

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
MAY 28, 2013, 6:00 PM
Park Rapids Public Library-Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The May 28th, 2013 Regular Meeting of the Park Rapids City Council was called to order at 6:00 p.m. by Mayor Pat Mikesh, and everyone present recited the Pledge of Allegiance.

2. ROLL CALL: Present: Mayor Pat Mikesh, Councilmembers Dave Konshok, Rod Nordberg, Erika Randall, and Paul Utke. Absent: None. Staff Present: Public Works Superintendent Scott Burlingame, Police Chief Terry Eilers, Liquor Store Manager Scott Olson, and Clerk Margie Vik. Others Present: Ulteig Engineer Brian Hiles, Hubbard County Attorney Don Dearstyne, Cynthia Jones, and Anna Erickson from the Enterprise.

3. APPROVAL OF AGENDA: A motion was made by Randall, seconded by Utke, and unanimously carried to approve the agenda with the following addition: **General Business: Item #9.3. Resolution Appointing Charles Barbin as Temporary Seasonal Part Time Public Works Employee for the City of Park Rapids.**

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 Konshok, and unanimously carried to open the public hearing at 6:01 p.m.

Hubbard County Attorney Don Dearstyne stated the Council has a letter and map in the packets from me. The map identifies the portion the county would be asking to vacate. It would be the entire portion of Third Street (to the east boundary line of Graeber's Addition). The county would provide an easement to the city for utility purposes for any underground work that would need to be done. I've attached a legal description for the vacation, which describes the portion the county is requested be vacated. I've brought tentative plans for the courthouse construction project so you can see what we'll be doing.

Questions/Comments: Mikesh questioned this was done before? Dearstyne stated yes, but before it vacated a ten foot strip of the entire length. We don't need that. The problem that arose in that is when I did the research on this there were three different plats for the area. This way going forward it describes Third Street properly. The action I'd be asking the Council to take is rescind what was done at the April 9th meeting, and put this to a vote. That's why we went through the process of another public hearing.

Leslie Pickett stated on behalf of Marilyn Wolff (from Hubbard County Abstract) she supports this vacation.

Randall stated we didn't actually vacate the road before. I think we stopped short of that so I don't think there is anything to rescind. Utke stated we voted on it. Then McKinney and Dearstyne discussed it. Dearstyne stated McKinney thought that the resolution that was passed was different than the description that we gave you, and it was. That was the reason for the second public hearing. You would need to rescind the first resolution. Utke stated the rescinding is part of the new resolution.

Dearstyne stated the reason for the vacation is that we are expanding the courthouse into what is now Third Street. Utke questioned is it entering into the street or just the sidewalk area? Dearstyne stated I think it will come close to the street. There won't be any traffic on the old Third Street. There will still be some parking on the side. There'll be a drop box on the south of the courthouse where you can drive through. There would be parking in front of the courthouse, and in front of Hubbard County Abstract.

Nordberg questioned is there a delivery door or does everybody go through the front door? Dearstyne stated the public would all come through the front vestibule with plans to eventually, if they met security, come through a different entrance. There will be stairways to go to different floors. Employees will enter with a fob or a card through the east entrance, which will be an employee only entrance. The other entrances going out of the courthouse will no longer be there. There will be an information booth in front of the public entrance.

Nordberg stated I was wondering about delivery trucks, seems like now they go into that drive-by. Dearstyne stated they're going to either have to have an employee come down and access it for them or they'll come through the main entrance where they can park and come down the sidewalk in front of the courthouse. There'll be greenery and landscaping there.

Mikesh requested comments or questions from citizens. There were no comments.

A motion was made by Konshok, seconded by Utke, and unanimously carried to close the public hearing at 6:08 p.m.

4.2. Resolution Vacating a Portion of Third Street West in the City of Park Rapids: A motion was made by Konshok, seconded by Randall, and unanimously carried to approve Resolution #2013-92 Vacating a Portion of Third Street West in the City of Park Rapids.

5. APPROVAL OF MINUTES:

5.1. City Council Regular Meeting Minutes-May 14, 2013: A motion was made by Randall, seconded by Nordberg, and unanimously carried to approve the May 14th, 2013 City Council Regular Meeting minutes as presented.

6. FINANCE:

6.1. Payables & Prepaids: A motion was made by Konshok, seconded by Utke, and unanimously carried to approve the payables in the amount of \$10,156.66, and the prepaids in the amount of \$916,424.77, for a total of \$926,581.43.

7. CONSENT AGENDA: A motion was made by Utke, seconded by Randall, and unanimously carried to approve the following consent agenda items:

- 7.1. Approve Backhoe Operator's License to Work in the City of Park Rapids in 2013 for Cooperative Development LLC, Anderson Brothers Construction, and Ryan's Backhoe Service.
- 7.2. Approve Pay Request in the Amount of \$1,654.35 to the Park Rapids Chamber of Commerce for the First Quarter Wayside Rest Expenses.
- 7.3. Resolution #2013-93 Approve Wage Adjustment for Part Time Rapids Spirits Liquor Store Clerk Robyn Capistrant.
- 7.4. Resolution #2013-94 Approve Wage Adjustment for Part Time Rapids Spirits Liquor Store Clerk Cynthia McGrath.
- 7.5. Resolution #2013-95 Approving Wage Adjustment and Step Increase for Park Rapids Police Officer Joseph Rittgers.
- 7.6. Resolution #2013-96 Appointing Forrest Steinhoff to Serve as Planning/Zoning Intern for the City of Park Rapids.
- 7.7. Approve Parks and Beautification Board's Recommendation to add Soffit and Fascia and a Liner Steel Ceiling to the Lindquist Park Gazebo, to be completed by Haataja Contracting Inc, for a maximum cost of \$3,554.00.
- 7.8. Resolution #2013-97 Approving Appointment for Adam Suckow to Full Time Probationary Police Officer for the City of Park Rapids.
- 7.9. Approve Receipts for February 2013.
- 7.10. Approve Receipts for March 2013.
- 7.11. Approve Pay Request in the Amount of \$27,886.55 to Ulteig Engineers for Professional Services Regarding the Red Bridge Trail Project and the Water Treatment Facility.

- 7.12. **Approve Pay Request in the Amount of \$5,000.00 to TKDA for Architect Services for the 2011 Terminal Area Improvements.**
- 7.13. **Approve the Purchase of Oil in the Amount of \$1,743.45 from Farstad Oil for Various Departments in the City.**
- 7.14. **Approve the Purchase of Accessories for the Jetter/Vactor Unit in the Amount of \$2,392.01 from MacQueen Equipment for the Sewer Department.**
- 7.15. **Acknowledge the First Reading of the Ordinance Amending the Park Rapids City Code of Ordinance Chapter 36: Fee Schedule, Section 36.10 City Equipment Charges.**
- 7.16. **Approve Pay Request in the Amount of \$11,460.50 to David Drown Associates for Expenses Pertaining to TIF Districts 1-9 and 2-11.**
- 7.17. **Approve Change to Mandatory Compliance Date for Water/Sewer Connections for the Highway 34 Project to September 1st, 2013.**
- 7.18. **Approve Pay Request in the Amount of \$25,916.16 to Headwaters Regional Development, Covenant Log Homes, and Assessco Environmental Services for Services Pertaining to the Small Cities Development Program Grant.**

END OF CONSENT AGENDA

8. COMMENTS FROM CITIZENS: Cynthia Jones, Chairperson of the Downtown Business Association and Chairperson of the Governor's Fishing Opener Community Picnic, stated I want to express a real word of gratitude to the City of Park Rapids for all of the work that all of you did with us in terms of making this a huge success for our town. Chief Eilers kept everybody safe, Erika Randall is one of the best traffic controllers I've ever seen, the Mayor took care of all the dignitaries, all of you volunteered, every time I called Scott Burlingame I thought it would be the time he'd tell me to stick my head in a bucket. But, thank you, the streets sparkled and everybody was extremely impressed. Scott Olson kept the beer cold. He got us a cold storage truck at the eleventh hour before we really needed one. I want to thank everybody. In our debriefing one of the things that we said was that there were no heroes in this effort. Everybody stood shoulder to shoulder. Just like fighting a fire, you can't have somebody charging out in the front. When somebody was done with their job they backed up the next person. Our sincere thanks. All the comments we received from Minnesota Tourism and everyone at the event was, "Park Rapids really set the bar high, and we have a lot of work to do to match what you did".

Mikesh stated thank you for everything you did too. It was really a great time.

9. GENERAL BUSINESS:

9.1. Concrete Apron for Ice Freezer and Plow Route for Rapids Spirits:

Scott Olson stated I originally had budgeted for this year a cement apron in front of the additional freezer space for ice we had put in last year. In talking with Burlingame, public works desired to take out some curbing and add to the apron that I wanted to put in to facilitate moving snow a lot easier in the back of the lot. I agree that it would be wise to do so. We received two estimates. We're recommending KL Concrete with the bid price of \$2,600.00. **A motion was made by Utke, seconded by Nordberg, and unanimously carried to accept the proposal from KL Concrete in the amount of \$2,600.00 for the construction of a concrete ramp for Rapids Spirits.**

9.2. Report on Well and Water Treatment System Improvements Bid

Opening: Brian Hiles stated we took bids last Thursday for the well and water treatment project. We had five bidders submit bids for the project, American General Contractors Inc, Di-Mar Construction, Eagle Construction, Northern Plains Contracting Inc, and Rice Lake Construction Group. The low bid was from Di-Mar Construction in the amount of \$2,055,000.00. The engineer's estimate for construction on the project was \$2.126 million. We came in under the estimate. With how close everyone was, there was basically a 10% spread from the low to the high. That shows they were all pretty competitive and there weren't any questions about what we were asking them to do. It was pretty clear.

Hiles stated I did some follow up on Di-Mar Construction. They're a smaller company out of Excelsior, Minnesota. This is basically all they do, water and wastewater plants. The couple of engineers that I talked to that have worked with them in the past have had really good experiences with them. They are really conscience in the work that they do. They don't have a lot of requests for extras. One engineer actually said that he liked working with them so much that on private jobs he put their name in for doing the work. When an engineer puts his neck on the line like that, they're a pretty good contractor to work with.

Hiles stated the next step is I've gotten some information from Di-Mar regarding a more detailed cost breakdown of the \$2 million that they bid. I have to break that out for submittal to the funding agencies. I'll get that submitted to them and then it's a matter of waiting for them to say let's go ahead.

Hiles stated there's no action for the Council to take tonight. I wanted to make you aware of where we are at and how the bids came in. Hopefully in two to four weeks we can come back with the go ahead from the funding agencies, and let's now award the project and move forward. Utke questioned we have sixty days to do that? Hiles stated yes we do. We allowed sixty days to the contract to do that. I'm hoping that it moves a little faster. The contractor has been quick to respond to my request to get this information so that's helping. We'll get it submitted this week to the PFA. The one that may be more of a hang up is DEED because they haven't officially made any announcements in the State of Minnesota as far as what they are funding. They told us that we were getting funded and made us put all of their requirements in the bidding documents and follow all of their

requirements. It just hasn't been made official yet. The next step is to get that taken care of and get the rest of the funding package in place and then we can get rolling.

Mikesh questioned when we get all of this funding in place are we still looking at breaking ground later this spring? Hiles stated we'll break ground this summer yet. The final completion date is March 30th, 2014. The sooner the better obviously as far as ordering supplies. As far as the construction, the timeframe that we originally had, we were still looking at getting it done by the end of the year. The contractors were comfortable with that but they were concerned with getting the filters and some of the other bigger equipment on site in a short amount of time. We did revise the completion date to March 30th to allow some extra time with the suppliers.

Konshok stated they actually have to build the filter systems. Hiles stated they are pretty standard filters. It's just a matter of getting them built. Burlingame stated the sixty days waiting for funding puts us back. Hiles stated when there is a question up in the front of when they can get started, we have to allow them enough time. Utke stated we won't know until the end of July. Hiles stated the fiscal year ends June 30th. I'm pretty sure they'll make an announcement before the end of this fiscal year. Now that the legislative session is over they know exactly what they have for funding. There are some questions if they were going to get extra funding with the bonding bill that was going on. Utke questioned is DEED the biggest player in this? Hiles stated no, but they have a big grant portion, because all of their money is coming in the form of a grant, at \$600,000.00.

Nordberg stated we got copies of the Department of Health review of the plans. Were all the bids after this so they know what changes this might have required? Hiles stated there weren't any significant changes. We actually had that in time to do any significant stuff that was in there, which we covered in the addendum that was put out. That was addressed in the bidding process. The stuff on the well side was just basic well drilling information. It's repeated by them on every project no matter what you submit to them. Everything that came back from the review process was addressed to the contractors before they bid. There isn't anything that should be a surprise for us as far as the review process.

Nordberg questioned were the bids all by mail or in person? Hiles stated everyone was in person. We were sitting there at three minutes to three and we hadn't received a bid. Then they all walked in single file, one right after the other. All five of them handed them in.

Utke stated there are other names on here. Are those companies that requested specs and did turn in a bid? Hiles stated the other ones on the list are ones that had pulled the plans off of the website, listed themselves as a prime contractor, but then choose not to bid it. Nordberg questioned has Di-Mar done anything we might have heard about in Northern Minnesota? Hiles stated they did a \$3 million water plant expansion in Alexandria, Minnesota. That's the closest one that I know of. Nordberg questioned was there any discussion there other than the formal schedule, in other words how busy they are this summer? Hiles stated from what I heard from the engineer who just finishing up a job with them is that they were looking for something for their next job. Considering the size of the company my guess is this is the next job they are going onto. They're just in the process of doing start up on another plant.

9.3. Resolution Appointing Charles Barbin as Temporary Seasonal Part Time Public Works Employee for the City of Park Rapids: Burlingame stated I advertised for summer help and we had one qualified applicant. I interviewed him this morning and now I'm looking for approval to hire him. Mikesh questioned since this is temporary seasonal is there an hourly level you can't go over? Burlingame answered right. Konshok stated the resolution says sixty-seven working days. Nordberg questioned this is a non-union position? Burlingame answered right. This is the same thing we budget for every year. We usually hire two, but we're bringing one back from last year, and then we'll hire one new one. **A motion was made by Utke, seconded by Konshok, and unanimously carried to approve Resolution #2013-98 Appointing Charles Barbin as Temporary Seasonal Part Time Public Works Employee for the City of Park Rapids.**

10. CITY ADMINISTRATOR COMMENTS: The administrator was not present.

11. DEPARTMENT HEAD UPDATES: Eilers stated if this last weekend is any indication of what summer is going to be, we're going to be busy. There was a lot of stuff happening, which we took to the attorney's office. It could have been because of the long weekend, but I think people are just a little antsy right now. Nordberg questioned is this repeat business or new people? Eilers stated it's a lot of repeat.

Olson stated we could use some sunshine and warm weather to boost business. Burlingame stated his department is working on maintenance.

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

13. COMMENTS FROM COUNCIL: Nordberg questioned I saw a bill on the Red Bridge plans, is something going forward and do we get any reimbursement for the money? Hiles stated I believe that in the application for the grant funding that the city was awarded, that engineering was included in there. It is an eligible expense as far as the DNR is concerned. We're basically done with our plans. We're waiting for some information from the DNR. They asked us to include the paving of the entire trail in our project to have one paving contractor come in and do all of it to get a better price by doing it that way. I'm waiting for their information once they have their plan finalized. I guess that would be soon. Jeff from DNR is working on that. It's just about done, but needs to be approved by his supervisors. Once they're done, we'll find out when DNR bids it, and then we'll know what the city's schedule is going to be.

Konshok questioned that funding transfer will be written into the joint powers agreement? Hiles stated I believe so. Dan Walker's been working with that. I haven't been involved with the agreement between the city and the DNR. Konshok stated if we pave it under our portion of the project the DNR will transfer the portion that they are responsible for to the city. Hiles stated it makes sense to have one paving contractor come in and do all of the paving versus trying to get a small portion of it paved under the DNR project

when it's not much of what else they have going on. On the city's contract it's a major part of the work.

Nordberg questioned what funding came from previous legislature's authorization? It's not from anything that happened this month? Hiles stated the funding you received is set aside. It's a matter of tapping into it. Konshok stated it's fenced. We're in a queue. Hiles stated for the bridge portion, but for the city's portion that grant has been awarded and it's there for the city. The funding for the Red Bridge itself is what's holding this up. At this point my guess is that they're waiting for this next fiscal year. Its money out of the Legacy Fund, so it's not anything that had to be newly set aside. It's just a matter of how much is in the fund, and tapping into it in the right year. Konshok stated the way it was described is we either get the last of 2013 funding for bridges, or we'd get the first of the 2014 funding.

Nordberg questioned do you know if they picked a bridge vendor yet? Hiles stated that would be part of the bidding process. Nordberg stated I mentioned to Dan Walker that there are some composite companies that might be able to make the color red as opposed to Cor-Ten. I tried to refer it to the DNR contact in Bemidji, but I didn't get any reaction. Mikesh stated they have their plan and that's what it's going to be. Nordberg stated they did one like that and they'll do the rest of them like that.

14. ADJOURNMENT: A motion was made by Konshok, seconded by Nordberg, and unanimously carried to adjourn the meeting at 6:33 p.m.

[seal]

Mayor Pat Mikesh

ATTEST:

Margie M. Vik
City Clerk