

**CITY OF PARK RAPIDS  
CITY COUNCIL MEETING  
September 13, 2016, 2016, 6:00 PM  
Park Rapids Public Library-Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The September 13<sup>th</sup>, 2016, Regular Meeting of the Park Rapids City Council was called to order at 6:00 p.m. by Mayor Pat Mikesh, and everyone present recited the Pledge of Allegiance.

**2. ROLL CALL:** Present: Mayor Pat Mikesh, Councilmembers Ryan Leckner, Rod Nordberg, Erika Randall, and Paul Utke. Absent: None. Staff Present: Administrator John McKinney, Treasurer Angela Brumbaugh, Planner Ryan Mathisrud, Public Safety Director Harlan Johnson, Police Officers Justin Frette, Dan Garner, Robert Gilmore, and Joe Rittgers, Fire Chief Donn Hoffman, Public Works Superintendent Scott Burlingame, and Clerk Margie Vik. Others Present: Brad Livingston, Dick Rutherford, David Collins, Sue Tomte, and Kevin Cederstrom from the Enterprise.

**3. APPROVAL OF AGENDA:** A motion was made by Utke, seconded by Leckner, and unanimously carried to approve the agenda with the following addition: Item #10.4. Set Special City Council Meeting Date and #10.5. Concerns Regarding Police Chief Interview Process.

**4. CERTIFICATE OF COMMENDATION:** Harlan Johnson stated on July 22<sup>nd</sup>, 2016, Officers Rittgers and Gilmore responded to a disturbance at a local restaurant. The suspect who was armed with a gun was at the back door attempting to gain entry. Officers arrived and found the suspect. He refused verbal commands to drop the gun. Officer Gilmore approached from the suspect's rear. The suspect turned with gun in hand. At the same time Officer Rittgers used his tazor to disarm the suspect and took him into custody. As a result of their actions there were no serious injuries and no one got killed. Unfortunately, they discovered that the weapon was actually a look alike weapon which looks just like a gun. We treat that as an actual threat. I'd like to recognize these two officers who saved this person's life and performed perfectly under these circumstances.

Mayor Mikesh presented Rittgers and Gilmore with Certificates of Commendation for their actions on July 22<sup>nd</sup>, 2016. The officers received a round of applause from the audience.

**5. APPROVAL OF MINUTES:**

**5.1. City Council Regular Meeting Minutes-August 23, 2016:** A motion was made by Nordberg, seconded by Leckner, and unanimously carried to approve the August 23<sup>rd</sup>, 2016, City Council Regular Meeting minutes as presented.

**5.2. City Council Workshop Minutes-August 30, 2016:** A motion was made by Leckner, seconded by Utke, and unanimously carried to approve the August 30<sup>th</sup>, 2016, City Council Workshop minutes as presented.

**6. FINANCE:**

**6.1. Payables & Prepaids:** A motion was made by Utke, seconded by Randall, and unanimously carried to approve the payables in the amount of \$31,270.99, and the prepaids in the amount of \$14,742.78, for a total of \$46,013.77.

**7. CONSENT AGENDA:** A motion was made by Leckner, seconded by Utke, and unanimously carried to approve the following consent agenda items:

- 7.1. Resolution #2016-146 Approving Ordinance No. 567 Amending the Park Rapids City Code of Ordinances of the City of Park Rapids, Chapter 36 Fee Schedule, Section 36.13 Miscellaneous Fees.
- 7.2. Ordinance No. 567 Amending the Park Rapids City Code of Ordinances of the City of Park Rapids, Chapter 36 Fee Schedule, Section 36.13 Miscellaneous Fees.
- 7.3. UTILITY BILLING: Deny Request to Waive the Late Penalty Fee, in the Amount of \$87.17, on the 2016 Second Quarter Billing, for Bill Larson at 19331 Eagle Pointe Drive.
- 7.4. Resolution #2016-147 Permitting the Destruction of Aged Documents as Determined by Adopted Minnesota General Records Retention Schedule.
- 7.5. Approve Installation of a New Law Enforcement Center for the Fire Hall Paging System by Mid-State Wireless in the Amount of \$1,950.00.
- 7.6. Resolution #2016-148 Setting Public Hearing on the Proposed 2017-2021 Capital Improvement Plan for the City of Park Rapids.
- 7.7. Resolution #2016-149 Approving Wage Adjustment and Step Increase for Facility Maintenance Superintendent Chris Fieldsend.
- 7.8. Resolution #2016-150 Accepting the Resignation of Rapids Spirits Part Time Liquor Store Clerk Jeffrey Olesen.

- 7.9. **Approve Pay Request in the Amount of \$101,691.80 for Bob Bristlin and Son Construction for Work Completed on the Fire Hall Expansion Project.**
- 7.10. **Approve Pay Request in the Amount of \$1,687.50 to Todd Township for the City's Portion of the Chloride for Albert Avenue, as per the Road Maintenance Agreement.**
- 7.11. **Approve Pay Request in the Amount of \$4,000.00 to David Drown Associates to File the 2015 TIF Reports with the Minnesota State Auditor.**

### **END OF CONSENT AGENDA**

**8. COMMENTS FROM CITIZENS:** Dick Rutherford questioned why a block of Mill Street was tarred and the property owners that live on the street were not charged. When they did Western Avenue they charged me. What is the justification? Mikesh questioned didn't you talk to Burlingame about this? Rutherford stated I did. Mikesh stated he answered your question. Why would the answer change now? Rutherford stated because his answer is not what it should be. Randall requested what is the answer so we are all on the same page.

Rutherford stated we tarred one block of a street in front of two houses on Mill Street. You did the same thing by my shop and you charged me yet you don't charge the taxpayers there? Some people are getting their street tarred for nothing? It's not right.

Mikesh stated it was tarred partially because there were valves in the street that were getting hit when they graded the road. So they tarred just the one piece to save on maintenance of the valves. You have one person that could have been assessed and on the other side, the Heartland Trail, which we can't assess. Leckner stated there were no improvements to the road. It was a maintenance issue, just like you would do with an overlay. If it had been rebuilt you'd have needed engineering and it would have costed a lot more.

Rutherford stated I still don't think its right. Because in front of my place it did not need to be tarred and they did it anyhow, and still charged us. It's a block of tarring that everyone has to pay for. When I went over there, it was being used as a playground for the daycare. Leckner stated it wasn't a full block, just a half of a block.

### **9. PLANNING:**

**9.1. Resolution Adopting the Fourth Amendment to the Future Land Use Map to the 2008 Park Rapids Comprehensive Plan:** Mathisrud stated this is a two part request. It's a comprehensive plan revision and a rezoning request from Robin Howard and Bradley Livingston for 321 First Street West. The ultimate proposed use of this property is a single family residence. Currently there is a structure on that site. It was

built as a single family home. However it's no longer used as such since it's been vacant for over ten years it's lost its grandfathered status. It is located in a B-1 commercial zoning district. Previously the Planning Commission and the City Council identified this corridor as an area that would ultimately be commercial and developed a future land use plan that supported that. Later the city rezoned this area to commercial to make it conforming with that plan. Over the years the demand for new commercial development has not been as strong as it needs to be to see developers assemble sites for multiple parcels. As such, this property has remained vacant for the last ten years. The request does not include the vacant lot to the east.

Mathisrud stated the Planning Commission did review this request and is recommending that the Council change the comprehensive plan to allow this rezoning, and to put it put into productive use. There were no comments received at the public hearing and the Planning Commission voted unanimously to recommend both revising the comp plan and to rezone this property to R-2. Mathisrud requested questions. There were none.

**A motion was made by Utke, seconded by Randall, and unanimously carried to approve Resolution #2016-151 Adopting the Fourth Amendment to the Future Land Use Map to the 2008 Park Rapids Comprehensive Plan.**

**9.2. First Reading of Ordinance Rezoning Land to R-2 in the City of Park Rapids, PID #32.39.01200 and PID #32.39.01400:** Mathisrud stated this is to rezone two parcels. Because the comprehensive plan recommends that this area be residential a rezoning would conform to the comprehensive plan, so therefore staff recommends rezoning these two parcels to R-2. Mathisrud requested questions. There were none.

**A motion was made by Leckner, seconded by Utke, and unanimously carried to approve the first reading of the Ordinance Rezoning Land to R-2 in the City of Park Rapids, PID #32.39.01200 and PID #32.39.01400.**

## **10. GENERAL BUSINESS:**

**10.1. 2017 Budget/Levy Presentation:** Brumbaugh stated staff has gone through this with the Finance Committee, which are Nordberg and Utke. The department heads weighted in on areas also. We'll go through by departments and if you have questions we'll answer them. This is our preliminary budget for the general fund. We have to adopt a preliminary budget and levy today because it has to be sent to the county auditor's office. We can lower the budget after it's certified, but we can't increase it. If the Council has areas that you want Finance to look at closer, we can look at them further because we can't increase after its certified to the county auditor. We could move around what we have between line items, but we can't increase the levy.

Brumbaugh stated we've included raises for the employees based on the public works union agreement in the general budget, including the benefits that are affected. The police department has an increase of 4%. We've included \$30,000.00 to be set aside for a police car. Not to purchase one, but to designate funds. This year we set aside \$15,000.00. We talked about a four year schedule. The cars are getting more miles than what was anticipated. But regardless of that we're setting \$30,000.00 aside yearly. The

\$3,700.00 is put aside for a portion of the light bar. There's \$2,000.00 to start updating furniture for the department. They'll try to get some from surplus to save money.

Nordberg questioned is Johnson satisfied with this? Johnson stated I brought to the Finance Committee my concerns and they were accepted. I want to enhance the school liaison program, with the school's permission, to enter into a DARE Program above what we are already doing. We thought funding could come from the forfeiture fund. Brumbaugh stated that is not included here, because it's not general fund money.

Utke stated we adjusted a few things at Finance but we left most of it here so everybody can see it. We will pay attention to this in the fall so we'll have a thorough investigation of the budget to separate the wants from the needs before December. Randall stated I assume there will be a meeting with the new chief to see if he has the same requests. He may have a different vision. I'm concerned about the \$30,000.00 put away for the cars. Last year I requested it be lowered to \$15,000.00. I'd like to see that at \$15,000.00 again for next year. We did not do this for many years so to start with a budget of \$15,000.00 I think is too much. Nordberg stated I thought we had been setting aside this money to buy one car a year on a rotating basis. Randall stated until last year they hadn't been setting anything aside, so we went from zero to \$15,000.00. I think we should be setting money aside, but my concern was going from zero to \$30,000.00.

Mikesh stated we went \$30,000.00 this time to try to get ahead of the game, and then we can bring it back down. Randall stated I don't see that happening, things coming back down. Once it's budgeted it's seems like it's there to stay. Brumbaugh stated the police cars in the past have come from different areas, like liquor. Randall stated we'll manage to make it work. If we come up a little short at least we'll have a known number to go off of versus this huge pool of money for a vehicle. We'd still be putting away a decent amount given that we just bought three new squads this year. We live in a tinny tiny town.

Nordberg stated labor is a considerable part of most departments. So given the contract increases you're going to see an increase in most of the departments. It's mostly labor. A 3% increase based on contracts that accounts for a considerable part of the 4%.

Brumbaugh stated the fire chief didn't have any changes. Most of the budget is the same as before. There's \$29,000.00 for transfers out for future capital. That's based on a formula with the townships. Each year that number fluxuates. It's a five year formula where one year drops off and a new year is added. Hoffman stated we're good. Nothing will be noticeable until after the building project is completed.

Brumbaugh stated the building, housing, and plumbing inspection budgets are based off of revenues, so what is put in for contractual services is also on the revenue side. Housing rental has an 8% increase which is mainly staff time.

Brumbaugh stated the public works budget is based off of whatever department they are working in and allocated out accordingly. I use an average of the past, but if you get a year with heavy snowfall that line item may increase. There's a decrease of \$14,000.00 in streets. We had the state money last year that was used for East River Drive which we won't receive in 2017. That line item is being reduced back to its historical average. Some money has been expended from the general fund for storm drainage, but we can move those expenses into the storm sewer fund. The majority of our street lighting is our operating costs. Minnesota Power has changed the way they bill us on different street lights and we're changing over to LED lights and that accounts for the increase.

There is some money budgeted for sidewalk repairs if it's needed. There is a 10% increase in the ice and snow budget. Street cleaning has been moved over to the storm sewer fund.

Nordberg questioned is there any money left over when there is a light year for ice and snow removal? Brumbaugh stated if there is money left over it just increases our fund balance. Nordberg stated it seems like we've had a couple of good years. Brumbaugh stated that's typical. About the time you reduce that budget then you get a lot of snow. If it snows on a Monday through Thursday you won't have overtime. But if it snows on a weekend the employees have to come in and you'll incur overtime expenses.

Brumbaugh stated there are not a lot of changes to the library fund. We have a contract with Kitchigami for contractual services. That is for our portion of the operating budget and the Repair and Replacement fund for their computers. They do have to get approval from the Council before they replace a computer or printer. Nordberg questioned did you get their official request for funding? Brumbaugh stated yes. The library levy will be \$45,670.00, and \$3,601.00 is the repair and replacement amount.

Brumbaugh stated the total parks budget is \$131,540.00. Although we are not done with our capital improvement plan, the one item that is on there is \$25,000.00 for Pioneer Park restrooms. That project is broken up into three parts. This is the amount that will come from the general fund. We're anticipating the total cost to be \$75,000.00. \$25,000.00 will come from donations, \$25,000.00 from the liquor store fund, and \$25,000.00 from the general fund. Nordberg questioned since this money is in the budget is it likely to happen? Fieldsend stated if they can raise the \$25,000.00 in donations. Brumbaugh stated even if it's in the budget, it's all based on Council approval.

Brumbaugh stated the natural resources budget is used for Tree City USA. Most of that is Stephanie Paulson's time when she's working on Urban Forestry and the planting of trees.

Brumbaugh stated there is \$40,000.00 budgeted for economic development. The Council salaries were increased starting in 2017. The city, county, and the chamber have an agreement regarding the wayside rest area. The city's portion of \$5,500.00 will be budgeted under parks. 45% of the expenses are paid by the city, 45% are paid by the county, and 10% is picked up by the chamber. The chamber bills us quarterly for that.

Brumbaugh stated there is a 15% increase in the administration budget. It comes from the \$24,100.00 in capital outlay for the computers and the server. It's reserved. It's in here but it does not increase your levy. We set aside \$3,000.00 per year to put in that fund. We did increase the city attorney line item because we've had some different things come up lately that we've had to use our attorney for. I felt that we needed to raise this. Utke stated we can relook at this in December. Nordberg questioned typically does that entire amount come from the levy? Brumbaugh answered yes.

Brumbaugh stated the general government building fund is showing an increase of 18%. It was determined that we were not going to install the access control doors this year. We'll look at doing it next year, but this is not increasing your levy because it's included on the revenue side. We won't see the expense in 2016, but I've included it in the revenue side so we're not paying for it twice. The assessing fund stayed the same even with the increase. We've never expended the full amount.

Brumbaugh stated there is an 8% increase in the planning/zoning fund. There is no major increase. The accounting and auditing expenses are shared with the enterprise funds and are allocated accordingly because they audit all of the city accounts. The

unallocated expenses include the expenses from the Orderly Annexation with Henrietta Township. We pay them about \$10,000.00. We budget for lodging taxes and there is revenue that offsets it. We keep 5% in administration fees.

Brumbaugh stated the total increase to the expenditure budget is 4%. We don't see a lot of changes on the revenue side. The fees are approximately the same as last year. We have received some large grants for the police department in the past so the revenues for next year are lower. Nordberg stated the collection of past due taxes and assessments has effected the revenues. Brumbaugh stated our delinquent taxes have gone up over the years. We do budget for about \$40,000.00 in delinquent taxes. In the past three years we were lucky to get about \$18,000.00. Local Government Aid is always a topic for discussion. The city will get \$1,500.00 extra dollars in 2017 due to an anticipated formula change. There is a chance that we won't get that. It depends on the state.

**A. Resolution Adopting Preliminary General Fund Budget for the Year 2017 for the City of Park Rapids: A motion was made by Leckner, seconded by Utke, and unanimously carried to approve Resolution #2016-152 Adopting Preliminary General Fund Budget for the Year 2017 for the City of Park Rapids.**

**B. Resolution Adopting Preliminary Property Tax Levy for Tax Year Payable 2017 for the City of Park Rapids: A motion was made by Utke, seconded by Nordberg, and unanimously carried to approve Resolution #2016-153 Adopting Preliminary Property Tax Levy for Tax Year Payable 2017 for the City of Park Rapids.**

**C. Announce Truth In Taxation Meeting on December 13<sup>th</sup>, 2016, at 6:00 p.m.: A motion was made by Leckner, seconded by Utke and unanimously carried to approve the scheduling of the Truth in Taxation Meeting, which will be held on Tuesday, December 13<sup>th</sup>, 2016, at 6:00 p.m. in the Public Library Lower Level Meeting Room. The Mayor read the meeting announcement to the gathered audience.**

**10.2. Appoint Police Officers:**

**A. Resolution Approving the Full Time Employment Status and Acknowledging the Declaration of Park Rapids Police Officer Jason Phillips:** Harlan Johnson stated on May 28<sup>th</sup> of this past year the Council authorized the police department to seek applicants to fill a vacant position in the department. There was a lengthy grievance procedure which has now been resolved so we can go ahead and fill that position. We invited nine qualified people to come for an interview. The interviews were conducted at the police department by a panel. The panel provided the rankings for the list of applicants and one of my sergeants and I interviewed the top two candidates and are recommending the leading candidate, Jason Phillips, to fill the empty full time position.

Randall questioned you didn't have any new applications? Johnson stated the applications that we had were from the last closing date of May 28<sup>th</sup>, 2016.

**A motion was made by Nordberg, seconded by Utke, and unanimously carried to approve Resolution #2016-154 Approving the Full Time Employment Status and Acknowledging the Declaration of Park Rapids Police Officer Jason Phillips.**

**B. Resolution Approving the Secondary Part Time Employment Status and Acknowledging the Declaration of Park Rapids Police Officer Bill Schlag:**

Johnson stated we interviewed for the part time position. The man we are recommending is currently a full time deputy investigator for the Hubbard County Sheriff's Office, and he also applied for a part time position on the Park Rapids Police Department. The man is very well qualified and I recommend we take Bill Schlag onto our department as a part time police officer.

**A motion was made by Utke, seconded by Leckner, and unanimously carried to approve Resolution #2016-155 Approving the Secondary Part Time Employment Status and Acknowledging the Declaration of Park Rapids Police Officer Bill Schlag.**

**Discussion:** Utke questioned is the list for part time officers complete? Johnson stated we are using the list from the full time candidates, and inviting them to be considered for part time.

**10.3. 2016 Apron and Taxiway A Rehabilitation Project:** McKinney stated the FAA grant for the airport taxiway project has not been received yet. The engineer who is handling this has told me that the other FAA grants have not been awarded yet either. The FAA staff does expect them to come in soon. This resolution will authorize me to accept the grant should it be offered.

**A motion was made by Randall, seconded by Leckner, and unanimously carried to approve Resolution #2016-156 Authorizing Proper City Officials to Accept Grant Funding from the Federal Aviation Administration and the Minnesota Department of Aviation for the 2016 Apron and Taxiway A Rehabilitation Project at the Park Rapids Municipal Airport.**

**10.4. Set Special City Council Meeting Date:** McKinney stated we need to set a date for the Council to have a discussion in an open meeting of the results of the interview of the police chief candidates, and then hopefully get some direction from the Council to negotiate with someone.

The Council set the date for a Special City Council Meeting for Monday, September 19<sup>th</sup>, 2016, at 6:00 p.m. in the Public Library Lower Level Meeting Room.

**10.5. Concerns Regarding Police Chief Interview Process:**

Randall stated my concern is over the process for these interviews. We talked about as an option at the last meeting of the whole Council doing the interviews. I've lost sleep over this topic while trying to think of how this is going to work. There's three rooms and the candidates will jump from room to room. At no time are we going to be able to have a candid conversation. I don't think it's practical or the best way to do interviews for a police chief. It's an important position in our community. It's more important that we get it right given the roller coaster that we have been on in the last year. Typically an interview panel wouldn't be the whole City Council. It would be an interview panel, with maybe two Councilmembers on it to avoid the open meeting law. I'm directing this with the sole intent to have a conversation outside of the media to be able to have a meaningful discussion with the interview panel after a candidate comes in sits down, answers some questions,



then they leave and we can discuss how it went. We've all sat in on interviews and that's how you do it.

Randall stated I haven't been presented with the questions. Are these going to be canned questions? A lot of the questions that I am going to ask I'd like the whole panel to hear. I have a lot of insight into what a police chief does. I think it's important for the interview panel that are going to be deciding to hear my questions and their responses to some of the insight that I bring with my background. Or the questions that someone else brings, such as Harlan Johnson, being a former chief. Or a present chief in this day and age of policing. I think it's important for the entire panel to hear all the questions.

Randall stated I just heard who the sixth person is going to be on the panel, besides the five of us. I'm surprised that we haven't asked Johnson to join in, or McKinney. We don't have any law enforcement people on our panel. The individual that has been asked, I don't need this to be a competition with this sixth person. That's what this would bring with this person that was asked to join. I'm a little offended that this is the way that this has been chosen to go.

Randall stated my biggest concern is that if this is the way we are going to go we won't have the ability to voice our concerns. All of our concerns are going to be right in front of the newspaper. I have concerns already about two of the candidates. I want to be able to say them out loud. But I don't need to look like a jerk and have my name associated with outing a particular individual. If I say I'm concerned about this person, and I described who this person is based on their qualifications, it's going to be very obvious who that person is, and now I'm outed for raising a concern. I don't think that's fair to me. I have concerns about two individuals that I think are very valid concerns and I can't say them. How are you supposed to hear them and make an educated, well informed, best decision about what's best for our men and women over at the police department.

Randall stated the way that this is set up right now I'm going to choose not to participate because I am so frustrated about this decision. I have raised my concerns in hopes that there would have been a committee put together of two Councilmembers, a current law enforcement officer, whether it's the sheriff or a current police chief, Johnson's put a lot of work into this and I'd welcome him to join us. But a group of people that can actually have a meaningful interview and discussion so everybody hears the same answers and has the ability to really dig down deep to find who is best for our city. I think we could still come up with that by Friday and keep these interviews on schedule. Nobody has been able to explain to me how this two, two, and two, is going to work. When we come back together next Tuesday, our conversation has to be sanitized because I don't want to offend people. I don't want to be rude. I think we should be able to voice our concerns.

McKinney stated part of the process involved after consultation with the city attorney. He said that hiring someone is not a personnel matter that rises to the exception of a closing meeting. Randall stated that's because it was suggested that all of us participate. We discussed that. But if we had a panel, we wouldn't have to deal with the open meeting law. That's what I'm suggesting. Nordberg stated normally it would be the Personnel Committee consisting of two people. This does that but then it further extends it to the rest of the Council so they have an opportunity to meet the candidates. Normally, if the Personnel Committee did this three of the Council wouldn't get to be a part of it.

Randall stated I think it should be the Personnel Committee, and I think we should have people interviewing that understand law enforcement, that can ask the appropriate questions to make sure that we hire the best candidate. You could still have the opportunity to meet the person. We can certainly ask the top candidate to come and seek the approval of entire Council. This is about trusting the panel that you put together to pick the right person. Inviting people to the panel that know what we're looking for, I don't mean any offense to anybody on the Council. I think this is a law enforcement decision. We would not have Scott Olson hire somebody for Scott Burlingame's position. I don't understand why we are not seeking out individuals with this background to help us. More than that, the bigger concern to me is the ability to have candid conversations about the qualifications of these people. Nordberg stated that's the limitation of the open meeting law. People have been frustrated with that for a long time. Randall stated I think we have a way to work around that and it's not intended to be deceitful. I don't think this is the normal way to do an interview by having the Council in three rooms. That is very much abnormal.

McKinney stated my understanding from the Council was that all of you wanted to be invited and involved in the interview process. That's the conflict. Randall stated I agreed that we did indicate that. I'm raising my concerns forward in hopes that people say I agreed that it's more important to get to the meat of what we're after than for me to be involved to see if I like this person or not.

Johnson stated at the last work session it was discussed, ideally it would be good to have a panel, but our understanding was that all the Council wanted to be involved. The only way to do that, at your decision, was to have the two, two, and two in a room so that every Councilmembers could have an opportunity to interview the candidates and make their decision independently. We were following your instructions. Randall stated I'm not saying you weren't. I think it was a very quick conversation that was not given much thought. It was done too quickly. It was looked into that said yes we could. We never had a discussion about the alternative that clearly makes more sense. We're all going to hear different answers to the questions. How is that a good interview? I don't get it.

Mikesh stated we could try to put a panel together. It's late in the game but we could try to make this work. Ultimately we have the decision. Randall stated I have concerns about two candidates, so how do I voice that in a way that doesn't embarrass them or doesn't come across as rude? How do I do that? Utke stated you have concerns prior to meeting them, maybe after you met them those concerns will go away. Randall stated no. They are issues that the entire hiring committee should be aware of. I'm not saying that they might not be the top candidate, but it's something that needs to be brought forward.

Sue Tomte stated if there is a panel that is doing the actual interview, can the other Councilmembers watch it from a different room and then offer their feedback? You'd be seeing and hearing it live. Leckner stated I was wondering if there could be an interview panel and then the other Councilmembers could just meet them. We're the ones that are going to make the decision. We're going to want to know who they are taking about. Brumbaugh stated if the Council are watching and giving feedback the open meeting law would apply.

Utke questioned are you thinking of a six person panel, like we were thinking of doing with the Council? Randall stated two Councilmembers, McKinney and Johnson if they are available, somebody that's currently in law enforcement, like the Chief Deputy for Hubbard County, the Hubbard County Sheriff, or the Bemidji Police Chief, someone from

our area that is actively leading a department. When we bring a recommendation to the Council that we have people with experience in law enforcement that are making this recommendation, that know what the job is, that understand the job, and they are bringing this to you that we think this person could do a good job with your police department. This is way different than just liking somebody and saying they are a nice person and that they've had a good career elsewhere. It's about the fit for our community and their ability to do the job.

McKinney stated that sounds similar to what we did with the sergeant's process. They did it in closed session. How do we get those fine items that you are concerned about out to the Council? Randall stated why would you have to then? Two Councilmembers would be on the panel. Nordberg stated they would still have to communication with the rest of us. Randall stated this is a hiring panel. We're going to make a recommendation to you. We will have discussed among the group the concerns and weeded through those things and hopefully come up with a recommendation of person A that we don't have any concerns about. Effectively, a couple of Councilmembers won't ever know the concerns of B, C, D, and E. McKinney stated I thought you were concerned about all the Council knowing those things. Randall stated if the Council is the whole hiring committee, then the whole hiring committee needs to know and how do I get that across? I did send an email about this recommendation and discussed this with each and every Councilmember about six weeks ago to do a hiring committee.

Johnson stated tomorrow there would be a packet available for all the Councilmembers. As you recall at the last work session I was instructed to do reference checks on all the candidates. The results of my reference checks are with that packet.

Mikesh questioned what the Council wanted to do. Leckner stated it doesn't matter to me. Randall stated the better question is how do you see that this is going to be effective? Nordberg stated we each come at it from different angles, no questions. We don't have your background, but some of us might be interested in management, or the type of qualifications to deal with police officers, or community or business people. We will ask different questions just as you said and we'll come to a conclusion based on that impression on us. Randall questioned so you'll rank them and bring that back to us? Nordberg stated sure, we may come back with different preferences. Leckner stated there may be someone that just shines.

Utke stated to me both systems will work and they're good. If you want a group that you communicate with then we can do it as a panel. Leckner stated I think both systems will work. Utke stated I liked what we did with the sergeants. We could have a couple from the outside, a couple of the Council, and then Johnson and McKinney, if they are agreeable to it. Randall stated I have concerns about adding the sixth person. If we keep it the way it is right now is this sixth person that we invited to join us going to be part of our discussions next Tuesday? Utke stated whoever that person is they should be part of the discussion. Randall stated if that person is going to be the sixth person then I will not be a part of it. Leckner questioned what if it was a panel then would you be comfortable on the panel with that person? That person is someone that the chief would work with. Randall stated I'd be more comfortable with a panel because you could actually say things out loud. Leckner stated I'm fine with a panel.

McKinney stated the format that Johnson has put together is by your adoption so you can change it to the way you want, but you have to decide. The problem is compliance

with the open meeting law. We put something together that involved all of the Council. If you are willing to defer this to another committee that would comply with the open meeting law we could certainly put that together. We need to know who you want and we have to get their approval to do it. That action could take place on Friday and Saturday. Randall stated it's my concern, it's my suggestion. I'm looking for some feedback. If someone feels strongly about leaving it the way it is set right now, I'm looking for someone to tell me how that is a meaningful discussion of how that is better than an interview panel. I don't see how it's practically going to work.

Mikesh stated we can put a panel together. I don't feel strongly about who is doing the interviews. We're all going to look at the packets and if we have concerns we can talk to Johnson or a member of the panel. Leckner stated I think it should be two Council, Johnson and McKinney. McKinney stated I thought that it was my job to administer the process. Utke stated the sixth person that you suggested before is still good, and if we brought in an outside law enforcement person, so it would be a neutral party. Johnson stated I was comfortable with an independent panel for the sergeant interviews. They had no connections to the area. Randall stated I think that was good given the nature of what we were hiring. They were already employees of the department. I think that was important. I don't have any problems if Sheriff Aukes or Deputy Parks were available. We could look for someone else first, maybe from Bemidji or Walker. Utke stated I think six panel members would be good.

McKinney questioned which Councilmembers would be on the panel? Randall stated I'd like to do it. Leckner stated it could be Randall and Mikesh. Johnson stated so the panel will be myself, McKinney, two Councilmembers, a member of the law enforcement community, and who is the sixth person? Utke stated the county attorney is fine with me. Randall stated this is not anything against Mr. Dearstyne at all, but I understand that he will work with this individual going forward for the next couple of years at least, but the comments and the things that are going to get drawn out of the interview, it doesn't add a different perspective to have Mr. Dearstyne there versus me. I would prefer, this is not to get him off of the panel, I would like to get two current law enforcement members on there, or a community member and a law enforcement officer. To make this a well-rounded panel, that's my suggestion. If you'd rather see the county attorney knowing that he is going to work with this person, it will be just fine as well.

McKinney stated what you have before you is the recommendation of Johnson and how he is proposing to do this. Utke stated I'd like to see the county attorney on the panel unless he can't serve or a second law enforcement person. Johnson stated he can serve. McKinney stated we'll get packets prepared.

Johnson stated we'll provide a ranking for you for Monday's meeting. Randall stated the goal is to come to the meeting with a recommendation of who we are going to hire as our police chief and not to debate the ins and outs of it. Johnson stated the Council could make a motion to hire somebody at that time. McKinney stated I would expect the motion would be for me to negotiate with someone and then adopt a formal resolution to hire someone at the next regular meeting. Nordberg stated I'd like to have a second pick in case the first one declines the offer so we don't have to go through another meeting. Randall stated I agree with that if there is a clear second. In a situation if you can't decide on a second, then you start over. McKinney stated the panel could make that

recommendation. Randall stated we only really had seven applications. Hopefully there will be one that really stands out. Nordberg stated I'm just concerned about our salary range.

**11. CITY ADMINISTRATOR COMMENTS:** McKinney stated we have received some correspondence regarding the armory. Our attorney is working with them to give us comments on the unexecuted documents we sent to MMB. We would then address any issues, and then we'd execute the documents and submit them to DEED. That has been dragging on longer than it should. Senator Skoe has been involved and maybe it will progress now.

**12. DEPARTMENT HEAD UPDATES:** Fieldsend stated the Deane Park bathroom is underway and should be done the first part of November. They will start on the outside of city hall this week to repair water damage. The fire hall expansion is on schedule.

Johnson stated two meetings ago we brought in a request for a fee for golf carts. We're starting to get requests for those permits. The ordinance is not new. One of the questions that have come up is the ordinance says that people with drivers licenses that have been revoked can ask for a permit. We don't understand. Their license could be suspended or canceled and would not meet the qualification of not being revoked. We'd like some clarification. Another issue is it says people can cross at designated intersections. We don't know where the designated intersections are for state highways or county roads. It also says a person shall operate a golf cart on streets, alleys, sidewalks, or public property. I don't think we want people driving golf carts on sidewalks. I'm asking the Council to put a moratorium on this ordinance and permitting process until we can get a better clarification and possibly a rewrite to make it enforceable.

Randall stated I looked at that language and that's the exact language of the ordinance on the League's website. Everyone is copying that. I didn't understand it either. Johnson stated we want further clarification. At this time we'd like a moratorium on the permitting process until this can be cleared up. McKinney stated there are a few people who have spent money upgrading their vehicles for this so I'd like it to be dealt with very quickly.

Randall stated this was not part of the discussion last time. We just discussed the fee schedule. I don't love that we have this ordinance. Since we are going to be reviewing it is the ordinance going to apply to everyone or just handicapped individuals. McKinney stated we could end up with a situation with a lot of golf carts running around. Utke stated we ask that Johnson and McKinney come back with a recommendation.

**A motion was made by Utke, seconded by Randall, and unanimously carried to approve a moratorium on the ordinance and permitting process for golf carts in the City of Park Rapids.**

**13. MINUTES/REPORTS/INFORMATION:** There were no comments.

**14. COMMENTS FROM COUNCIL:** There were no comments.

**15. ADJOURNMENT:** A motion was made by Randall, seconded by Utke, and unanimously carried to adjourn the meeting at 7:35 p.m.

[seal]

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Mayor Pat Mikesch

ATTEST:

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Margie M. Vik  
City Clerk