

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
JANUARY 14, 2020, 6:00 PM
Park Rapids City Hall Council Chambers
Park Rapids, Minnesota**

1. CALL TO ORDER: The January 14th, 2020, Regular Meeting of the Park Rapids City Council was called to order at 6:00 p.m. by Mayor Ryan Leckner, and the Pledge of Allegiance was recited.

2. ROLL CALL: Present: Mayor Ryan Leckner, Councilmembers Tom Conway, Liz Stone, and Robert Wills. Absent: Councilmember Erika Randall. Staff Present: Administrator Ryan Mathisrud, Public Facilities Superintendent Chris Fieldsend, Police Chief Jeff Appel, Liquor Store Manager Scott Olson, Public Works Superintendent Scott Burlingame, Fire Chief Terry Long, Treasurer Angela Brumbaugh, Planner Andrew Mack, and Clerk Margie Vik. Others Present: Cynthia Jones, and Robin Fish from the Park Rapids Enterprise.

3. APPROVAL OF AGENDA: A motion was made by Stone, seconded by Conway, and unanimously carried to approve the agenda with the following additions:

- 6.45. Approve Multi-Vendor Transient Merchant License for Park Rapids Lakes Area Chamber of Commerce c/o Butch DeLaHunt, on Saturday and Sunday, January 18-19, 2020, location behind Salvage Depot on Hwy 34 East in the City of Park Rapids.
- 6.46. Approve the Subordination of the Small Cities Loan between Molly and Luke Luther and the City of Park Rapids.
- 9.4. Resolution Approving City of Park Rapids Non-Union Employees Wage and Insurance Benefit Adjustment for the Years 2020, 2021, and 2022.

4. APPROVAL OF MINUTES:

4.1. City Council Workshop Minutes- December 10, 2019: A motion was made by Conway, seconded by Wills, and unanimously carried to approve the December 10th, 2019, City Council Workshop minutes as presented.

4.2. City Council Regular Meeting Minutes-December 10, 2019: A motion was made by Wills, seconded by Conway, and unanimously carried to approve the December 10th, 2019, City Council Regular Meeting minutes as presented.

5. FINANCE:

5.1. Payables & Prepaids: A motion was made by Stone, seconded by Conway, and unanimously carried to approve the payables in the amount of \$25,972.19, and the prepaids in the amount of \$327,800.87, for a total of \$353,773.06.

6. CONSENT AGENDA: A motion was made by Conway, seconded by Wills, and unanimously carried to approve the following consent agenda items:

- 6.1. Resolution #2020-02 Setting City Council Meetings on the Second and Fourth Tuesday of Each Month in the Year 2020.
- 6.2. Resolution #2020-03 Appointing Erika Randall as Acting Mayor for the Year 2020.
- 6.3. Resolution #2020-04 Designating Authorized Signatures for the Year 2020 for the City of Park Rapids.
- 6.4. Resolution #2020-05 Designating Official Depositories for the Year 2020 for the City of Park Rapids.
- 6.5. Resolution #2020-06 Authorizing Proper City Officials to Execute Payment of Claims Prior to City Council Approval for Year 2020.
- 6.6. Resolution #2020-07 Designating Official Newspaper for the Year 2020 for the City of Park Rapids.
- 6.7. Resolution #2020-08 Authorizing Proper City Officials to Execute the Paperwork Associated with the Fire Contracts for the City of Park Rapids.
- 6.8. Resolution #2020-09 Setting Guidelines for the City of Park Rapids Municipal Election in 2020.
- 6.9. Resolution #2020-10 Accepting the Resignation of Park Rapids Parks and Beautification Board Member Kristi York.
- 6.10. Resolution #2020-11 Re-Appointing Thom Peterson to Serve on the Airport Commission for the City of Park Rapids.
- 6.11. Resolution #2020-12 Re-Appointing LuAnn Hurd-Lof to Serve on the Park Rapids Arts and Culture Advisory Commission.
- 6.12. Resolution #2020-13 Re-Appointing Paul Dove to Serve on the Park Rapids Arts and Culture Advisory Commission.

- 6.13. Resolution #2020-14 Re-Appointing Barb Thomason to Serve on the Parks & Beautification Board for the City of Park Rapids.**
- 6.14. Resolution #2020-15 Re-Appointing Christopher Hummel to Serve on the Library Board for the City of Park Rapids.**
- 6.15. Resolution #2020-16 Re-Appointing Shane Sundut to Serve on the Housing and Redevelopment Authority of the City of Park Rapids.**
- 6.16. Resolution #2020-17 Re-Appointing David R. Konshok to Serve on the Airport Commission for the City of Park Rapids.**
- 6.17. Resolution #2020-18 Re-Appointing Ann Niedzielski to Serve on the Library Board for the City of Park Rapids.**
- 6.18. Resolution #2020-19 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Tall Pine Toms NWTF.**
- 6.19. Resolution #2020-20 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Minnesota Darkhouse and Angling Association Park Rapids Chapter.**
- 6.20. Resolution #2020-21 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Kinship of the Park Rapids Area.**
- 6.21. Resolution #2020-22 Authorizing the Termination of Part Time Rapids Spirits Employee Michael Novak.**
- 6.22. Resolution #2020-23 Appointing Susan Holmer as Part Time Rapids Spirits Liquor Store Clerk for the City of Park Rapids.**
- 6.23. Resolution #2020-24 Accepting the Resignation of Rapids Spirits Part Time Liquor Store Clerk Jeffery Olesen.**
- 6.24. Approve Golf Cart/Class 2 ATV License to Drive on Streets in the City of Park Rapids in 2020 for Ronald Jensen-ATV.**
- 6.25. Resolution #2020-25 Authorizing Proper City Officials to Execute the Scope of Work Agreement by and between Landrum and Brown Inc. and the City of Park Rapids.**
- 6.26. Resolution #2020-26 Approving Certification by Hubbard County Board for Classification of Tax Forfeited Land within the City of Park Rapids.**

- 6.27. Approve Pay Request in the Amount of \$1,500.00 from Revize LLC for the 2020 Annual Subscription Fee for the City's Website.**
- 6.28. Approve Purchase in the Amount of \$1,882.00 from RDO Equipment for a Mower Deck Shell for the John Deere Z925 Mower for the Public Works Department.**
- 6.29. Approve Pay Request in the Amount of \$20,000.00 from SLL Inc. for the First Half of the Contract Amount for the 2020 Property Tax Evaluations.**
- 6.30. Approve Pay Request in the Amount of \$8,685.66 from Minnesota Public Facilities Authority for the Bond Payment on the Water Treatment Facility and Water Tower.**
- 6.31. Resolution #2020-27 Authorizing Execution of Assignment and Assumption of Development Agreement and the Tax Increment Revenue Note by and between KI Developers of Park Rapids LLC and the City of Park Rapids.**
- 6.32. Resolution #2020-28 Amending Personnel Policy #38-Drug and Alcohol Testing for the City of Park Rapids.**
- 6.33. Approve Plumber's Permits to Work in the City of Park Rapids in 2020 for Peterson Sheet Metal Inc., Juelson Plumbing & Heating Inc., Samuelson Laney Plumbing, Heating, Cooling Inc., The Jamar Company, Ackerman Plumbing & Heating LLC, Ulvin Plumbing & HVAC, R&G Plumbing & Heating Inc., Dick's Plumbing & Heating of Bemidji Inc., Northern Pines Plumbing & Heating, and D.Carlson Plumbing & Excavating LLC.**
- 6.34. Approve Backhoe Operator's Licenses to Work in the City of Park Rapids in 2020 for Northland Excavating LLC, Girtz Excavating LLC, Backhoe Pete LLC, Thelen's Excavating Inc., Elsner Well Drilling Inc., T Ray Construction Co. Inc., and R&R Petroleum Equipment-*restricted license*.**
- 6.35. Resolution #2020-29 Denying Rezoning Application for Lakes Area Cooperative Cenex Station Requesting to Amend the Comprehensive Plan Future Land Use Map from Residential to Commercial in the City of Park Rapids, PID #32.52.50100.**
- 6.36. Resolution #2020-30 Denying Rezoning Application for Lakes Area Cooperative Cenex Station Requesting to Rezone Land from R-1 to B-1 in the City of Park Rapids, PID #32.52.50100.**

- 6.37. Approve Public Facilities Use Permit for Cynthia Jones d.b.a. The Armory Arts & Events Center F.K.A. Park Rapids Community Development Corporation, to Close Block Two (2) of Main Avenue South on June 11, 18, 25, July 3, 9, 16, 23, August 6,13, 20, all in 2020, from 5:00 p.m. to 8:00 p.m., except on August 6th hours will be from 4:00 p.m. to 9:00 p.m., for the Second Street Stage Events.**
- 6.38. Approve Multi-Vendor Transient Merchant License for Cynthia Jones d.b.a. The Armory Arts & Events Center F.K.A. Park Rapids Community Development Corporation on June 11, 18, 25, July 3, 9, 16, 23, August 6,13, 20, all in 2020, for the Second Street Stage Events.**
- 6.39. Resolution #2020-31 Approve Temporary On-Sale Liquor Licenses for the Armory Arts & Events Center F.K.A. Park Rapids Community Development Corporation in the City of Park Rapids.**
- 6.40. Approve Pay Request in the Amount of \$5,527.30 from Apex Engineering Group for Professional Services Regarding Various Projects within the City of Park Rapids.**
- 6.41. Approve Purchase in the Amount of \$3,417.60 from Heiman Fire Equipment for Turn Out Gear to Replace Expired Gear for the Park Rapids Fire Department.**
- 6.42. Resolution #2020-32 Appointment of Election Judges for the Presidential Primary Election in the City of Park Rapids for the Year 2020.**
- 6.43. UTILITY BILLING: Approve Reduction in the Amount of \$173.54, for the Sewer Portion of the 2019 Fourth Quarter Billing, for Chris Sandretzky, at 613 Washington Avenue S, Account #02-00061301-00-1, PID #32.45.50300.**
- 6.44. Approve Pay Request in the Amount of \$4,596.00 from the League of Minnesota Cities for the Membership Dues from September 1, 2019 to August 31, 2020.**
- 6.45. Approve Multi-Vendor Transient Merchant License for Park Rapids Lakes Area Chamber of Commerce c/o Butch DeLaHunt, on Saturday and Sunday, January 18-19, 2020, location behind Salvage Depot on Hwy 34 East in the City of Park Rapids.**

- 6.46. Approve the Subordination of the Small Cities Loan by and between Molly and Luke Luther and the City of Park Rapids.**

END OF CONSENT AGENDA

7. COMMENTS FROM CITIZENS: There were no comments.

8. PLANNING:

8.1. First Reading of Ordinance Amending Park Rapids City Code, Chapter 151, Zoning, for IUP/CUP & Definitions: Andrew Mack stated we've talked about these amendments to the city code at a previous worksession. At the Council worksession you all gave this a high priority and we started working on this right away. The Planning Commission has worked on this over a period of about six months. This has to do with the creation of interim uses within the community. It went through a public hearing. The Planning Commission, following a review by the city attorney, which provided some edits to make it fully legal, is now before you for consideration of the first reading.

Mack stated an interim use is a temporary use of property until a particular date or event or until the zoning regulations no longer permit it. Interim uses don't last forever. They expire. There are also provisions in the state statutes which require that the applicant agrees to the conditions that are being considered for adoption as a part of the approval. That's not necessarily statute for conditional uses, but it is in Minnesota Statutes for interim uses. In the communities that I have worked in we like to get the applicant on record and have them agree to those conditions prior to their final approval, whether it's entered into the public record during the hearing, or in writing from the applicant. There are different types of examples. We talked about projects that we give approval to, but never get under way. We're adding language in here for those projects that don't get under way, they expire. They do have the right to request to extend that. Approvals can sit on the books permanently. As conditional uses, they are recorded against the property. This is going to give us control over that as well.

Mack stated the recommendation from your Planning Commission is for adoption and approval. It's gone through the full litmus test with the city attorney and we are ready to move forward with your approval of the first reading.

A motion was made by Stone, seconded by Wills, and unanimously carried to approve the first reading of the Ordinance Amending Park Rapids City Code, Chapter 151, Zoning, for IUP/CUP & Definitions.

9. GENERAL BUSINESS:

9.1. Resolution Authorizing Proper City Officials to Execute the Labor Agreement by and between the Law Enforcement Labor Services Representing the Park Rapids Patrol Officers-Local No. 403 and the City of Park Rapids: Mathisrud stated included in the packet is a memo outlining what the Personnel Committee agreed to

forward to the City Council with respect to the negotiations with the law enforcement union members. They are recommending a three-year contract with a 2.5% increase in pay in year 2020, with an increase of \$25.00 single and \$50.00 family insurance coverage. In year 2021 there'll be a 2.5% increase in pay, plus 22 cents added to wages, and in the year 2022 there's a 3% increase in pay and an additional 22 cents added to each wage scale base. This is consistent with the previous negotiations with the public works department. We're trying to keep the compensation packages consistent across the board. We are also recommending a change to the steps by eliminating the 18-month entry step. It makes our starting wage a bit higher to make us more competitive and consistent with other cities. Article 8.1 was eliminated. That referred to seniority. We didn't anticipate an issue associated with that. We made some minor changes to the language on sick leave. One of the things that was requested was post-employment health savings plan. Each employee can make contributions from their wages into that health care savings plan. We didn't see any issue with that. Also, changes to the severance pay, when they leave employment with the city any severance that's due goes into their health savings plan. Those are the primary changes to the agreement recommended.

Mathisrud requested questions on this agreement. Conway stated the 22 cents added to wages was done in lieu of additional contributions to health insurance. Those years that there will be no increase to insurance, we'll put the money towards wages. I want to clarify that. We didn't just throw 22 cents out there.

Conway stated the other piece is after we did the tentative agreement the city attorney had recommended that the health care savings plan be a memorandum of understanding (MOU) as opposed to being in the contract. I wanted the Council aware. A MOU would be reviewed at every contract negotiation. You review them first to determine whether we want to keep them or not. If it's in the contract, generally, it's not reviewed unless somebody actually had a problem with it. If we run into a problem, it's in the contract and we can bring it up during negotiations. That's not a concern. I did want to make sure the Council is aware before they vote on it that there was a recommendation by the city attorney that that clause be a MOU as opposed to being part of the contract.

Mathisrud stated that's right. Do you want to request that go into a MOU instead of in the agreement as proposed? Conway questioned did you already request that? Mathisrud stated yes, but they pushed back and asked why. Conway questioned is it worth the Council voting down this contract and forcing us to go back and renegotiate. Or do we want to accept the contract as is, keeping in mind that you are past the expiration date of the existing contract.

Leckner stated I'm okay with it. You said it's something that we have to make note of to look at next time. Conway stated that's my opinion. I don't want to be in a position without a contract. Leckner stated we had him review it and that was one of the points that he brought out. Mathisrud stated they provided a list of comments with minor changes. They suggested addressing it at a future date or today, and their comment on the MOU was we would recommend that this be effectuated through a MOU instead of in the agreement. Then we would be able to take a look at that every time instead of having to change the agreement. It's harder to get it out of the agreement later than to just put it in a MOU up front. Leckner questioned can we approve it with the stipulation that it comes out and goes into a MOU? Mathisrud stated you can approve it contingent on that. If they don't want to do it, we'll have to bring it back for action at a future date. Conway stated

understanding that the whole time you are doing that you don't have a contract in place. The pay increases are not in effect. Mathisrud stated that is correct.

Brumbaugh stated I'll mention that your health care savings plan is already in place in the contract for your public works department. Conway stated I think we're okay leaving it in. Brumbaugh stated my point is we've already done that. Conway stated I wanted to make sure that the Council was aware of the attorney's recommendation.

A motion was made by Conway, seconded by Wills, and unanimously carried to approve Resolution #2020-33 Authorizing Proper City Officials to Execute the Labor Agreement by and between the Law Enforcement Labor Services Representing the Park Rapids Patrol Officers-Local No. 403 and the City of Park Rapids.

Discussion: Stone stated I have a question regarding the wording on the earned sick leave. Mathisrud stated on that the request was to make that consistent with the language in state law. State law previously defined which people are covered under the clause, spouse, sibling, parent, mother and fathers-in-law, grandchild, grandparent, stepparent. In the current agreement it's not that specific, or it leaves some of those folks out. Making these changes would make sick leave consistent with state law. Stone stated my concern is where it's listing out who you can take care of, what about a life partner or significant other. You share a home, you share everything married people would but they're just not married. Is that something that should be included? Mathisrud stated that would be a change to that language if you want to add something further to it. We could do that. This is our attorney's recommended language for that. Leckner stated this was recommended by the union too. It's what they had agreed upon. Conway stated we asked them for the language. To your point I think significant other is covered under Minnesota state law, but not federal law. From administering the contract point of view, I'm sure the union wouldn't argue if the city wanted to administer the contract that way. I would be aligned with that. Mathisrud stated I understand what you are saying. Stone stated if we're trying to get more specific with the verbiage we should at least talk to the attorney about including that in there. I would like to see consideration given to that. We don't want to put our employees in a bad position. Mathisrud stated we could make a note of that and include it in the next round of negotiations. Conway stated if everybody agrees the Council would be fine with just changing the language. Just ask the union rep if they are okay if we add that into the language. Mathisrud stated we can do that. Conway stated I don't know if it's worth turning down the contract for.

The vote was called.

The motion carried unanimously.

9.2. Resolution Authorizing Proper City Officials to Execute the Labor Agreement by and between the United Food and Commercial Workers Union Local No. 1189 and the City of Park Rapids: Mathisrud stated this is for the liquor store union.

We attempted to keep this consistent with the other two unions contracts. The key changes were in wages, 2.5% increase in pay in year 2020, with an increase of \$25.00 single and \$50.00 family insurance coverage. In year 2021 there'll be a 2.5% increase in pay, plus 22 cents added to wages, and in the year 2022 there's a 3% increase in pay and

an additional 22 cents added to each wage scale base. We felt this would be particularly helpful to those part time employees that we're competing with other retail locations for. Another change is that the union will designate two employees to act as steward instead of one. Article 9.6 changes the pay up to four hours of time if employees are sent home due to inclement weather if the city chooses to close the store. This doesn't happen real often. We've had a handful of cases in the last five years. This would pay those employees for up to four hours if we did.

Mathisrud stated article 10.4 would change to pay time and a half for working on a Sunday. We currently don't open the store on Sundays and it's not clear that we would in the future, but if we do, that would be ready. Article 13.1 reduces the extension period for probation from sixty to thirty days. We didn't feel this was a significant factor in making a decision to keep somebody on or off. 13.2 reduces probation from sixty to thirty days for an employee who is transferred from part time to full time. Generally, when we transfer an employee, we know the quality of their performance. 13.4 states that if an employee is promoted from clerk to lead clerk, they would serve a sixty-day trail period, and the employee or the employer may choose to transfer back to their previous position. 17.1 is changing the title of Columbus Day to Indigenous Peoples' Day. Article 25 was added permitting an unpaid twenty-minute new employee orientation to get them familiarized with the union.

Mathisrud stated this agreement was also reviewed by our attorney. They had some minor language changes that they recommended for the next round of negotiations, but no comments on this contract. He requested questions.

Stone questioned with article 9.6 is that at regular pay or would that include overtime pay? Mathisrud stated that would be regular pay. Employees can continue to choose to go home early on those days with management approval. They would be able to use their PTO for that. This was more pertinent to those part time employees that were called in for it. They'd have commuting expenses, that sort of thing. That was the primary driver of this request. We don't anticipate this would have a major impact to the budget. It just doesn't happen very often.

A motion was made by Conway, seconded by Wills, and unanimously carried to approve Resolution #2020-34 Authorizing Proper City Officials to Execute the Labor Agreement by and between the United Food and Commercial Workers Union Local No. 1189 and the City of Park Rapids.

9.3. Resolution Appointing Councilmembers to Various City Committees, Boards, and Commissions: Mathisrud stated every year the Council selects which boards you are going to be on. Conway stated I'm happy with leaving everything as is. Does anyone have a problem with the boards they are currently on? Council agreed to leave the committee assignments the same as last year. **A motion was made by Conway, seconded by Wills, and unanimously carried to approve Resolution #2020-35 Appointing Councilmembers to Various City Committees, Boards, and Commissions.**

9.4. Resolution Approving City of Park Rapids Non-Union Employees Wage and Insurance Benefit Adjustment for the Years 2020, 2021, and 2022: Mathisrud stated this is the resolution for non-union employees for them to have pay

increases consistent with the union agreements. There would be a 2.5% increase in pay in year 2020, with an increase of \$25.00 single and \$50.00 family insurance coverage. In year 2021 there'll be a 2.5% increase in pay, plus 22 cents added to wages, and in the year 2022 there's a 3% increase in pay and an additional 22 cents added to each wage scale base, for all of the non-union positions that are eligible. This has been budgeted as well. Leckner stated it was our intent to keep everything as consistent as possible.

A motion was made by Wills, seconded by Stone, and unanimously carried to approve Resolution #2020-36 Approving City of Park Rapids Non-Union Employees Wage and Insurance Benefit Adjustment for the Years 2020, 2021, and 2022.

10. CITY ADMINISTRATOR COMMENTS: Mathisrud thanked the Council for participating in the workshop tonight. We got some good direction for things to work on over the next couple of years. Our attorneys are working with DEED right now to prepare for options on closing the armory purchase. There has been some turnover at the state so getting those folks caught up has taken some extra time to figure out the procedural steps.

Mathisrud stated regarding the investigation that was requested at the November 26th meeting on the engine failure of Unit 5. I've been working to sort that out. I've requested records, statement, and conducted interviews. We've scheduled a meeting with the Personnel Committee on Thursday of this week to present those results. We expect any disciplinary action that would be needed would be forwarded to the following Council meeting if any is determined to come out of that.

Wills questioned what is going on with the armory? Mathisrud stated like I mentioned we are working towards completing the closing. Our attorneys have drafted a letter to Zemek regarding those final procedural steps that need to be accomplished. DEED has had some turnover and there are some questions about our current arrangement. We're trying to get them up to speed on what we previously agreed to. We'll have all of the final questions sorted out prior to closing. I don't have a date when that will be done. They are working on it and it's a high priority. It will take a number of weeks before we complete the closing. Mack stated the Planning Department has issued a certificate of occupancy for the city's portion of the improvements. We've also doubled checked everything as far as code requirements. Everything was found to be in compliant. Fieldsend stated there is a punch list of which I've had a discussion with MMCDC. The list is pretty much done. There were a few things not done, but they are okay with it. MMCDC understands that there is going to be some work that will need to be done once they take it. It has ongoing maintenance issues.

11. DEPARTMENT HEAD UPDATES: Brumbaugh stated there are a couple of memos in your packet for your review.

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

13. COMMENTS FROM COUNCIL: Conway stated a citizen who was complaining about snow removal has now complimented Burlingame on snow removal.

Leckner thanked Mathisrud for putting that workshop together. Those things are important. I'd also like to thank public works for keeping the streets clean. There are very few complaints considering how much snowfall we have had.

14. ADJOURNMENT: A motion was made by Conway, seconded by Wills, and unanimously carried to adjourn the meeting at 6:35 p.m.

[seal]

Mayor Ryan Leckner

ATTEST:

Margie M. Vik
City Clerk