

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
MAY 12, 2020, 6:00 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 12th, 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 (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, Police Chief Jeff Appel, Liquor Store Manager Scott Olson, and Clerk Margie Vik (by phone). Others Present: Senator Paul Utke, Sue Tomte, Kathy Grell, Hubbard County Commissioner Char Christenson, Butch DeLaHunt, Adam Herberg, and Robin Fish from the Park Rapids Enterprise (by phone).

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

Add to the Consent Agenda #6.11. Approve Repairs in the Amount of \$2,220.00 by Indigo Sign for the Sign Message Center on the Rapids Spirits Liquor Store.

8.1. Additional Information for Serving Liquor in Outdoor Areas.

8.2. Additional Information for Resolution for Constitutional and Business Friendly Community in the City of Park Rapids.

8.3. Additional Information for Appointing Planning Intern.

4. APPROVAL OF MINUTES:

4.1. City Council Regular Meeting Minutes-April 28, 2020: A motion was made by Stone, seconded by Conway, and unanimously carried to approve the April 28th, 2020, 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 \$15,109.56, and the prepaids in the amount of \$351,810.11, for a total of \$366,919.67.

6. CONSENT AGENDA: Randall removed Item #6.11. from the consent agenda. A motion was made by Stone, seconded by Conway, and unanimously carried to approve the following consent agenda items:

- 6.1. Approve Purchase in the Amount of \$7,495.20 for Two (2) New Sets of Turn Out Gear for Two (2) Firefighters for the Park Rapids Fire Department.
- 6.2. Approve Purchase in the Amount of \$1,150.00 for a 55 Gallon Barrel of Class A Foam to Replenish Inventory for the Park Rapids Fire Department.
- 6.3. Approve Backhoe Operator's License to Work in the City of Park Rapids in 2020 for Cooperative Development LLC-*restricted*.
- 6.4. Approve Tree Contractor's License to Work in the City of Park Rapids in 2020 for AC Construction.
- 6.5. Approve Golf Cart/Class 2 ATV License to Drive on Park Rapids City Streets in 2020, for Richard Harsha-ATV.
- 6.6. Approval to Hire Teri Osterman with Resources Training and Solutions in the Amount of \$1,500.00 to Conduct a One-Day Rate Study of the City's Utilities, with the Assistance of City Staff.
- 6.7. Approve Rescheduling the First City Council Meeting in August, from Tuesday, August 11th, 2020, at 6:00 p.m., to Wednesday, August 12th, 2020, at 6:00 p.m., due to a conflict with the Minnesota State Primary Election Day.
- 6.8. Resolution #2020-92 Appointing Patrick Simmons as a Temporary Seasonal Public Works Parks Worker for the City of Park Rapids.
- 6.9. Resolution #2020-93 Appointing Charles Barbin as a Temporary Seasonal Public Works Street Maintenance Worker for the City of Park Rapids.

- 6.10. Approve a Public Facilities Use Permit for Park Rapids High School c/o Activities Director Jeremy Nordick to Use Helton Avenue, Fair Avenue, Fifth Street, and Pearl Avenue, on Sunday, May 24th, 2020, from 3:30 p.m. to 4:30 p.m. for High School Graduation Activities.**

END OF CONSENT AGENDA

6.11. Approve Repairs in the Amount of \$2,220.00 by Indigo Sign for the Sign Message Center on the Rapids Spirits Liquor Store: Randall stated I'm wondering if this went through city staff first to talk about whether we should just replace the sign instead of spending \$2,200.00 to fix the old one. If we are going to turn around and replace it next year we should put that money towards the purchase price. Mathisrud stated that is an option. In my discussion with Scott Olson it was that we would bring that through the normal budgeting process this year to request the funds to replace the sign. At this point it's starting to look tacky. But if we don't replace it this year, yet continuing to maintain it will cost money. If we let it go until next year, we're confident that we can get those funds in the budget. Randall stated I'm not suggesting that we let it go until next year. I'm wondering if we have a Finance Committee meeting to see if we can't get it done by using liquor store funds this year. Mathisrud stated that is an option. We'd be happy to bring this to the Finance Committee and have those discussions. I'm open to that. Scott Olson stated I think it's inevitable that we'll have to replace it either this year or next. We don't have it budgeted for replacement this year, but we have the option of at least repairing it. Stone stated I would prefer to explore it because it seems like a waste to spend \$2,200.00 this year and then replace it next year.

A motion was made by Randall, seconded by Stone, and unanimously carried to refer the repairs, in the amount of \$2,220.00 by Indigo Sign for the Sign Message Center on the Rapids Spirits Liquor Store, to the Finance Committee for review.

7. COMMENTS FROM CITIZENS: Sue Tomte stated the telephone number posted on tonight's agenda is incorrect. Leckner stated we noticed that earlier and got the correction out as soon as we could. Mathisrud stated we apologize for that, it was an oversight.

8. GENERAL BUSINESS:

8.1. Serving Liquor in Outdoor Areas: Mathisrud stated I asked the city clerk to prepare a summary outlining some of the issues associated with that and she's prepared to speak to that tonight. Vik stated I hope that everybody read the memo and I don't know that I want to go through each point, but if you have any questions for me I'm here to answer them.

Mathisrud stated basically as I understand the issues with liquor licensing is ultimately the state writes the rules associated with the sale of liquor on streets. Basically, it's not allowed. The only way of allowing the sale of liquor outside in that type of situation is to license the area, fence it off, it has to be attached to the building, and they have to redo their liquor license so in a sense creating an all new premise. For this temporary situation, we're not recommending pursuing this. It would be more effective if the governor were to issue an executive order that would temporarily lift those liquor laws similar to what he did for on-sale restaurants.

Leckner stated I'm in agreement. We don't know if the restaurants are even going to use the outdoor seating or if it's going to be needed. If they want they could serve alcohol inside and not outside. If it becomes a big deal we could look further into it later. I think we should leave it alone at this time. Randall stated I would agree with that. I think there are too many moving parts to make this efficient and/or useful to our businesses downtown. Conway stated I would agree also. Wills stated I agree.

Mathisrud stated there is no action required on this item.

8.2. Resolution for Constitutional and Business Friendly Community in the City of Park Rapids: Leckner stated the resolution that was in the packet has been changed. We talked to our attorney and we've changed the resolution. We'll read it so everyone will have an idea of the changes.

Mathisrud stated our attorney looked at the original resolution and I asked him to draft a resolution for us. They identified several risks associated with the original version. This resolution captures the sentiment.

Mathisrud read the resolution into the record:

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PARK RAPIDS, MN, SUPPORTING LOCAL BUSINESSES AND URGING THE GOVERNOR TO REOPEN ALL MINNESOTA BUSINESSES

WHEREAS, the City of Park Rapids, Minnesota (the "City") is in Hubbard County, Minnesota; and,
WHEREAS, as of May 12, 2020, Hubbard County has zero confirmed cases of the SARS-CoV-2 virus and the disease it causes, Coronavirus Disease 2019 ("COVID-19"); and,
WHEREAS, the City is home to many small business, bars, restaurants, salons, and individuals forced to close or drastically cut offerings or hours and thus have suffered undue hardship and serious, potentially permanent economic consequences because of Executive Order No. 20-48 ("Stay at Home Order"); and,
WHEREAS, while the State does not consider these businesses "essential" pursuant to the Stay at Home Order, but the City fully recognizes how essential these businesses are to the local economy, community, and future of the City; and,
WHEREAS, big box stores and other "essential" businesses have been allowed to continue operations by following the Minnesota Department of Health ("MDH") and Center for Disease Control ("CDC") guidelines for the last two months; and,
WHEREAS, the City recognizes all businesses are capable of independently and successfully implementing the strategies identified in the MDH and CDC Guidelines to protect everyone from COVID-19, including the most vulnerable citizens, without further government intervention; and,
WHEREAS, the Stay at Home Order was to be lifted on May 4, 2020, but the State has extended the order once already by an additional two weeks to May 18, 2020; and,
WHEREAS, the City is committed to providing an even playing field and predictable environment for all businesses, regardless of size or "essential" status; and,
WHEREAS, the City, as political subdivision of the State of Minnesota, recognizes the authority of the State of Minnesota to issue and enforce the Stay at Home Order and any other executive orders, and nothing herein is meant to encourage violations of executive orders or any other laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL THAT:

1. The City of Park Rapids supports its local business community, including the owners, employees and patrons of such businesses, and disagrees with any and all measures that would continue to require the closure of such businesses or unreasonably limit such businesses' operations.
2. The City of Park Rapids calls on Governor Tim Walz, the Minnesota Legislature, and the Minnesota Department of Health to immediately allow the reopening of all Minnesota businesses in order to prevent a deepening of the current economic catastrophe and to save our community's small businesses and families from undue financial ruin.
3. The City of Park Rapids encourages all citizens to take personal responsibility to follow MDH and CDC guidelines for social distancing, mask wearing, and general conduct while out in public.
4. The City of Park Rapids encourages all business to prepare to follow MDH and CDC guidelines to protect citizens as soon as it is legally permissible for such businesses to reopen

Mathisrud stated the primary difference between the resolution in the packet and this one is that this one does not take the stance of stating that we won't enforce the executive order. Ultimately, we are required to enforce that order. By not doing that, or taking an open stance of not doing that, the concern is that it creates an additional risk or potentially liability for the city if the state were to take action against us, that time of action would not be covered by the League of Minnesota Cities Insurance Trust. It would potentially create liability in that respect. For the businesses that are licensed through the state, like bars and restaurants, if they open in violation of the governor's order the state can take action by revoking their license. A lot of businesses are licensed through the state, like beauty and barber shops. That could create issues for them. For that reason I would recommend this alternative resolution.

Leckner requested comments or questions. Conway stated so we're not saying we won't enforce the stay at home order, we just saying we still expect our police department to make the calls if necessary. Mathisrud stated that is correct. They would continue to respond to complaints and if they are valid complaints associated with the shelter in place order, we would expect the department to respond to those. How much pro-active enforcement, I don't know. If Chief Appel is on the line he could comment on this.

Appel stated to clarify, the governor's position on this all along has been education. Our response has been on a compliant basis. The state has been sending complaints to us by phone. In all, business owners have been very understanding. It is a conversation educating everybody. All problems have been resolved. There has not been a huge issue to this point.

Conway stated I have received more communications over this resolution than I have on any other topic that we have had, even for the armory. A lot of them were of the belief that we were going to have some authority to open up the city and this resolution does not do that.

Randall stated I look at this resolution similar to the letter that was sent here a couple of weeks ago to the governor, delivered by Senator Utke. It was a very strong encouragement for the governor to take a look at opening some or all non-essential businesses rather than blatantly stating we are going to do what we want. Just relaying to the governor how important it is to get some businesses open here.

Leckner stated I would agree this resolution is similar to the one we sent earlier. I think it's very important. The other resolution, certainly I would have liked to have seen a direction for the law enforcement to not enforce the governor's order just to free it up. We know that the businesses with permits would not be able to, like restaurants, but I think it would have allowed the little retail stores to be opened. There are not a lot of stores that

aren't opened yet in town, but maybe it would have allowed them to operate a little more freely. I'm still in agreement with this resolution. This will send a message. The governor is going to give an update at the end of the week and I hope that they will let some of these places open up.

Wills questioned is there any reason why we shouldn't table this? Randall stated I think that the way the current one is written is just our support for our community. I don't have any problem going forward with it. That other resolution would have been a lot more discussion and a reason to table it. This one gives our support. I'd like to see this move forward. I don't think we can express our support for our businesses to often to the governor.

Conway stated I would agree with that. I had concerns with the other resolution and I don't mind admitting that. My concern now is passing this resolution might be misleading to the businesses. I want to make sure that we clarify that this is not to open up the city. I don't believe that we have the authority to do that. A couple of concerns that I have with the other one and I want to make sure that we are not doing the same thing is first, I felt as though we were being asked to make a decision of reward versus risk, without knowing how much reward and how much risk is there. I was hoping that the department of health would supply the governor with information to allow him to make a more informed decision that we can't make. With that being said, I do understand there could be a concern that his decision might be influenced by things other than statistics. On the face of it I don't see anything too concerning with the resolution that has been presented, other than a concern that it might be misleading.

Randall stated I too received a lot of communication via email opposed to the proposed resolution, not the resolution that is before us today. That was my concern too, is that we were going to have a lot of folks who maybe are going to speak to this today that are unaware that the resolution has changed considerably. I'm hoping that Mr. Fish from the Enterprise will do his due diligence to make sure that the message is very clear as to what resolution the city passed, because there were a lot of people that were concerned or very supportive of that other resolution. I heard things both ways. This is a very different resolution. This is a very supportive resolution of our businesses and an ask to the governor versus telling the governor what we were going to do. It is very different. That would be my message to our local paper.

Leckner requested any other comments from the Council. There were none. He requested comments from anyone listening.

Senator Paul Utke stated I'll say some things from this end. If you are sending this to the governor, as I read your whereas bullet points I would bold the fourth one. That is as pointed as it can get. It tells the state is not considering our small shops essential, but they are the heart and soul of our community. That was well done. This all boils down to a fairness factor. I know what you are dealing with and what you are trying to do. Coming from my end I'd like to see you keep it as strong as possible, but I realize why you changed it and that's fine. We look around and see all of the big stores open doing a booming business, reporting above average sales. Then we have our small stores figuring out if they'll actually have anything to go back to. They've been closed for two months. I hear it every day the number of stores that are not going to reopen. It's horrible because basically they were shut down by an unconstitutional move. We spent another 45 minutes on the phone with legal counsel. It's just too bad. We have to help and assist in getting our

stores open as soon as possible because we have to give them a fighting chance to capture what they can this spring and the few months of summer that we get up there. It's going to be a battle.

Utke stated the one thing that you were first talking about, you did tell everybody that they could open up, you addressed it, the license issue. It's a big deal. That was something that we were working on here too. Once again the state was going to step in and, in my mind, be a bully, and shut them back down. We actually passed a bill off of the senate floor yesterday to reopen our businesses in the state. Of course, we know, in the political realm down here that probably won't get any traction in the house, and if it did get done the governor might not sign it because it goes in direct conflict with his executive orders. We did include in that that no licensing agency could impose additional penalties or violations for these stores opening. We'll see where that goes. We're trying, like you are, to get the governor's attention, because we're all in the same game trying to get our communities up and running and to salvage what we have left, whether it's our businesses or churches. The latest thing, high school graduations. Keep up the good fight.

Kathy Grell stated I track the online site of the Minnesota Department of Health for situational updates. It appears that most of the deaths are amongst our very elderly and vulnerable in nursing homes and assisted living centers. With that in mind, I look to clamping down and making sure everybody is tested in nursing homes, but then to allow the rest of us to use our best judgement and wear masks and social distance, and encourage the governor to allow people to get their businesses open and proceed with our summer. Because if we don't make it in the summer it's going to be a tough winter. I'm assuming they are clamping down and really working with nursing homes to make sure they are safe. We are fortunate here in Hubbard County, I believe, we are secure at Heritage and the other facilities here.

Utke stated I think if we look at the app where the deaths have occurred they are probably ten to twelve counties total that have the most. Up in our area we have been very lucky, or good. 70% plus of all the deaths have occurred in long term care facilities, which is our nursing homes. Over 99% of all of the deaths have occurred to people that have underlying health conditions, including those in the nursing homes. We know if we were in the nursing home, unfortunately, we'd have health issues of many different kinds. The other thing that we have done research on, maybe we've all had loved ones that have gone into a nursing home, and you fill out paperwork accordingly for them. With their knowledge, in most cases, if they are still able to comprehend that, most residents sign Do Not Resuscitate orders. They just don't want this extra care. When their time is up they know what's ahead of them, their next stop, they've been told in every instance, 100%. We want to make them secure and take care of all of our people in long term care and these people with pre-existing conditions. Beyond the rest of that, 90% of the people that will come in contact with COVID-19 will not even know they had it, if they did. It's a lot like a flu. I met with public health people from South Carolina to Minnesota back in early March as they laid out this whole plan. That's why all my newsletters have been against all of this stay at home and closing everything down. What the professionals are telling us, and how it actually works, and who it will attack, it goes back to those that are fragile. We know we need to take care of them, but the rest of us, we can get back to work and try to salvage what's left of our economy.

Grell questioned would the governor be favorable of looking at not a one size fits all? There are many counties like us that could open up and if the cities want to stay clamped down, let them. Utke stated about three weeks ago I had a conference with the governor. That was the day after the State of Tennessee was opening up. Their governor was doing exactly what you said. He was opening up all of rural Tennessee. Any of the big cities that had their own health departments could do what they wanted. My daughter happens to live in Nashville and she was telling me all of this. I looked it up to see how they were doing and how Georgia was doing. I brought that up with our governor. Our governor doesn't like to have things suggested to him. It has to come from him or the conversation stops real fast. My big pitch was rural Minnesota is different than the metro. We are more like North and South Dakota, Iowa, or Nebraska. They all did different things through this virus crisis that we are dealing with. He has no ears for it, although we keep pounding on it almost daily. He shuts down real fast.

Stone stated when you look at the City of Park Rapids I do a mental walk through and in essence every business in Park Rapids is being given the opportunity to do business somehow, except our downtown. I can't think of anything outside of the downtown that is closed. My question is how can you justify these big box stores, parts store, gas stations, we fall back on they are essential. But, there are small businesses that are essential too. Why is this fair for one to be open and the other not to be?

Utke stated there's no argument from me. We have argued that fairness factor right from the beginning. We had a lot of those comments made on the floor yesterday. Our small mom and pop stores, they are the family stores. We spend our lives doing zoom conferences these days. The only non-essential business is the one that you do not pour your heart and soul into. That's exactly what happens in a small business. The people put every ounce of energy into it. They've tied up their retirements. They've put every asset that they have to put that store together and they like what they do. Now this comes along and treats them unfairly. The big guys are doing business and the little one is not allowed to. It's totally not fair. I spoke up from day one this is not a fair thing. They were shut down in the middle of March. In our part of the country we can't hold our breathe any longer. We don't make any money in the winter. We just kick the can down the road until we get to spring and summer. This stuck the knife in the heart of everybody.

Randall stated I totally agree with Stone's comments. Those are the questions that we are all asking. Why can this store be open and why can't this one? I would ask of Senator Utke to continue to relay those messages and keep having conversations with the governor whenever the opportunity arises. These guys are just trying to make our voices heard. I understand that you have been trying but at this point the blame game isn't going to help our small businesses. What is going to help is that we have representatives that are trying.

Utke stated yes. We have everybody on the same page there. We all have to do our part to make this work. Down here there are definitely a lot of people working with us to support this mission.

Conway stated the point behind the stay at home order was so that our medical facilities could get ramped up to handle it once it started to peak, which should be coming relatively soon. Do we feel we have those medical facilities ramped up? Utke stated in most cases all the stuff we get, yes. Some places will say they don't maybe have the inventory they wanted or were promised. We know that the inventory of supplies, devices,

etc. has reached the state. I don't know where it all sits, but we're also hearing from a lot of our providers, our hospitals, they are like our businesses, when the elective surgeries were started up again yesterday, but they went for numbers of weeks without being able to do those, their financial condition was the same, in dire straits. I only wish we all could get the same, correct data. That is a challenge because it comes from lots of different areas. It can be frustrating when they talk about what some people have and some don't. We understand that the supplies are in the state.

Hubbard County Commissioner Char Christenson stated unless Governor Walz reopens the state within the next week there will be a resolution on our agenda for our next county commissioner's board meeting.

A motion was made by Stone, seconded by Randall, and unanimously carried to approve Resolution #2020-94 A Resolution by the Mayor and City Council of the City of Park Rapids, MN, Supporting Local Businesses and Urging the Governor to Reopen All Minnesota Businesses.

8.3. Appointing Planning Intern: Andrew Mack stated Adam Herberg has just completed his senior year as University of Minnesota-Duluth (UMD) planning student. He approached me about internship possibilities here in our community. In the budget cycle last year, I worked with the Finance Committee and the Council to get in the department budget funds for funding one half of Adam Herberg's internship position with the city, which is also a shared internship with the Park Rapids Area Chamber of Commerce. They will be funding the other half of the internship. The purpose for the internship is to undertake an electronic vehicle readiness study for updating the city's comprehensive plan. Also, to be implementing some possibilities to add EV charging stations in our downtown area and preparing various plans and policies for us to make EV readiness a part of our private business community as well. Butch DeLaHunt, who supplied a letter of support for the internship is on the line. They will be providing half of the financial support. The city will serve as the fiscal agent for the stipend payments of \$2,000.00, for the summer semester for Adam Herberg, which will complete his requirements for graduation in his planning program at UMD.

Adam Herberg stated I am just finishing up my bachelor's degree in political science and urban and regional studies at UMD. I was on some other projects during my time and undertook a lot of courses that have put me into a position where I think I'm ready to take on this challenge and ready to do the work. I'm looking forward to the opportunity to work with Mack and the rest of the city.

Butch DeLaHunt stated I'm super excited about this opportunity. It's an opportunity for us to get our EV readiness put together. We've identified, clearly, a shortfall, in electronic vehicle charging systems in this corridor. We know that people at this particular time, based on research, that people are making their travel plans based on where they can charge vehicles as they move around. We're all excited to have this opportunity to come forth with a great plan that will help us with our tourism industry.

A motion was made by Wills, seconded by Stone, and unanimously carried to approve Resolution #2020-95 Appointing Adam Herberg as Shared Planning Intern for the City of Park Rapids.

9. CITY ADMINISTRATOR COMMENTS: Mathisrud stated I appreciate the Council's willingness to work with us on the last couple of special meetings. We were able to get the armory documents done and submitted to the state, per their request and deadline. We got it all put together. They indicated receipt and we'll find out in a couple of days when our disbursement date is after they review all of that stuff. I will let the Council know when that date is.

10. DEPARTMENT HEAD UPDATES: There were no comments.

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

12. COMMENTS FROM COUNCIL: There were no comments.

13. ADJOURNMENT: A motion was made by Wills, seconded by Conway, and unanimously carried to adjourn the meeting at 6:54 p.m.

[seal]

Mayor Ryan Leckner

ATTEST:

Margie M. Vik
City Clerk