement and evict from the premises all guests occupying the guestroom for which such incomplete or inaccurate registration was provided.

D. No owner or operator of a lodging establishment, hotel or motel shall knowingly permit the premises to be used for any illegal purpose.

E. The owner or operator of a lodging establishment, hotel or motel shall report observed or suspected illegal activity to the police within a reasonable period of time.

F. The owner or operator of a lodging establishment, hotel, or motel shall install video surveillance at all entrances and exits of the building.

G. The owner or operator of a lodging establishment, hotel or motel shall take all steps reasonable and necessary to ensure that video surveillance and recording equipment is in good working order at all times.

H. Video surveillance records shall be retained a minimum of ninety (90) days from the day of creation.

I. Each guestroom shall be numbered in a plain, conspicuous manner. Such numbers shall be placed and maintained on the outside of the outer door of each guestroom, and no two guestrooms units shall be labeled with the same number.

J. No guest shall be able to purchase the guestrooms on an hourly basis. All guestrooms must be rented for overnight purposes. An exception to this requirement is allowed for contracted guestrooms for an hourly basis between a business or corporation and lodging establishments, hotels or motels for the purposes of complying with Department of Transportation sleep regulations, federal law requirements, or state law requirements.

K. Any lodging establishment, hotel or motel license issued by the City of Waite Park shall be conspicuously displayed in the office or lobby of the licensed establishment.

L. The operation of any lodging establishment, hotel or motel shall be supervised by a manager, or his or her designee, in charge of the property at all hours.

M. No guest shall be able to establish permanent residency at the lodging establishment, hotel or motel.

N. The owner or operator of a lodging establishment, hotel, or motel shall maintain and follow all building, mechanical zoning, or licensing codes. In addition to all of the required applicable building codes, property maintenance laws and state health laws, each guestroom shall maintain the following minimum requirements:

1. A proper entry door, windows, beds, and bedding;
2. Toilet room;
3. Lavatory;
4. Bathtub or shower;
5. Heating and air conditioning;
6. Clothes closet or alcove with clothes rod or clothes rack permanently affixed or luggage rack or luggage support counter;
7. Twenty-four (24) hour free emergency telephone access to the front desk and to 911 services

The Council will recall that during the December 2022 meeting, the license renewal application for the Coratel Hotel by Jasper - 815 1st St S, Waite Park, MN 56387 – was considered. The Council determined it would not renew the license for the Coratel on the grounds raised in reports from the Waite Park Building Inspections Department and Waite Park Police Department regarding numerous materials about the operation of property. Areas of concern that were identified with respect to the Coratel included:

- The quantity and type of nuisance-related calls or complaints received by the City (WP Ord. 105.2, subd. 2(c));
- Information made available to the City regarding the use of the Coratel as a permanent residence (WP Ord. 105.2, subd. 2(a) and WP Ord. 105.3(m));

6.A. CORATEL HOTEL LICENSE (Cont.)

Non-compliance with conditions previously placed on Coratel by the City of Waite Park pursuant to recommendations issued after the property was inspected for violations of the fire code and building code (WP Ord. 105.2, subd. 2(a) and WP Ord. 105.3(n))

Representatives for the Coratel were present at the Council Hearing and were heard regarding the foregoing issues. Following consideration of the reports from City Staff and the responses by Coratel, the Council voted to deny renewal of the Coratel license application.

Owners of the Coratel subsequently approached City Staff to request discussions about how to bring the Coratel into compliance with the requirements of Ordinance 105 so that they could submit a new application for licensure to operate the hotel. Informal discussions were held in which non-binding recommendations were given by City Staff about minimum requirements to bring the Coratel into conformity with the Ordinance. Coratel personnel were reminded that statements made by Coratel to the Council confirmed ongoing violations of the Ordinance, including but not limited to acknowledgment of persons using Coratel as a permanent residence and attendant fire hazard risks.

The Council will recall that the property has been a subject of past Council meetings. At the June 2019 meeting, the Council revoked the Hotel License for 90 days and imposed a nine month probationary period, during which the property was subject to regular inspections by Stearns County Health Department, Waite Park's Building Department and Waite Park's Police Department. All inspection costs were assessed to the property owner. The decision to revoke was made due to numerous violations related to the physical condition of the property and other violations of the Ordinance. The Building Department, along with the County Health Department and the State were all involved in ensuring that the proper work was completed in order for them to be considered for reopening.

The Waite Park Building Official addressed the Council at its January 2020 meeting. Updates were provided about the status of repairs and recommendations were provided regarding the minimum pre-requisites to reopen the facility. As reflected in the minutes from that meeting, the Council denied the reopening of the property until the West building was addressed. In particular, the Council advised that a plan to either demolish the building or to get the building up to usable standards was required.

The property was again on the agenda for the February 2020 meeting of the Council. The Waite Park Building Official submitted a Staff Report to the Council that addressed the work completed to date. According to representations from the ownership of the property, cost constraints and other difficulties made demolition of the West Building non-viable and instead renovations were undertaken: "with the cost of demolishing the west building exceeding the cost of renovations... the owner ma[de] the decision to renovate instead of demolition."

In support of the current application, Coratel provided information regarding plans for future operation of the hotel comprised of thirteen (13) items. A copy is enclosed for the Council's review. City Staff would note with respect to Item 10 that the monthly meeting discussed therein is a proposal by Coratel and not a condition imposed by the Waite Park Building Inspector.

With respect to the West Building, a brief statement was provided that Coratel would "comply with all fire and health code to open for business" and "[w]e will consider to demolish west building in the future and turn it into parking." No plans, bids, estimates, or other documentation regarding the proposed demolition are provided.

Building Official M. Howe said that the hotel currently meets all code compliance, besides a window that Howe needs to confirm. Howe said that the fire system and extinguishers were inspected by Summit Fire Protection. Howe said that fire code issues that come with people staying long term, were removed when people were required to leave the hotel.

Heim Bhakta reiterated that his buildings are code compliant.

Administrator Johnson explained that during staff level meetings with Mr. Bhakta that staff suggested it might be helpful to provide information to the Council as to the operations side of the Hotel and how they would comply with the rules and regulations. That information was included in the agenda packet.

It was clarified by staff and Attorney Storm that Hiem Bhakta was allowed to apply for the hotel license 90 days after it was originally denied. Attorney Storm explained that the Council decided to not renew the hotel license application in December 2022. That then allowed Heim Bhakta to wait 90 days to apply for the hotel license.

6.A. CORATEL HOTEL LICENSE (Cont.)

Member Linquist asked Mr. Bhakta what he plans on doing differently this time to run the hotel as it should by Waite Park ordinance.

Mr. Bhakta said that they are going to enforce people not stay longer than seven days, along with a copy of a sign in the Hotel explaining the maximum stay allowed. Mr. Bhakta said that he plans on having a meeting monthly with the building and police department to look at the operations and code compliance.

Administrator Johnson said that the license does have to be renewed annually so the Council could decide to have Mr. Bhakta come back at the end of the year and evaluate how the year went.

Mayor Miller said that he didn't believe that we should be sending City staff to the Hotel monthly to make sure the business is being run correctly.

Member Theisen moved to approve the renewal of Coratel Hotel License, seconded by Member Blackburn.

Ayes: Members Blackburn and Theisen

Nays: Mayor Miller, Members Linquist and Schmitt

Abstain: None

Absent: None

Motion failed 2-3.

6.B. POLICE CHIEF SELECTION PROCESS

The City of Waite Park has been in the process of selecting a Chief of Police to replace Chief Dave Bentrud. Chief Bentrud will be retiring from the City of Waite Park after serving 15 years as Police Chief at the end of May. The city completed interviews with four final candidates and the City Council will have the opportunity to consider appointing one of these candidates to the Police Chief position. A candidate's appointment would be conditioned on completing the employment background screening process.

Member moved to appoint Anthony Reznicek to Police Chief position; Pay Grade 13, Step 3, conditioned upon a successful completion of the employment background screening process. Motion seconded by Member Blackburn.

Ayes: Mayor Miller, Members Blackburn, Schmitt and Theisen

Nays: None

Abstain: Member Linquist

Absent: None

Motion carried 4-1.

6.C. AWARD BIDS FOR 5TH STREET EXTENSION

To prepare for Xcel Energy's construction of their new facility located northwest of the Stearns County household hazardous waste facility, the city was petitioned to improve 5th St by extending the roadway, sanitary sewer, and water main approximately 450 feet to the west at the developer's cost.

The council authorized advertising for bids at the meeting on February 21st. Bids were opened on Tuesday, March 21st at 10:00 AM. A total of 7 bids were received ranging from \$359,326.90 to \$426,863.19. A letter recommending award and a complete tabulation of the bids is included.

C&L Excavating Inc. from St. Joseph was the low bidder. The low bid of \$359,326.90, which is below the engineer's estimate and below the amount paid to the City by Xcel Energy to construct the improvements. The excess funds will be used as construction contingency until work is completed. Once the project is closed, excess funds will be returned to Xcel Energy.

Member Linquist moved to approve the award of the 2023 5th Street extension to C&L Excavating in the amount of \$359,326.90. Motion seconded by Member Schmitt. Motion carried unanimously.

6.D. RESOLUTION TO CONSIDER "NO MOW MAY"

No Mow May would allow Citizens of Waite Park to not mow part or all their lawn for the month of May. This allows plants to flower- providing critical food to emerging bees and other pollinators. Pollinators need our help and not mowing during May can make a big difference. Residents who want to participate would be required to register via the city's website. Participating Properties must be back in compliance by June 1st. City Staff will continue mowing around rental structures, in the parks, and around

6.D. RESOLUTION TO CONSIDER "NO MOW MAY" (Cont.)

City buildings to ensure accessibility; but we will be participating in other ways by adding native prairie grasses and wildflowers throughout our parks system.

Member Schmitt moved to approve the resolution establishing "No Mow May", seconded by Member Blackburn. Motion carried unanimously.

6.E. ANDERSON & HUGHES VIDEO PROPOSAL

The City of Waite Park has contracted with Anderson and Hughes to put together videos for the City of Waite Park. Over the last year, the videos have been used to assist us in educating the public on a variety of topics in the community. Staff has found that these types of videos have been very effective in informing the public and we have received a lot of positive feedback on them. Staff have been able to include them on our social media sites, websites, and our cable broadcasting system as well.

Enclosed is a copy of their proposal that would allow them to continue to provide these services. The cost is a monthly fee of \$2,500 a month for a total of \$30,000. The recommendation would be to use the cable franchise fees to pay for these services as the information that is being produced is for information purposes to the public that we would include on our public information channel as well as our social media sites and website. Presented was a copy of the videos that have been completed over the last year.

Member Blackburn moved to approve the proposal from Anderson & Hughes as presented, seconded by Member Schmitt. Motion carried unanimously.

7. COUNCIL/MAYOR**7.A. APPROVE BILLS**

Member Theisen moved to pay the bills as presented, seconded by Member Schmitt. Motion carried unanimously.

Mayor Miller received thank you's from AmeriCorps, RSVP, Central MN Mental Health Center, and Good Samaritan fund for donations made the charitable gambling fund.

7.B. CELEBRATE SERVICE WEEK PROCLAMATION

Mayor Miller read aloud the proclamation and declared April 16-22, 2023, as "Celebrate Service Week" in the City of Waite Park.

8. ADMINISTRATOR UPDATE

Administrator Johnson reminded the Council they would be going on public safety facility tours the following day. Also, staff were proposing skipping the first Council meeting in May.

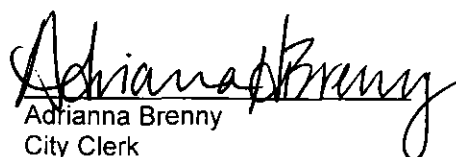
Administrator Johnson said they are planning a retirement party for Chief Bentrud to happen on May 18th from 3pm-7pm.

Also, the State of the City Address is May 17th, hosted at The Ledge.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:09PM.


Richard E. Miller
Mayor


Adrianna Brenny
City Clerk