

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
March 14, 2017, 6:00 PM
Park Rapids Public Library-Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The March 14th, 2017, 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, Erika Randall, Dick Rutherford, and Liz Stone. Absent: None. Staff Present: Administrator John McKinney, Planner Ryan Mathisrud, Police Chief Jeff Appel, Liquor Store Manager Scott Olson, Treasurer Angela Brumbaugh, Public Facilities Superintendent Chris Fieldsend, and Clerk Margie Vik. Others Present: Sheri Mikesh, Sue Tomte, Ron Jensen, Hubbard County Commissioner Char Christianson, and Kevin Cederstrom from the Enterprise.

3. APPROVAL OF AGENDA: A motion was made by Randall, seconded by Rutherford, and unanimously carried to approve the agenda as presented.

4. APPROVAL OF MINUTES:

4.1. City Council Regular Meeting Minutes-February 28, 2017: A motion was made by Rutherford, seconded by Stone, and unanimously carried to approve the February 28th, 2017, City Council Regular Meeting minutes as presented.

5. FINANCE:

5.1. Payables & Prepaids: A motion was made by Randall, seconded by Stone, and unanimously carried to approve the payables in the amount of \$20,809.06, and the prepaids in the amount of \$140,573.79, for a total of \$161,382.85.

6. CONSENT AGENDA: Rutherford removed Item #6.5., Randall removed Item #6.14., and Stone removed Item #6.16. from the consent agenda. **A motion was made by Randall, seconded by Rutherford, and unanimously carried to approve the following consent agenda items:**

- 6.1. Approve Tree Contractor License to Work in the City of Park Rapids in 2017 for A.C. Construction.

- 6.2. **Resolution #2017-48 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Living at Home of Park Rapids Area.**
- 6.3. **Resolution #2017-49 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Park Rapids Chapter of Minnesota Deer Hunters Association.**
- 6.4. **Resolution #2017-50 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Headwaters Ducks Unlimited.**
- 6.5. *Removed from the consent agenda.*
- 6.6. **Resolution #2017-51 Approve the Renewal of an Off Sale 3.2 Beer License for Wal-Mart Supercenter #4244 and Holiday Stationstore Inc. in the City of Park Rapids.**
- 6.7. **Resolution #2017-52 Proclaiming April 28th, 2017, as Arbor Day in the City of Park Rapids.**
- 6.8. **Approve Purchase in the Amount of \$900.00 for a Stihl Chainsaw for the Park Rapids Fire Department.**
- 6.9. **Approve Purchase in the Amount of \$29,745.00 for a One Ton Truck Chassis from Thielen Motors and in the Amount of \$20,133.00 for Various Upfits from Towmaster for the Parks Department.**
- 6.10. **Resolution #2017-53 Authorizing Proper City Officials to Execute the Agreement for the Collection of Solid Waste by and between Northern Pines Sanitation and the City of Park Rapids.**
- 6.11. **Resolution #2017-54 Authorizing Proper City Officials to Execute the Amendment of License No. L-291 by and between the Minnesota Department of Natural Resources and the City of Park Rapids.**
- 6.12. **Resolution #2017-55 Approving City of Park Rapids Volunteer Firefighters Wage Adjustment for the Years 2017, 2018, 2019.**
- 6.13. **Resolution #2017-56 Setting Public Hearing on the Proposed Street Vacation of a Portion of Eagle Avenue in the City of Park Rapids.**
- 6.14. *Removed from the consent agenda.*

- 6.15. **Authorize City Staff to Post, Advertise, and Interview for the Vacant Full Time Rapids Spirits Clerk Position.**
- 6.16. *Removed from the consent agenda.*
- 6.17. **Approve Quote in the Amount of \$1,235.00 from Warnick's Janitorial Service to Strip and Wax the Floors at the Rapids Spirits Liquor Store.**
- 6.18. **Approve the Memorandum of Understanding by and between the City of Park Rapids and the Minnesota Teamsters Local 320 – Public Works Union Regarding Health Insurance Benefits for 2017 at \$700.00 per Month for Single Coverage and not to Exceed a Total of \$1,069.00 Including Dependent Coverage.**

END OF CONSENT AGENDA

6.5. Resolution Authorizing Sale of Excess City Property from the City of Park Rapids: Rutherford stated I'd like to see these items sold in Park Rapids. I did check on it. As long as Leckner does not take any money from the city, such as a commission, he can sell it. The county has been selling their cars at K-Bid. The county is making a little more money that way. The cars that we have sent to Mid-State Auction we haven't even made any money on. We lost money. I think we should sell them here in town and keep the money here in Hubbard County.

Mikesh stated I'm for that but the problem is the pickup and delivery. If they don't sell do we have to go and get them? Leckner stated it would be nice if the city could provide that. I'm not going to charge anything, but I think we can get more money for the city than at the auto auction. We can put reserves on them if you want. As long as it's not a conflict, I'd like to do that for the city.

McKinney questioned what happens if they don't sell? Leckner stated if you put a reserve on them and they don't sell there's no charge. McKinney questioned what do we do with the products? Randall stated we can take them back and go through Mid-State Auction. We would just need something in writing from Leckner. Leckner stated we have a contract and we can just put on there zero commission. I think they would do well on the site.

Fieldsend stated the only reason I suggested Mid State was because I didn't want a conflict.

A motion was made by Rutherford, seconded by Randall, to approve Resolution #2017-57 Authorizing Sale of Excess City Property from the City of Park Rapids, to be sold at K-Bid in Park Rapids.

The vote was called.

**The following Councilmembers voted in favor: Mikesh, Randall, Rutherford, Stone.
The following Councilmembers voted nay: None.**

**The following Councilmember abstained: Leckner.
The motion carried 4-0, with 1 abstention.**

6.14. Resolution Accepting the Resignation of Rapids Spirits Full Time Liquor Store Clerk Tiffany Halbasch: Randall stated I'd like to express my thanks to Tiffany Halbasch for her years of service. I believe she was with the city for ten years. I do want the city administrator and one member of the Personnel Committee to offer an exit interview with her. I think it's very important that we have staff that have been with us that long to recognize her and to take the time to talk to them about how they think things are going in any of our city departments. I'd like you to reach out and offer that to her.

A motion was made by Randall, seconded by Leckner, and unanimously carried to approve Resolution #2017-58 Accepting the Resignation of Rapids Spirits Full Time Liquor Store Clerk Tiffany Halbasch.

6.16. Approve Bid in the Amount of \$1,465.00 from Tweeton Refrigeration to Replace Seven (7) Anthony Door Gaskets on the Coolers at the Rapids Spirits Liquor Store: Stone stated we're having seven gaskets replaced. Why not do all of them now? Olson stated they charge an hourly rate for labor. They come to Park Rapids just about all the time. So we combine it with the other services. Stone questioned so you wouldn't save on travel time? Randall stated if it would save us money to do all ten now, that makes sense. Olson stated we wouldn't save any money if we did 10 instead of 7.

A motion was made by Randall, seconded by Stone, and unanimously carried to approve Bid in the Amount of \$1,465.00 from Tweeton Refrigeration to Replace Seven (7) Anthony Door Gaskets on the Coolers at the Rapids Spirits Liquor Store.

7. COMMENTS FROM CITIZENS: Char Christianson questioned has the city discussed the new Sunday liquor law. Randall stated we have not. It's something that we need to address before July. We may schedule a work session to come up with a plan. Christianson stated the county commissioners talked about it today. Our ordinance is going to have to be changed to incorporate those hours on Sunday in which liquor stores can be open. I've had input from a citizen concerned that the city won't be able to make any money on Sunday, but that's a business decision.

8. GENERAL BUSINESS:

8.1. Staff Report on Golf Cart Ordinance: McKinney stated last summer the Council started discussions last summer about the permitting process that we have in our current ordinance, which would allow a golf cart to be operated on city streets. That went through several discussion periods. It was the Council's action to put a moratorium on those permits. We didn't issue any permits last year. The material you have includes a report from Chief Appel with regard to his findings in regard to this matter, of which I concur. The problem is that given the situation here we don't feel there's a way we can assure it's safe, that we can protect the people driving them, or the rest of the public from

having difficulties with them. Our recommendation is to amend the ordinance to exclude the use of golf carts, even with permits.

Randall questioned I want to make sure we actually have an ordinance that is called motorized golf carts. Wouldn't the ordinance need to be repealed in its entirety. McKinney stated you could argue that the ordinance says you may issue permits. You could argue that you wouldn't have to. Randall stated you could say no permits for the use of motorized golf carts in the City of Park Rapids instead of repealing the ordinance. McKinney stated if you do nothing the state statute doesn't allow them. We're asking what you want us to do, if anything.

Randall stated I would like to see the ordinance repealed or amended to not allow the permitting of golf carts in city limits. When we did the moratorium I spoke up and said I nearly rear ended a golf cart because it had no lights and it was dusk. I was shaken up about it, and that person that was driving the golf cart had no clue that I there. I think they are a huge safety risk. I don't see the need for it in our community.

Leckner stated I had a concern from the Chamber on it which I said I'd bring the information forward. They had a work group of the Downtown Business Association. They are working on a recreation plan to make downtown more accessible. They like to have a trail or a path where they could bring four wheelers, snowmobiles, and golf carts to town. Their recommendation is to not completely get rid of the ordinance, because it would be harder to get back once it's gone, and that we could have some more discussion on it, or we could go a year to see if there are any issues. They agreed we should have rules like lights and licensing.

Randall stated I don't think it's worth the hassle. I don't see the parallel between a recreational golf cart and a recreational snowmobile or ATV that people use for a long snowmobile ride or ATV ride on a Sunday and they need a place to park that is accessible to a restaurant, or that you can walk to the downtown. I don't see that those are the same. Leckner stated those are different but I don't think a lot of people use the golf carts. If we get rid of the ordinance completely, how many are there in town, a couple? I haven't seen them to be a problem.

Stone stated I've seen one or two being driven by the same individual, driving down the sidewalk by my house. Leckner stated that was the law enforcement aspect of it, that there are no rules. They want rules. McKinney stated there are rules and that would not be permitted. Rutherford stated if we just let law enforcement enforce it, that's all we need to do. We wouldn't have to change the ordinance or have a hearing. Randall stated I think our law enforcement has a lot of stuff to deal with. I don't see the need for golf carts in our community. I don't see this is something that they need to start enforcing.

Stone stated if there is a designated trail for ATVs that's directed towards Main Street can't they use that? Randall stated they can use that. They can park it in a designated parking lot. McKinney stated there is a difference between each one of those categories. We do have designated routes now. The question came up about people that don't follow those rules and are golf carts even applicable to those rules. The ordinance as it now stands says we should issue a permit if they meet the criteria outlined in the ordinance. The recommendation is that you amend the ordinance so it doesn't allow us to give permits to those particular vehicles, the golf carts. Randall stated ATVs, side by sides, and snowmobiles are already regulated by Minnesota registration.

Stone questioned if you don't allow golf carts, and they are concerned about future accessibility with this potential trail system, what kind of issues will we have. Leckner stated it was downtown accessibility they were talking about. McKinney stated what the Chamber is talking about is addressed in the trails plan and to look at where they are and how they work. That is different than what we are talking about here. It's difficult to cross Main Street because of the center parking. When they redid the intersections they allowed the parking to get closer to the intersections. Visibility is the issue. The golf carts are not supposed to be on the sidewalks. They have to be in the street. If we have people that need mobile devices then there are other kinds of vehicles that are allowed on the sidewalks and they don't need a permit. That's how we arrived at the decision of our recommendation.

Mikesh stated my concern is where do you put them. You can't put them on the streets or in the bike lane or the sidewalks. If you have a vehicle driving thirty miles an hour, a golf cart isn't going to be able to survive a crash. Rutherford stated we have the same problem with bicycles. I've had closer calls with bicycles than I have with golf carts. Randall stated I don't think we need to add to the chaos, and say let's put some golf carts in the mix. Leckner stated I could see it becoming chaos if we had thirty people on golf carts in the city. Right now you don't see them that often. McKinney stated if you are in a community in Florida you're accustomed to seeing golf carts around. But in ours, no. You can't be on Highway 71 or 34. They can cross highways at designated intersections. There's nothing we can do about that. That is state statute. They can't be on state highways.

Rutherford questioned what if we tabled this, and got together with the chamber to see if we could work something out. Mikesh stated we have enough information. We need to make a decision. Randall questioned if we modify this would there need to be a second reading? Vik stated this isn't even a first reading. First you need to direct staff to prepare what you want. Randall stated so we make a motion to amend it and then there would be a reading. Vik answered that's right.

A motion was made by Randall, seconded by Mikesh, to direct staff to prepare an ordinance that does not allow the permitting of golf carts in the city limits.

The vote was called.

The following Councilmembers voted in favor: Mikesh, Randall, Stone.

The following Councilmembers voted nay: Leckner, Rutherford.

The motion carried 3-2.

Discussion: Rutherford questioned will there be a public hearing now? McKinney stated we will bring the amended ordinance to your next meeting, and then there will be two readings with published notice in the newspaper. There will not be a public hearing. Randall stated people can come and comment.

9. CITY ADMINISTRATOR COMMENTS: McKinney stated we have done well with the union agreements. Those will be wrapped up soon. The clerk and the treasurer will be gone to a conference for the rest of this week.

10. DEPARTMENT HEAD UPDATES: There were no comments.

11. MINUTES/REPORTS/INFORMATION: There were no comments.

12. COMMENTS FROM COUNCIL: Mikesh stated I'd like to thank the people, McKinney and Brumbaugh, involved with the union contracts for their work. We'll be good now for another three years.

Rutherford stated there are a couple of new LED lights on Main Street in front of The Good Life. They look real nice. They are a lot brighter.

Randall stated the Firemen's Ball is March 25th, 2017. As a reminder I do want to have a workshop at the Fire Hall prior to one of our meetings so we can all see it.

Fieldsend stated there is still a five page punch list. Randall stated if it's good enough to show the Chamber, than its good enough to show us. I want it to happen.

13. ADJOURNMENT: A motion was made by Rutherford, seconded by Leckner, and unanimously carried to adjourn the meeting at 6:27 p.m.

[seal]

Mayor Pat Mikesh

ATTEST:

Margie M. Vik
City Clerk