

**CITY OF PARK RAPIDS  
CITY COUNCIL WORKSHOP  
JUNE 13, 2017, 5:00 PM  
Park Rapids Public Library-Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** Acting Mayor Erika Randall called the City Council Workshop for June 13<sup>th</sup>, 2017, to order at 5:00 p.m.

**2. ROLL CALL:** Present: Acting Mayor Erika Randall, Councilmembers Ryan Leckner, Dick Rutherford, and Liz Stone. Absent: Mayor Pat Mikesh. Staff Present: Administrator John McKinney, Police Chief Jeff Appel, Public Facilities Maintenance Superintendent Chris Fieldsend, Treasurer Angela Brumbaugh, and Clerk Margie Vik. Others Present: Butch DeLaHunt, Ed Ranson, Maria Pretzer, Kurt Hanson, and Kevin Cederstrom from the Enterprise.

**3. PRESENTATION:**

**A. Proposed Amendments to the Park Rapids City Traffic Code:**

McKinney stated Butch DeLaHunt is prepared to give us a presentation on the results of their committee meetings, the committee that you directed me to form.

Butch DeLaHunt stated the committee spent a lot of time on this, Molly Luther, Kurt Hanson, Mattie Kueber, Tom Petschl, Maria Pretzer, and Ed Ranson. We had McKinney help us to get organized, and Police Chief Appel assisted us.

DeLaHunt stated the main thing that we were looking at was to try to figure out was if we took a whole look at this ordinance from start to finish how could we keep safety in mind, how could you potentially update the whole traffic code so we could improve safety, introduce some additional things that are coming to the industry from pedestrians. We took a comprehensive look at all of it. We put together a memo from the group that highlights the things that we did with the existing code and what we thought after reviewing comments from the public that they wanted. And if golf carts were in play what would be the ramifications if the city were to adopt such an ordinance, then what else would we start to consider. We lived by six documents, the informational brief from the Department of the House of Representatives, the 2016 Minnesota State Statutes-Chapter 169, the League of Minnesota Cities model ordinance, the League's informational memo on this category, the Park Rapids existing code, and ordinances from numerous cities from across Minnesota. We searched to see what ordinances exist right now in several Minnesota cities, and how long they have been in play, and the Department of Natural Resources ATV regulations.

DeLaHunt stated while we were thinking safety first, we headed down a path for blinkers, headlights, all this safety stuff on golf carts. Yet the statutes for the State of Minnesota say no. They only have to have the slow moving emblem, they want all exclusive, and they don't want individual cities having specific equipment requirements. Requiring a lot of that equipment to be installed on golf carts after market didn't seem to be an option is what our group concluded. Then we tried to say the minimum requirements in

the State of Minnesota by statutes say you have to have slow moving emblem, and a rear view mirror is basically the primary functions that you have to have in play. But we also encouraged them in the ordinance that if they have a golf cart with manufacture's standard installed equipment that they can't get a permit unless it all works. Most of the golf carts are introducing headlights and brake lights on the newer models. The difference is if it's an older model that doesn't have any of that it just goes to the slow moving emblem and the rear view mirror. That's highlighted in our suggested ordinance.

DeLaHunt stated we started down a path where in order to do it a permit will be required. That's what the guidelines are saying, in order for a golf cart to operate on city streets you have to go through the permit process. Our group was unsure, the second you step into a class two side by side, like a Ranger, whether or not that requires a permit. It leads you to believe when you read the documents by the League of Cities, if you have an ATV side by side that drives on city streets and you already have a permitting process, that the side by side has to go through the permitting process too. Our thing there is we're going to have to get some legal advice from the city attorney to figure that out. May is a pretty big word in here. It's vague. I talked to the League's legal staff and tried to get that clarified, and yet I don't feel successful to say yes it's required. But there is some very strong language in the documents that says if you go down the permit route for a golf cart, the side by side also requires a permit in the city. Uniquely situated here in Park Rapids, is the exception of state and county roads, so Highways 34 and 71 are prohibited from driving on, that applies to golf carts and ATVs. We looked at if we did that would a permit be required or not. We are concluding in this particular model that a permit is required for golf carts. We put in the statutory requirements for the golf carts. We cited two sections so that it can be researched to find out what that is, and then on the ATV side, it's primarily on side by sides, they are bigger vehicles, generally with a cab, roll bars, a safer vehicle, instead of the smaller class one 4-wheelers. Class one ATV is the 4-wheeler with no roll bars, a class two is a side by side commonly referred to as a Ranger. They are generally wider wheel based, cab, and roll bars. There's another classification of the UTVs, which is a utility vehicle used for work. You'll see them in construction zones. A UTV is primarily defined in most cases fits in the class two category. We added that into the definitions and focused on motorized golf carts, and class twos as the only vehicles being permitted by permit. With the edit that we made today is we don't want the smaller 4-wheeler class ones running all over the place. We're making the suggestion as a group to say no to class one ATVs on the streets of City of Park Rapids. That doesn't mean they can't be on private property, which they are free to do that.

DeLaHunt stated so motorized golf carts with state mandated requirements, must get a permit, and must have a driver's license. The exception to that would be must have a medical certificate and must be reviewed by the police chief to make sure the equipment is functional and has the required equipment on it. If it does have manufactured installed lights and turn signals, all of that equipment has to be functioning in order for it to be permitted. Our group is recommending a one year permit, that would be renewed annually. Some cities do it up to three years. Our focus was on one year. At least the driver is coming back annually so if they have a medical issue, our stance is safety first. We'll be able to screen that out instead of issuing it one time and having that individual drive it for three years. It also says in the ordinance if someone gets a permit with a medical certificate and something were to change from a medical standpoint the permit can be revoked. That is standard stuff that was in the League's ordinance. We stepped in with

requiring insurance on the unit, and the individual must have a driver's license. That is from the League's model. It has to be prominently displayed.

DeLaHunt stated we consulted Andy Kueber about insurance. Once we did some research we learned the statute says they only have to carry the minimum requirements, which is basically motorcycle insurance. They can pay it from the state's insurance pool if they can't get it some other way. All of that is spelled out in the ordinance. Our group is recommending that the city do it. If they follow the requirements we think that motorized golf carts are a good thing. No sidewalks, none of that. You can't drive down Highway 34 or 71. Those are state roads. At intersections, making crossings, in a lot of the ordinances we saw from other cities they had designated routes. If this becomes a problem, if the city as a group thinks that Main Street is becoming a problem, you can restrict them. You can set routes up. It's a little more restrictive and there would be more requirements. You would have to create designated routes and parking. It creates another layer, but we saw that with other cities. Some were shared snowmobile routes so they already had those in play. So in phase two, if you decide that you have to put in some restrictions, maybe because it's a problem, it's there. You just have to go back through the process.

Tom Petschl stated there were police departments in other cities, and they did specify that we are unique because of the parking in the middle. Most of them pointed out that could be a problem. The reason we couldn't add things is that you can't add any more than the state requires and you cannot remove anything the state requires. You have to follow their guidelines.

DeLaHunt stated you're not allowed to load up thirty people on a golf cart. That is spelled out in there. There's a recommendation to add golf carts to excessive noise requirements. You have to have a muffler. They don't go over twenty-five miles per hour. McKinney stated per our ordinance they were not allowed to operate after sunset. DeLaHunt stated we struggled with that. Petschl stated we originally wanted taillights, which we could not add. We thought this was a good way to maybe get people to put them on the cart by saying if you have factory installed equipment you can drive after sunset. DeLaHunt stated if you don't have any lighting it's sunrise to sunset, But if you have manufacturer installed equipment, they can. Stone questioned it has to be factory installed? DeLaHunt answered yes. A lot of the codes point in that direction. If its factory installed it keeps us all out of trouble. They could put a couple of flashlights on the bars and say I got lights. It could happen. If its manufacture installed, then yes. It will encourage them if they are going to take advantage of that they will look at manufactured standard equipment on some of them. Hopefully you'll see an upgrade on that equipment and then we'll know that the equipment all functions. They only get a permit if it does.

Rutherford questioned did you come up with any ideas for crossing the river? I can go across the river this way on the Red Bridge because there is no sign. But on the other side there is a sign that says you can't come this way. DeLaHunt stated in my opinion you can't go on the Red Bridge period. That is a designated DNR route. When they expanded that route from Heartland Park and put in the bridge, the extension of that trail went from Heartland Park to Highway 71. I called the DNR to ask that. You cannot cross the new Red Bridge on a golf cart. Snowmobile, bike, foot, rollerblades only.

Rutherford questioned what about crossing at the dam? DeLaHunt stated is not a designated route. We looked at a couple of other ordinances in towns that have dikes. They restricted them on dikes probably for safety reasons and the integrity of the dike. If

someone wants to find out if that's a route that works that's higher than our pay grade. We weren't even looking at that.

McKinney stated if you can't go across the Red Bridge and you can't go on Highway 34 so you'd have to go further south. DeLaHunt stated you can go on the old Red Bridge which is further south by the Antique Tractor Club. Rutherford stated the dam belongs to the city. It's tarred and you can drive across there. It's up to us as to whether or not we want to allow that. McKinney stated we are not precluded by the state from doing that. DeLaHunt stated the Corp of Engineers would be the ones saying whether you could drive on that dam. I'm not sure you could take a side by side through that opening. My snowmobile would fit through. Rutherford stated a golf cart will make it. DeLaHunt stated that's one possible route along with the old Red Bridge (Fish Hook Avenue).

McKinney stated your study would indicate the city has no prerogative in allowing crossings on the Red Bridge. That's not our jurisdiction. DeLaHunt stated I don't think so. It doesn't mean that it wouldn't be a great idea to have the DNR reclassify it. McKinney stated my point is we don't have the authority if asked. DeLaHunt stated that would be my thoughts. I asked the question and I believe the DNR classifies it as theirs. Rutherford stated I'm sure they don't want you going the other way. Ed Ranson stated I would say don't make any assumptions without talking to them. There is a possibility of working something out or changing the jurisdiction. DeLaHunt stated there are a lot of bridges that the DNR classified as multi-purpose based on the funding. But a lot of them have become single purpose for walking or biking. We didn't focus a lot of time on this issue but I did ask that question so I know the answer.

McKinney stated your report is based on the assumption that it's not available. DeLaHunt stated that's right. On the ATV side, on the class two, our decision making was a focus on safety. Most of them that are put together are clearly coming out with safety equipment. The class ones are more for running in the woods, hunting related, not necessarily having all the features that we think would be safe for driving on city streets. The main thing is if those vehicles have all of that equipment, blinkers, mirrors, it would be no different than what a golf cart would have should they could obtain a permit and run on the city streets. We just took the class ones out. Yes they have requirements. They have to be registered by the DNR. If they don't have a DNR registration when they are inspected they're not getting the city permit. If they don't have insurance they're not getting a permit. All of that is a requirement at application time.

DeLaHunt stated as a group we stumbled upon the question of whether or not you need a driver's license for a class two. I think that is embedded in the DNR requirements. It says possess a driver's license. Does that mean you have to have it on you at the time you're driving or that you have to have a driver's license? It's not very clear. But in order for an ATV to drive on the road, you have to have a driver's license. The only exception to that would be if you had a designated trail or route that was part of an ATV trail that came through the city, then they would only be required to have their safety operator's permit to cross the intersection, but they still can't be on the road. That's how we interpreted it.

McKinney stated we have no such trail designations in the city. DeLaHunt stated we're reading it as you need a driver's license and they're not getting a permit unless they have one. The question would be do you have to have it in your possession while driving. I think that's what they're after in that regulation. We're requiring it in the application process in order to get a permit. It would be our hope from a safety standpoint that versus a golf cart if they have the option and would be willing to go towards the ATV side, you'd have a

safer vehicle. That's why we added the side by side in there. I own one. They are really nice and I do see the economic impact for our region. Being at the Chamber I do see a lot of people coming to the region for that. The business climate is interested in seeing that the city has that availability. You can as a group restrict streets or designate routes. That's a really nice fallback to have, if you adopt our recommendations.

DeLaHunt stated we were asked to look at the whole code. We did look at electrical personal devices and Segways. We looked at some additional things that are out there in the state and incorporated them. A lot of that language comes out of state statutes. We didn't create something new. We just see new devices that are pretty popular and if someone wants to use them they can. We were really cautious because of ADA requirements. We stuck to the code when it came to handicap accessibility, like wheelchairs and scooters.

Ranson stated the idea was to basically clarify them because they didn't show up in the city's ordinances. There are a lot of personal mobility devices operated around town. After I read the law I see that they are not operated properly. There were personnel devices in the street on Highway 34. They are technically pedestrians so they shouldn't be in the street. It gives the police department something to hang their hat on to tell them to get back up on the sidewalk. McKinney questioned but they could be on Highway 34 unlike the golf carts. Ranson stated no, they can't be on the road. They can be where pedestrians can be. They are a pedestrian by definition.

DeLaHunt stated we added some of the newer devices that are out there like Segway. I'm sure they will show up. As a group we looked through everything in the code like excessive noise. We still have the requirement for a pendant flag on snowmobiles. When's the last time you've seen a flag on a snowmobile in Park Rapids? We're recommending deletion of that and some administrative house cleaning stuff. There was no definition for a towable cart behind a bicycle. The old bucket-style carrier was in there in reference to a child riding device for your bike. We all see the towable devices. We're recommending that some language be added that looks at the towable attachments for bikes. You should check your description for the business district just to make sure it is defined as what you say it is since the city has expanded. We're looking for consistency in that definition. That's your responsibility as to how you want to do that.

DeLaHunt stated we had a public meeting on June 6<sup>th</sup> and we had one attendee. We had a chance to check a couple of things that we were worried about. It went pretty well. We were lucky to have Maria Pretzer to help us on the legal side to keep us on track. We had a good representation of people to work with. Kurt Hanson, Ed Ranson, Molly Luther, Tom Petschl, the whole group was really good. Petschl did a lot of the drafting initially. We thought this would be easy, and then you hit a speed bump and then you have to back up. The League of Minnesota Cities seems to have it right.

McKinney stated I want to thank you and the committee. You all did a good job. DeLaHunt stated do you have any questions on it? Randall questioned did you talk about what the permit fee should be? Is ours \$10.00 right now. Vik stated the annual fee is \$25.00, but the temporary fee right now is \$10.00 for that short time period. Petschl stated the fee in other cities was \$25.00. McKinney stated the fee will be \$25.00 annually, from January to December, unless you change it. Brumbaugh stated most of our permits are like that, January to December no matter when you get it. DeLaHunt stated we didn't discuss that process at all. It's however you want to do that. I can see it being like a fishing permit. If you get it early you get to use it more.

The Council thanked DeLaHunt and the committee for all their work.

**4. ADJOURNMENT: A motion was made by Stone, seconded by Rutherford, and unanimously carried to adjourn the workshop at 5:40 p.m.**

[seal]

\_\_\_\_\_  
Acting Mayor Erika Randall

ATTEST:

\_\_\_\_\_  
Margie M. Vik  
City Clerk