

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
FEBRUARY 11, 2020, 6:00 PM
Park Rapids City Hall Council Chambers
Park Rapids, Minnesota**

1. CALL TO ORDER: The February 11th, 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, Erika Randall, Liz Stone, and Robert Wills. Absent: None. Staff Present: City Administrator Ryan Mathisrud, Fire Chief Terry Long, Police Chief Jeff Appel, Liquor Store Manager Scott Olson, Planner Andrew Mack, Public Facilities Superintendent Chris Fieldsend, Treasurer Angela Brumbaugh, and Clerk Margie Vik. Others Present: Tim Little, Rod Nordberg, Jeff and Raelyne Fieldsend, Ruth Ann Campton, Kim Donahue, Barb Thomason, Cynthia Jones, Steve Peloquin, and Robin Fish from the Park Rapids Enterprise.

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

4. APPROVAL OF MINUTES:

4.1. City Council Regular Meeting Minutes- January 28, 2020: A motion was made by Conway, seconded by Stone, and unanimously carried to approve the January 28th, 2020, City Council Regular Meeting minutes as presented.

4.2. City Council Special Meeting Minutes-February 5, 2020: A motion was made by Stone, seconded by Wills, and unanimously carried to approve the February 5th, 2020, City Council Regular Meeting minutes as presented.

5. FINANCE:

5.1. Payables & Prepaids: A motion was made by Randall, seconded by Conway, and unanimously carried to approve the payables in the amount of \$30,699.73, and the prepaids in the amount of \$197,968.48, for a total of \$228,668.21.

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 #2020-41 Permitting the Destruction of Aged Documents as Determined by Adopted Minnesota General Records Retention Schedule.**
- 6.2. **Approve Plumber's Permits to Work in the City of Park Rapids in 2020 for Lindow Plumbing Inc., Rasmussen Plumbing Inc., and Hass Geosystems Inc.**
- 6.3. **Approve Backhoe Operator's License to Work in the City of Park Rapids in 2020 for Minnesota Energy Resources-*restricted*.**
- 6.4. **Approve Golf Cart/Class 2 ATV License to Drive on Streets in the City of Park Rapids in 2020 for Trevor Persons-ATV.**
- 6.5. **Resolution #2020-42 Re-Appointing Kim Donahue to Serve on the Parks & Beautification Board for the City of Park Rapids.**
- 6.6. **UTILITY BILLING: Approve a Reduction in the Amount of \$287.47 for the Sewer Portion Only, for the 2019 Fourth Quarter Utility Billing for Gloria Kueber, at 19351 Eagle Pointe Trail, Account #01-00019351-00-2, PID #32.91.00100.**
- 6.7. **Approve Thursday, April 9th, 2020, at 9:00 a.m. for the Local Board of Appeal & Equalization Meeting to be held in the Park Rapids City Council Chambers.**
- 6.8. **Resolution #2020- 43 Approving a Wine and Strong Beer License for Pizza Hut in the City of Park Rapids.**
- 6.9. **Approve Pay Request in the Amount of \$1,000.00 for Northland Securities for the Fiscal Year Ending 2018 Annual Continuing Disclosure Report.**
- 6.10. **Approve Pay Request in the Amount of \$2,775.00 for Banyon Data Systems for Annual Computer Software Support.**
- 6.11. **Resolution #2020-44 Setting Public Hearing on the Proposed Vacation of a Portion of Alley for the Simonson Addition in the City of Park Rapids.**
- 6.12. **Deny Request to Donate Funds to the All Veteran's Memorial in the City of Park Rapids.**
- 6.13. **Deny Request to Donate Funds to Kinship of the Park Rapids Area.**

- 6.14. **Approve Use of the Park Rapids Fire Hall for the 2020 Firemen's Ball on March 21st, 2020.**
- 6.15. **Approve Pay Request in the Amount of \$82,364.00 for the League of Minnesota Cities Insurance Trust for the 2020 Worker's Compensation Insurance.**
- 6.16. **Approve Pay Request in the Amount of \$885.94 for the Park Rapids Chamber of Commerce for the 2019 Fourth Quarter Billing, as per the Wayside Rest Agreement.**
- 6.17. **Resolution #2020-45 Approve Wage Adjustment and Step Increase for Part Time Rapids Spirits Liquor Store Clerk Mark Fox.**
- 6.18. **Resolution #2020-46 In Support for 2020 Bonding Request for the Development of the Heartland State Trail Extension West from Park Rapids to Moorhead.**
- 6.19. **Resolution #2020-47 In Support for 2020 Bonding Request for the Development of the Itasca-Heartland Connection State Trail from Lake Itasca State Park to Heartland Trail.**

END OF CONSENT AGENDA

7. COMMENTS FROM CITIZENS: There were no comments.

8. PLANNING:

8.1. Resolution Approving Rezoning Application for City of Park Rapids Requesting to Amend the Comprehensive Plan Future Land Use Map from Residential to Park and Open Space in the City of Park Rapids, PID #32.40.05700 and #32.40.05800: Planner Andrew Mack stated the city received two parcels of land as a donation, which included a house and a garage. In reviewing the comprehensive plan's future land use map for the purposes of consistency with a rezoning application we looked to maintain any zoning consistent with that plan. Therefore, you have a resolution before you recommending that the future land use map be amended from residential to park and open space in order to accommodate the change in zoning and for future expansion of the city's Depot Park. We recommend your approval.

Conway questioned are the buildings still sitting on that property? Mack stated yes. They are scheduled to be demolished at some future point which would be brought back before the City Council as a separate project.

A motion was made by Stone, seconded by Wills, and unanimously carried to approve Resolution #2020-48 Approving Rezoning Application for City of Park

Rapids Requesting to Amend the Comprehensive Plan Future Land Use Map from Residential to Park and Open Space in the City of Park Rapids, PID #32.40.05700 and #32.40.05800.

8.2. Ordinance First Reading: Zoning District Boundary Amendment from the City of Park Rapids to Rezone Two Parcels Located on Fifth Street East from R-2 Single, 2 Family and Townhouse Residential District to P Public and Quasi-Public Zone, PID #32.40.05700 and PID #32.40.05800:

Mack stated now that you have approved the amendment to the comp plan the next action is to rezone the property from R-2 single, 2-family and townhouse residential to Public, and public use are what your parks are zoned so that the expansion of the park will include this park as a permitted use. We recommend approval on first reading of the ordinance amending the zoning on the property from R-2 to Public.

A motion was made by Conway, seconded by Stone, and unanimously carried to approve the first reading of Ordinance Zoning District Boundary Amendment from the City of Park Rapids to Rezone Two Parcels Located on Fifth Street East from R-2 Single, 2 Family and Townhouse Residential District to P Public and Quasi-Public Zone, PID #32.40.05700 and PID #32.40.05800.

8.3. Ordinance First Reading: Zoning District Boundary Amendment from L.Stephen Larson to Rezone One Parcel Located at 205 Pleasant Avenue from B-2 General Business District to R-B Residential Business Transitional District, PID #32.37.03400:

Mack stated this rezoning request is for a private property owner Mr. Stephen Larson for rezoning of the property located at 205 Pleasant Avenue. This parcel currently has a combined use of dental clinic, office use, and residential apartments. He has eleven units in there and the building across the street is being remodeled and that dental clinic will move there. Upon that move, the applicant has expressed interest in converting the remaining office/dental space into six new apartment units. The first step in achieving that will be to rezoning the property. The request is consistent with the comp plan. The Planning Commission has reviewed this and is recommending approval of the first reading of this ordinance.

Mack stated if approved, and if there is a plan to remodel it, a conditional use permit would be required to permit it as a future request. All we're doing now is rezoning. It is currently B-2. It has already been rezoned by the Council for the R-B transitional residential district. We are continuing this pattern to make the entire block consistent with the same zoning district and consistent with the use of both existing and proposed uses.

Conway questioned if we approve this and they come back with a conditional use permit request, is that going to require any variances from the city? Mack stated we won't be able to analyze that until they make an application. I can't foresee any variances would be required. One question that came up at the Planning Commission meeting was parking availability. We do have a public surface parking lot across the street. We do permit on-street parking at that location and there is some available land area available for off-street parking on the site. In terms of remodeling, a variance is not expected, but additions or expansions would likely not be permitted without a variance, so it would be only within the existing shell of the structure that is presently there for a remodel.

A motion was made by Conway, seconded by Wills, to approve the first reading of Ordinance Zoning District Boundary Amendment from L. Stephen Larson to Rezone One Parcel Located at 205 Pleasant Avenue from B-2 General Business District to R-B Residential Business Transitional District, PID #32.37.03400.

Discussion: Randall questioned can you describe to me what land parking is? Is there a designated parking spot or are they going to be parking in their front yard? Mack stated there is land area that is part of a driveway off to the north side. There is also some land area in the back behind and a small area around the back on the southwest corner of the building that could be designated for off-street parking and improved for additional off-street parking. Otherwise the city's surface parking lot directly across the street can be used. Conway questioned isn't there a gravel parking lot off of the alley? Mack stated there is some gravel surface back there. When the request was made it was completely covered with snow and it's hard to ascertain what's there. We would work with the landowners to work through that if they do come forward with a CUP request. What's triggering the CUP would be additional units beyond the eleven that are there. Anything greater than twelve would trigger a CUP. They'd go from eleven to seventeen.

The vote was called.

The motion carried unanimously.

8.4. Ordinance First Reading: Zoning District Boundary Amendment from the City of Park Rapids to Rezone One Parcel Located at 201 Pleasant Avenue from B-2 General Business District to R-B Residential Business Transitional District, PID #32.37.03200: Mack stated the corner lot on this block at 201 Pleasant Avenue is currently zoned B-2. In tandem with the previous application, I determined that it was appropriate, and the Planning Commission concurred, and recommended that based on the city initiated application, which also included contacting of the current landowner who was supportive of the city's action on this to complete the rezoning of the entire block from B-2 general downtown zoning district to R-B residential business transitional district. For consistency purposes this first reading would be to amend the zoning on this property, and we recommend your approval. Under the current zoning the use of this property is non-conforming, grandfathered in. By making this change it would make it a permitted use and the owner was supportive of that because if there ever were to be any additions made to the home they would be allowed with a permit. Right now, they would be prohibited. We recommend your approval on the first reading of this ordinance.

A motion was made by Wills, seconded by Conway, and unanimously carried to approve the first reading of Ordinance Zoning District Boundary Amendment from the City of Park Rapids to Rezone One Parcel Located at 201 Pleasant Avenue from B-2 General Business District to R-B Residential Business Transitional District, PID #32.37.03200.

9. GENERAL BUSINESS:

9.1. CONTINUATION OF CITY COUNCIL SPECIAL MEETING ON FEBRUARY 5, 2020, AT 6:00 PM: Preliminary consideration of allegations against a City of Park Rapids Employee under Minn. Stat. 13D.05, subd. 2(b):

Mathisrud stated this is for preliminary consideration of allegations against a city employee, Chris Fieldsend, under Minnesota Statutes 12D.05, subdivision 2(b). A week has past since the February 5th meeting and we're here for the continuation of that meeting. At this time the Council should consider making a decision on how to proceed on this matter. I did make that recommendation of discharge in my January 31st letter to Mr. Fieldsend. However, in light of the risks indicated by the city attorney I feel as though at this time I can no longer support that recommendation. However, if Council feels discharge is still warranted, they may make a motion to approve it. If Council feels a discharge is not warranted no motion is required. They should provide some feedback/input, and I'll take appropriate disciplinary action, per the personnel policies, including steps necessary to address the underlying issues.

Leckner requested discussion from the Council. Conway stated Mathisrud has withdrawn his recommendation. I do consider this to be an egregious error. I struggled with whether or not to support that recommendation, back and forth, depending upon the time of day you asked, however many weeks it's been since we've been continuing it. I look at discipline as being a way to change behavior, and termination to be used if we determine you can't get the behavior changed, or we can't afford to have an opportunity for a second offense. I was not as of tonight at the point of termination. But I would tell you if a similar case came in front of me tomorrow given the fact that you've made the statement that it is unacceptable to manage a department and not manage the systems that employees within that department. If the similar case came in front of me tomorrow, I very well may make a different decision. I'll just leave that out there.

Randall stated my position is unfortunate because I do think this warrants termination, but I also think it's more important to support the city administrator and his recommendation to the Council. As this goes back to Administrator Mathisrud for consideration, I want to note that I think that any disciplinary action needs to be taken very quickly, because we are paying someone to not work right now. I do think that whatever the discipline includes I think a demotion from manager status should be considered as well as Mr. Fieldsend is no longer in charge of the maintenance of our fleet vehicles.

Leckner stated that would be my big thing too. I would be more comfortable if he wasn't in charge of the fleet vehicles, so take the managerial part away, if we are going to do some sort of disciplinary action. Maybe we look at his position and what we want of that.

Stone stated I would go along with that and I would also ask to consider a decrease in wages. Salary should be taken away with a decrease in duties. It should naturally result in a reduction of pay. Randall stated I have a memo from Fieldsend's attorney and I don't think that the 10% reduction comes close to an adequate reduction.

Mathisrud stated it sounds like the Council is not supportive of a discharge. I will take appropriate disciplinary action on this matter and close it out.

10. CITY ADMINISTRATOR COMMENTS: Mathisrud stated due to the Mayor's request my six-month performance evaluation closed session will be moved to February 25th. We have submitted the disbursement request to DEED. They are in the process of approving it and they need to do that prior to setting a closing date for the armory. That is moving forward and hopefully we will get a resolution on that soon.

11. DEPARTMENT HEAD UPDATES: There were no comments.

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

13. COMMENTS FROM COUNCIL: There were no comments.

14. ADJOURNMENT: A motion was made by Wills, seconded by Conway, and unanimously carried to adjourn the meeting at 6:20 p.m.

[seal]

Mayor Ryan Leckner

ATTEST:

Margie M. Vik
City Clerk