CITY OF PARK RAPIDS CITY COUNCIL MEETING APRIL 9, 2013, 6:00 PM Park Rapids Public Library-Lower Level Park Rapids, Minnesota

- <u>1. CALL TO ORDER:</u> The April 9th, 2013 Regular Meeting of the Park Rapids City Council was called to order at 6:00 p.m. by Acting Mayor Paul Utke, and everyone present recited the Pledge of Allegiance.
- 2. ROLL CALL: Present: Acting Mayor Paul Utke, Councilmembers Rod Nordberg and Erika Randall. Absent: Mayor Pat Mikesh and Councilmember Dave Konshok. Staff Present: Administrator John McKinney, Treasurer Angela Brumbaugh, Public Works Supervisor Scott Burlingame, Public Works Employee Dean Christofferson, Planner Dan Walker, Liquor Store Manager Scott Olson, and Clerk Margie Vik. Police Chief Terry Eilers arrived at 6:30 p.m. Others Present: Hubbard County Attorney Don Dearstyne, Bob Larson from McQueen Equipment, and Anna Erickson from the Enterprise.
- 3. APPROVAL OF AGENDA: A motion was made by Nordberg, seconded by Randall, and unanimously carried to approve the agenda as presented.

4. PUBLIC HEARING AT 6:00 PM:

4.1. Vacation of a Portion of Third Street West: A motion was made by Nordberg, seconded by Randall, and unanimously carried to open the public hearing at 6:01 p.m.

Planner Dan Walker stated Hubbard County has requested a vacation of a ten foot portion of Third Street West located between Front Avenue and Court Avenue in order to facilitate a proposed expansion to the Court House. The street is currently not highly used as a through street, and is more or less used exclusively for courthouse parking and access to Hubbard County Abstract. The vacation of the street would allow the county to proceed with the courthouse expansion without the use of any variances. In the preliminary site plans they are showing an access coming from the south that would help facilitate the development.

Walker stated there is an existing eight inch sanitary sewer line that runs under the existing Third Street from Front Avenue. The city's public works staff is requesting that an easement be retained for access to that sewer line for maintenance purposes. That has been agreed upon. Staff does recommend approval of the request with the condition that the city retain an easement for access to underground utilities.

Utke requested questions from the Council. Nordberg questioned is the easement down the center of the street, the entire street, the right of way, or the boulevard? What's included? Does the city retain anything after this? Walker stated we would retain the

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access to maintain the utilities under the street, but we wouldn't be responsible for street maintenance.

McKinney stated this action was brought to us by a petition from the county. You will need a simple majority to approve the resolution that vacates the street.

Questions/Comments:

Utke requested comments or questions from the public. Don Dearstyne stated to answer Nordberg's question, the easement covers that portion of West Third Street that the county would be asking for that lays west of Court Avenue, and east of the northerly extension of the east boundary line of Lot Five, Block Twenty-Three, Graeber's Addition to Park Rapids, reserving existing utility easements to the City of Park Rapids. So essentially we would not vacate the entire length of Third Street. The way we wrote the easement is that it stops at Hubbard County Abstract's lot line, because there isn't a need. You already have an easement for that portion. That way it will still allow her to gain access off of Front Avenue into her parking lot. To go to the east, Hubbard County Abstract, we're asking to vacate that part of the road so that we can build out to the entrance way to the courthouse to the south. It will eliminate one entrance to the courthouse for the public, to the south to the current parking lot that the county has.

There were no other comments from the public.

A motion was made by Randall, seconded by Nordberg, and unanimously carried to close the public hearing at 6:07 p.m.

4.2. Resolution Vacating a Portion of Third Street West in the City of Park Rapids: A motion was made by Nordberg, seconded by Randall, and unanimously carried to approve Resolution #2013-68 Vacating a Portion of Third Street West in the City of Park Rapids.

Discussion: McKinney stated after the county attorney's discussion of what we were doing is inconsistent with the paperwork that we have in front of us with respect to that part of Third Street beyond the west end of it. We don't want to vacate that because that's going to be access to Mrs. Wolff's parking lot. Dearstyne stated that's correct. When Ms. Thompson filed the petition there was some confusion. Since the petition was filed, the simplest way is to just vacate the portion that the county will be using. The legal description (for the vacation) should be more condensed and consistent with the easement. McKinney stated the effect of it is the west end of Third Street that connects to Front Avenue is not included. Randall questioned does that description in the resolution accomplish that or does this need to be changed? Dearstyne stated the easement I drew up accomplishes that. The city already has an easement for this. The reason for the vacation here and maintaining the easement is we can build out into here and the city can still access the utilities.

McKinney questioned Walker, are we vacating the whole block of Third Street? Walker stated the request was for the entire block. When the paperwork was filed that was what was requested. McKinney stated there's two things on the table. One is the vacation of the street. Do we want to vacate all of that? There is a request that we not vacate the western portion. Dearstyne stated if it is appropriate at this point, I would modify the

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county's request to vacate only that portion that covers the easement. Randall stated the resolution needs to be modified. McKinney stated what's happening is the easement is for the whole thing, and we don't need an easement if we are vacating it. Dearstyne stated it would be that part of West Third Street lying west of Court Avenue and east of the northerly extension of the east boundary line of block twenty-three. This would be the east boundary line right here (as illustrated on the map). McKinney stated this is going to stay as a street, and obviously we have an easement for our own street. So the only thing is that point to the east, to the west line of Court Avenue. Nordberg questioned it's the Wolff lot line that's the eastern boundary then. McKinney stated yes. We would go to the back of that lot line. The description in our resolution took the whole thing.

McKinney questioned if the Council had a problem if the street ends without a curb. Dearstyne stated I'm not sure what the architect's plans are for this area here. I know that the courthouse employees will still be parking here and accessing through a private entrance to the courthouse, with the main entrance for the public which would access from the main parking lot.

McKinney stated the Council has approved this, but the paperwork and the notices might need to be redone to get it right. The problem is we gave notice that we're going to vacate the whole street, when in fact we aren't. Dearstyne stated we had talked to Ms. Wolff and she wanted it done differently. She doesn't want the whole street vacated. McKinney stated we need to talk about the notices that were given. You got more than you asked for and we have to go back and figure out how to get it that way. We'll come back with this if we have any corrections to do.

Nordberg questioned at this point there's not actually going to be construction over that street? This is just for access? Dearstyne answered my understanding of the architect's drawings come out onto Third Street. It will be pedestrians coming from the parking lot, getting into the courthouse here. They're going to be doing some landscaping here. Randall stated you wouldn't be able to ride through there. Dearstyne agreed it will be blocked off as far as driving through there. They need to do landscaping for water and so forth. McKinney stated this also avoids the county having to get a variance.

5. APPROVAL OF MINUTES:

5.1. City Council Regular Meeting Minutes-March 26, 2013: A motion was made by Nordberg, seconded by Randall, and unanimously carried to approve the March 26th, 2013, City Council Regular Meeting minutes as presented.

6. FINANCE:

6.1. Payables & Prepaids: A motion was made by Nordberg, seconded by Randall, and unanimously carried to approve the payables in the amount of \$25,140.89, and the prepaids in the amount of \$137,526.12, for a total of \$162,667.01.

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- 7. CONSENT AGENDA: A motion was made by Randall, seconded by Nordberg, and unanimously carried to approve the following consent agenda items:
 - 7.1. Resolution #2013-69 Proclaiming April 26th, 2013 as National Arbor Day in the City of Park Rapids.
 - 7.2. Approve the Request from the Downtown Business Association for \$500.00 to Help Cover the Costs for the Hanging Flower Baskets along Main Avenue.
 - 7.3. Resolution #2013-70 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Hubbard First Response and Rescue Inc.
 - 7.4. Resolution #2013-71 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Ducks Unlimited-Headwaters Chapter 27.
 - 7.5. Approve Multi-Vendor Transient Merchant License for Brenda Mason d.b.a. Brigid's House for June 15th, 2013 at 500 Park Avenue South.
 - 7.6. Approve Pay Request in the Amount of \$25,206.79 to TKDA for Engineering Services for Designing Runway 18-36.
 - 7.7. Approve Pay Request in the Amount of \$93,206.79 to Ulteig Engineers for Professional Services for the Water Treatment Facility.
 - 7.8. Resolution #2013-72 Authorizing Proper City Officials to Execute the Maintenance Service Contract by and between Benson Technical Works and the City of Park Rapids.
 - 7.9. Resolution #2013-73 Authorizing Proper City Officials to Execute the Building Use Agreement and Postburn/Use Property Condition by and between SDG Properties II and the City of Park Rapids.
 - 7.10. Resolution #2013-74 Accepting Contracting Work by R.L. Larson Excavating Inc for the 2011 Terminal Area Improvement Project.
 - 7.11. Approve Final Pay Request #5 in the Amount of \$37,872.39 to R.L. Larson Excavating Inc for the Airport Terminal Improvement Project.

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7.12. Approve Pay Request in the Amount of \$11,274.00 to Hubbard County Abstract and Krotzer Construction for Services Associated with the Small Cities Development Program Grant.

END OF CONSENT AGENDA

8. COMMENTS FROM CITIZENS: There were no comments.

9. PLANNING:

9.1. Proposed Changes to City Sign Ordinance: Walker stated the Planning Commission and community members have been working for over a year on proposed changes and updates to the sign ordinance. They came to an agreement on the items that are in the Council packet. We're recommending approval of the proposed changes to the sign ordinance.

Nordberg stated this seems awfully restrictive and negative. I don't see anything that welcomes signs or grandfathers in existing signs, or even an appeal provision if somebody doesn't like something that they want to put up a sign for. Walker stated that should all be written in there. Nordberg questioned there is an appeal process? Walker stated if there's not something in there, there is an opportunity for a variance. That's the appeal.

Nordberg stated it says there are fees that would be listed in the chapter, but I didn't see what the fees are. What are they? Walker stated a sign permit fee is \$25.00 and a temporary sign fee is \$10.00. Nordberg stated it says the required fees as described in this chapter, unless no permit is required. Walker stated they are listed in the main body of the code, in the fee schedule.

Nordberg stated on 151.178 Exempted Signs, it references Chapter 151.184, subsection 6 as the community special events signs. There must have been a revision because it should now reference subsection 7. The first reference is on page 161, and it's repeated later on, on page 82. I think we're talking about subsection 7 for public events. Walker stated we'll correct that before the second reading.

Nordberg questioned about the Scenic Byway restrictions, what does this do for present signs or any temporary signs? Are signs banned 100%? Walker stated billboards and any offsite signage are banned by the provisions of the Scenic Byway. That's consistent with Scenic Byway regulations that were already in place. Nordberg questioned when the Salvage Depot came before the Council and asked for the waiver, is that still permitted or not? The Council granted a variance for that sign. Walker stated the variance runs with the property. Any signs that are existing are grandfathered in if they were granted before the acceptance of these provisions. It's a permanent sign. It's grandfathered in. As long as it's in consistent use for up to one year it's allowed to stay.

McKinney stated the ultimate act of the adoption of the ordinance requires 4/5th vote of the Council, but to acknowledge a reading you only need a simple majority.

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A. First Reading of Ordinance Amending the City Code of the City of Park Rapids, Chapter 151 Zoning, Sections 151.176, 151.178, 151.179, 151.180, 151.181, 151.184, 151.185, 151.187, 151.188, 151.189, 151.190: A motion was made by Nordberg, seconded by Randall, and unanimously carried to acknowledge the first reading of the Ordinance Amending the City Code of the City of Park Rapids, Chapter 151 Zoning, Sections 151.176, 151.178, 151.179, 151.180, 151.181, 151.184, 151.185, 151.187, 151.188, 151.189, 151.190, with the discussed change.

10. GENERAL BUSINESS:

by and between Pleasant Court of Park Rapids LLLP and the City of Park Rapids:

McKinney stated this is the formalization of the agreement that the developer and Traci
Ryan have been working on. The agreement has been prepared by legal consul. Ryan has recommended acceptance of the agreement as it is consistent with the negotiations. The developer, Steve Kuepers is here. If the Council passes it he has no comment. A motion was made by Randall, seconded by Nordberg, and unanimously carried to approve Resolution #2013-75 Authorizing Execution of a Development Agreement by and between Pleasant Court of Park Rapids LLLP and the City of Park Rapids.

10.2. Approve Purchase of a Jetter/Vactor for the Public Works

<u>Department:</u> Scott Burlingame presented pictures of the Jetter/Vactor to the Council. He stated we are looking to purchase this piece of equipment. Councilmembers Nordberg and Utke have seen a demonstration of how it works. Bob Larson from McQueen Equipment is here to answer questions.

Nordberg questioned this is on the Capital Improvement Plan (CIP)? McKinney answered yes. There are several reasons why this purchase will be good for the city. It's in the CIP, but we need your authority to purchase it. Utke stated it's something that is definitely going to be an asset to public works to be able to do the job that they need to do.

Nordberg questioned how many people are going to be trained to run it? Burlingame stated probably three. Nordberg questioned do they all go to training, or can one go and train the others? Bob Larson stated when we deliver the unit we'll have someone here for a couple of days. Also included with the purchase we can send a couple of guys to Vactor, outside of Chicago, for operator training at the factory. You can also send a mechanic. That's included in the price. It's a good opportunity. Every year in St. Paul, and in Duluth, Minnesota, we have annual clinics as well for operators. They get recertified by the factory to keep their skills at a sharp operating level. McKinney stated our plan is to have them trained. Nordberg questioned that's included in the price? Larson answered yes. Utke stated it's a highly technical, complicated machine so it's best to understand it right from the beginning. They'll be more efficient and they won't be breaking anything.

Nordberg stated it seemed like it had more options than we'd be able to use right away. Larson stated the enhancements you saw increase productivity and then operator safety. When you're around these things every day it's actually a pretty simple machine if you operate it enough.

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Nordberg questioned what's the delivery schedule proposed? Larson stated either April 24th or 25th. Utke questioned is it the machine that was here? Larson stated correct.

Larson stated concerning the warranty, the Vactor portion, the module comes with a ten year water tank complete replacement warranty. Five years on the debris body. One year on the complete module. On the chassis it comes with a four year, 5,400 hour, 150,000 mile warranty. I know you won't get close to those kinds of miles, but the transmission warranty is three year unlimited miles. Towing coverage, three year warranty failure coverage. On the towing, I've never seen that one happen. Front rear axle three years unlimited miles. From front to back with that unit you have an outstanding warranty. Utke stated the chassis will get hours, but very few miles. The body in the back will get the workout.

Larson stated looking at your fleet, it's consistent with the trucks they have now. So you'll have the same engines, same transmission, all your filters, will be compatible right off the shelf. Utke stated that's great the maintenance pieces will match up. Nordberg questioned so routine maintenance can be done locally? Burlingame stated we'll do all of that in-house, unless there's something on the Vactor part. Larson stated we have a guy that comes up here routinely that supplies any parts you might need. The company that owns Vactor are also the Elgin dealer. Your street sweeper is an Elgin. It helps out on product and parts support.

Nordberg questioned if it did need maintenance that we couldn't do locally does it go to the Twin Cities or Chicago? Larson stated no. We have service technicians. We come to you. We have a service representative in Duluth, Minnesota. We come to your site. Not too much goes wrong with these things.

A motion was made by Randall, seconded by Nordberg, to approve the purchase of a Jetter/Vactor for the Public Works Department in the amount of \$391,367.76 from McQueen Equipment Inc in St. Paul, MN.

Discussion: Nordberg questioned which cash reserves fund are we using for this purchase? Brumbaugh stated it's from the sewer cash reserves.

The vote was called. The motion passed unanimously.

11. CITY ADMINISTRATOR UPDATE: McKinney stated from April 17th to May 7th, 2013, I will be at a conference. We have several things going on at the committee level right now. The Personnel Committee has a meeting scheduled. The Park Board met. They are reorganizing their approach to things, which is very positive. The Park Board didn't have anything in the CIP for the next five years. They will be putting forth a study of the existing facilities and measure that against their long range park plan. They will be visiting with the Council in the future about that.

12. DEPARTMENT HEAD UPDATES: Eilers stated I just came from our department meeting. We've figured out what we're going to do for the summer and the Governor's Fishing Opener. I will have my year-end report in the next Council packet. Things haven't changed much since last year.

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Nordberg stated we approved temporary employees at the last meeting. Is that working out and how long are they for? Eilers stated I have one part time person working right now. One of my regular officers just resigned and took a job in South St. Paul. I might have to slide my brand new officer to the full time position. The other part time officer is getting his paperwork together so he should be able to start by next week. McKinney stated the part time officers we approved weren't for a specific time. They were hired as permanent part time. Eilers stated if I move one part time to the open full time position, I'll need another part time officer. Randall questioned you have one on leave, and one on an undetermined amount of leave? Eilers stated one officer will be out until July. I also have an officer out because he's hurt right now. His next checkup is on the 25th of April. He's hoping to be back by June. We'll have one person to fill two shifts. McKinney stated we'll need the officers to work some extra time because of the Governor's Fishing Opener. Eilers stated we will have some extra duties. I do have the gal that worked the bicycle patrol last summer coming back to help us this summer. She's still in school right now. We'll have as many on the streets as we can. It should work out without too much overtime. It's a matter of readjusting some shifts.

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

14. COMMENTS FROM COUNCIL: Nordberg stated I noticed in the payables that the city paid for employee training. I was very glad to see that the employees are taking advantage of that since it's in the budget.

15. ADJOURNMENT: A motion was made by Nordberg, seconded by Randall, and unanimously carried to adjourn the meeting at 6:40 p.m.

[seal]		
	Acting Mayor Paul Utke	
ATTEST:		
Margie M. Vik City Clerk		

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