

**CITY OF PARK RAPIDS
CITY COUNCIL SPECIAL MEETING
MAY 6, 2020, 5:00 PM
Via Telephone
Park Rapids City Hall Council Chambers
Park Rapids, Minnesota**

Pursuant to Minnesota Statutes 13D.021, Subdivision 1(1), the City of Park Rapids has determined that in-person meetings of the Council are not prudent during the COVID-19 health pandemic/peacetime emergency declared by the Governor's Executive Order No. 20-01 under Minnesota Statutes Chapter 12. As such the following City Council meeting during such state of emergency was held by telephone, and the presence of the Councilmembers and the public at the meeting was not feasible.

1. CALL TO ORDER: The May 6th, 2020, Special Meeting of the Park Rapids City Council was called to order at 5:00 p.m. by Mayor Ryan Leckner.

2. ROLL CALL: Present: Mayor Ryan Leckner (**in person**), Councilmembers Tom Conway, Erika Randall, Liz Stone, and Robert Wills (**by phone**). Absent: None. Staff Present: Administrator Ryan Mathisrud (**in person**), Planner Andrew Mack and Clerk Margie Vik (**by phone**). Others Present: Robin Fish from the Park Rapids Enterprise (**in person**), and Jeremy Jude (**by phone**).

3. GENERAL BUSINESS:

3.1. Resolution to Appoint Jeremy Jude as Full Time City Accountant/Treasurer for the City of Park Rapids: Mathisrud stated we are excited to get this position filled. The Personnel Committee did complete the search process for the accountant/treasurer. At the conclusion of that process, we did receive about twelve applications. We interviewed four candidates. We ultimately are recommending extending an offer to Jeremy Jude. Jude is coming from the private sector. He has many years of experience doing payroll processing, preparing financial statements, and is currently the controller of a private company. He does have a second home in the area and his proposed start date is May 26th. We're excited to get him in the seat and hopefully hit the ground running shortly thereafter. At this point, our plan is to maintain our accounts payable and payroll process that we currently have in place with Northwoods Tax for one more pay period. That way he does get a good handoff at that time. With Council approval, we'd like to get this position filled.

Mathisrud stated Jude is on the line and it would be appropriate to have him say a few words. Jeremy Jude stated I've been employed in the accounting and financing field for nearly twenty years. I started out as a clerk/bookkeeper for a small construction company and I've worked my way up to my current position as corporate controller for

Wyman Corporation. During my career I've been exposed to many different aspects of business, finance, and accounting. I've worked with companies with many moving parts, and a lot of different things to keep track of. I believe I'll bring value to the position, and that I'll be able to do a great job for the city and the citizens of Park Rapids.

Jude stated close to seven years ago Laura and I purchased a house just outside of Park Rapids on Fish Hook Lake with the intention of it being a retirement and vacation home in the future. After spending more time in the area, enjoying the community and everything that it offers, we've been looking for opportunities in that area to allow us to move to the area sooner than we originally planned. One caveat was that we find something that interested me and where I could use my skill set. I believe this position matches what I was looking for.

A motion was made by Randall, seconded by Wills, and unanimously carried to approve Resolution #2020-89 Appointing Jeremy Jude as Full Time City Accountant/Treasurer for the City of Park Rapids.

Discussion: Leckner stated I'd like to welcome Jude on board. Mathisrud stated, to Jude, I'll reach out to you after this. The Council welcomed Jude to the city.

3.2. Restaurant Sidewalk Cafes During COVID-19: Mathisrud stated this is continued from the last meeting where it was brought up to do some research into sidewalk cafes for local restaurants.

Andrew Mack stated we did have a discussion regarding this following a conversation at the Heartland Lakes Development Authority meeting. We explored this idea and put together some information and a resolution that would create an opportunity for this season only on a temporary basis to help us rebound from the COVID-19 that we've all been dealing with. We put a number of provisions in place and we think we have something that is workable. I reached out to three of our businesses and there was strong interest in this particular sector of our business community. They weren't prepared to commit to whether or not they want to do something, but we think we are doing the right thing to create some opportunities as discussed at the last meeting.

Mack stated we have a resolution which has a two stage process for alfresco seating and food service through the end of October. If and when the governor's order is lifted allowing dine-in restaurants to open in our state, and in the event that one of the businesses would like to do an add on as opposed to something that would be allowed for alcohol service all year long in the same places, we came up with a compromise where they can obtain a special event permit like we currently have already in the city code and they would apply with City Council approval, with appropriate additional insurance.

Mack stated we are recommending that you consider adopting this resolution. Given the fact that the governor's order extends through May 18th, we have some additional time. If you are inclined to approve this tonight, then our local businesses will have time to react to it and whether or not it will work for them. We would recommend your approval.

A motion was made by Conway, seconded by Stone, to approve the Resolution Authorizing the City Administrator to Execute License Agreements to Use Public Right-of-Ways for Temporary Alfresco Dining Outdoor Seating Areas on Sidewalks and Parking Spaces to Rebound from COVID-19 Virus Pandemic Adjacent

to Business Building Locations, by and between the City of Park Rapids and Individual Businesses in Park Rapids, Hubbard County, Minnesota.

Discussion: Conway questioned what is the logic as to the limitations on four parking spaces? What is the reasoning behind that number? Mack stated I went out on Main Street and measured and looked at some of the potential businesses that may consider taking advantage of this. Given the fact that we have angled parking there's quite a bit of square footage that might provide space for a table setup for appropriate outdoor social distancing. We also need to keep in mind that other downtown retail businesses, hopefully, will also be allowed to open, and we want to make sure we preserve some spaces for parking for those other businesses as well, which is why the resolution says it can't be any more than four contiguous spaces. In my measurements it appeared to me that with four spaces, we could probably get two businesses together to share those four spaces. There was a little bit of logic that went into coming up with four spaces.

Conway questioned how many tables with social distancing can you fit in four spaces? Mack stated I didn't do a full planogram because I don't know the size of the tables. Obviously, the smaller the tables the more you can fit in there.

Wills questioned what about the pathways? Are they going to be on the sidewalk and on these spaces? Mack stated the way that the standard is laid out they are going to have the option to do either way. If they chose the sidewalk, which is the feedback from a couple of businesses, they don't want servers chasing out across a sidewalk into a parking space in the street, just for operational aspects of safety for the servers, convenience, efficiency. Some would prefer to put tables up against the building on the sidewalk in order to keep an open passageway on the sidewalk. We created the opportunity as an option to put a boardwalk right next to the curb that would have proper ADA accessibility so that the other patrons in our downtown are still able to move freely. The restaurant and bar would still be able to have a meaningful space.

Mack stated I'd like to add that I've done research in other communities in the state that have successfully employed these measures and have those provisions in place on a seasonal basis. It really works well. It's a festive environment for the downtown. In this case we're trying to create more space inside the regular dining areas for tables that may have to be moved out or spaced out further just to respond to whatever state standards might be placed on restaurants, but also in terms of customers willingness to come and get out and enjoy the dining experience but may not be as comfortable sitting too close to anyone else.

Randall questioned there wasn't anyone that actually wanted this? There hasn't been someone who came to you asking for this? Mack stated yes there has been, last year. That same business I did communicate with and they were very supportive of the city's efforts to do this. Whether or not they will take advantage of these remains to be seen. It depends on their business operations and how to take advantage of it or not.

Leckner stated this is definitely new and if we start with these guidelines my guess is if we find out something is not working we have the ability to change it at a later date. This would be the standard to start with and see how it works. Conway stated this was actually brought up at Heartland Lakes Development Commission. The county representatives have looked at some of the facilities out in the county and we thought it would be a good adaption as well.

Conway questioned, to Mack, can you walk me through Item #6? I'm struggling to try to envision what the implementation of the item, as far as the temporary liquor license and the twelve days. What are we seeing as to the purpose of a temporary piece? Vik questioned could I speak to that? A business owner who has an on sale liquor license does not qualify for a temporary liquor license. Only non-profit organizations can apply for temporary liquor licenses. The twelve days (per year) is what applies to the non-profits. The city cannot do this. You have to strike paragraph #6 from this resolution.

Conway stated to that point then, somebody who has a liquor license, are they able to sell liquor at their outside tables? Vik stated not at this time. The governor is not allowing any liquor sales on premise during this COVID. Those businesses are allowed the take out, in conjunction with food, they can sell a six pack of beer or a bottle of wine to take out. They cannot consume it on premise.

Conway questioned what if they lift the restrictions? Vik stated if the restaurants and bars were all opened again, I'm assuming, they would be able to sell within their premise for what they are licensed for, so this wouldn't be necessary. Conway stated we're saying they would be able to sell to the outside table because they would have a license that they applied for through the city. Vik stated no. They have a license to sell within their premise. They don't have a license to sell on city streets. Conway stated what I'm saying is if I sat down at an outside table at a restaurant can I order a beer? Vik stated that establishment would have to reapply for their liquor license, and they would have to include all of the outside areas on their liquor liability insurance and change their licensed premise to cover it. So it's a two-step process for them. They have to provide documentation that they have liquor liability insurance for an outdoor seating area. But you have to also bear in mind that the city ordinance restricts drinking on city sidewalks and streets.

Leckner stated our thoughts were if the restaurant can't sell the alcohol outside they'd have to seat people and let them know that for those outside seats. Vik stated correct.

Randall stated this is exactly the conversation that we had with the one business that wanted to do this last year and we weren't at that time going to change our ordinance to sell alcohol and if she wanted to seat people outside they'd have to advise them that they couldn't have alcohol. I want to make sure this is very clear that if we pass this when businesses are allowed to open that if they seat them outside they are not going to let them order an alcoholic beverage. I want to make sure everybody understands that very clearly and that there is no mixed messages going to our restaurants. Mathisrud stated we have had that discussion internally here as staff, so when we draft up the actual license agreement that is spelled out in the agreement itself that they cannot sell liquor out in the street. Unfortunately that's the one gap in this program that makes it not that great, but at least people will be able to sell food outside and they would just have to manage how they do that and to make sure people know that they won't get alcohol out on the street.

Vik questioned if you went into a restaurant in the downtown area and bought their takeout food and their takeout liquor and you walked out and they had a seating area out on the street would our police force allow them to sit on the street and drink that wine? That's the question here. Mathisrud stated I don't know the answer to that. I have to talk to Chief Appel about that. But I would suspect no. If you can't already drink out on the street then I would suspect the same rules apply.

Vik stated if you apply this to the teenagers, assuming that they were of age, the groups of young people that hang out on Main Street and they have beer, isn't that something that the police are constantly chasing them away for? Leckner stated I would hope so. But we're saying this ordinance would allow them to serve food out on the street, not alcohol. Our understanding is we don't want them to serve alcohol, we want them to be able to set up tables and serve food.

Vik stated clause #6 in this resolution says you are going to give them a temporary liquor license. Mack stated that was the intent on writing this on a special event basis whereby they would have to go through a second step for up to three days as part of one permit for a weekend. They'd have to come back before the City Council in advance to do a temporary amendment of their liquor license for that special event. Vik stated I already stated they do not qualify for a temporary liquor license. Only non-profits can have those. Randall stated that will have to be stricken. Mack stated it's true it would have to be stricken if there is clear intent for the City Council not to allow any alcohol to be served on the street. Randall stated it has nothing to do with whether or not we want people to drink on the street. Vik just said they don't qualify for a temporary license. That's the issue. We can't even give them a temporary liquor license.

Stone questioned is the Second Street Stage non-profit? Is that why they can have a beer garden on the street? Vik stated yes. They are a non-profit organization that has been in existence for more than three years, so yes they qualify for that temporary license. Stone questioned so if a business donated the funds made from the sale of alcohol could they do that? Vik stated if the business wanted to work in conjunction with a non-profit they could do that. The non-profit would be keeping the money, and the idea is that the liquor license holder, the restaurant owner, is trying to make money. I don't know that anyone would want to do that, but that is a possibility if they worked with a non-profit.

Leckner stated would it take care of it if we struck #6. Vik stated yes it would. Leckner stated that makes sense and then all the other options can come into play later if people want to bring other ideas to us. All we're trying to do here is give them some help.

Conway stated my thought goes to this. I want the restaurants to get the tables outside and do the social distancing they need. At the same time I don't want to tie their hands, or lose customer base to other places because they can't get a beer. I'm trying to get a read on what everybody wanted to do, and I didn't get one. I'm trying to figure out if there would be a way to get around the ordinance. If there would be something we could do temporarily. This is only good to October 31st on this resolution. I was trying to figure out if there were a way around it, but I don't know if the rest of the Council wants to find a way around it or not. Leckner stated I would agree if there is something we can change. We'll have to find that out. We can refer it back to staff. Mathisrud stated if the Council wants us to look into the liquor issue further we could give you a better report on what that would look like and what the risk would be, and we could potentially have that back to you by Tuesday.

Conway amended his motion, and Stone seconded, to delete Clause #6 from the resolution, and then approve Resolution #2020-90 Authorizing the City Administrator to Execute License Agreements to Use Public Right-of-Ways for Temporary Alfresco Dining Outdoor Seating Areas on Sidewalks and Parking Spaces to Rebound from COVID-19 Virus Pandemic Adjacent to Business Building

Locations, by and between the City of Park Rapids and Individual Businesses in Park Rapids, Hubbard County, Minnesota, and then look into the possibility of serving liquor in the outdoor areas under a separate resolution.

The vote was called.

The motion carried unanimously.

Leckner stated I'd like to introduce another item for discussion. Mathisrud stated at a special meeting, the Council may discuss but cannot take any official action on an item that was not posted on the agenda.

Leckner stated the City of Lakefield passed a resolution. It basically allows their city businesses to open up. It says they are not going to enforce the governor's executive order. They follow the constitution, and the resolution says they are a constitutional and business friendly community. I've been in contact with the county commissioners who all seem in favor of it. The county would follow us. I wanted to see how the Council stands on this. We won't have action tonight but we could have staff come up with a similar resolution or an idea of what we are going to do. We are watching our businesses struggling and dying. As a Council do we want to take some action and try and protect our city both health-wise and economic-wise? The other part of this resolution is it encourages that we still follow the Minnesota Department of Health and the CDC guidelines or social distancing. We still expect the businesses, when they are open, to follow the rules just like the big box, hardware, and grocery stores, which they are allowing to be open. The small businesses on Main Street can do the same thing with social distancing. I'd like to have discussion on that.

Stone stated I'd like to see it referred back to staff. I know it's a huge concern that in essence Main Street is closed. It's a quandary that hardware stores and Walmart can be open and they're practicing social distancing, and our Main Street stores aren't allowed to be. I'm confident that business owners would put measures in place to keep people safe and to exercise social distancing much the same way they do at the grocery stores with the vinyl identification markers on the floor and the directional arrows used for traffic flow in the aisles.

Randall stated I think it would be easier for small businesses on Main Street to adhere to social distancing. I can't see how it would be more difficult for them. They are able to see everyone that comes in and control the amount of people inside. I think staff should come back with a recommendation and we'll discuss it more.

Leckner stated that's the direction that I'd like to go too. Lakefield is one of the first cities to do this. Our county is behind us 100%, the commissioners, the attorney, and the sheriff. They all agree. I think it's something that we should look into. The Council should take the time to read that resolution. It's giving people choices to move about freely and run your business or not. You don't have to. We're not making that decision for them. We want this to be an option.

Randall stated I want staff to talk to Chief Appel so we can get his prospective on this. It's great that the county sheriff supports it but we need to know what Chief Appel says. Leckner stated I had a discussion with him. If he gets an order from the Council that really helps him. Right now he's following the executive order. We'll get his input.

Conway stated I'm reserving comment at this time. I'm not familiar with the resolution. I do have concerns of going around an executive order. We have to see what the city staff comes back with. I do have concerns at this point. Leckner stated read the resolution. An executive order is not law until it's passed by the house. There's a difference. Conway stated I don't know that I'm worried about violating the law as much as I am of not having the knowledge and resources to say that I can make a better decision.

Mathisrud stated city staff will take a look at it; we'll do some research and see what we can put together for Tuesday.

4. ADJOURNMENT: A motion was made by Conway, seconded by Wills, and unanimously carried to adjourn the meeting at 5:37 p.m.

[seal]

Mayor Ryan Leckner

ATTEST:

Margie M. Vik
City Clerk