

**CITY OF PARK RAPIDS  
CITY COUNCIL MEETING  
JULY 8, 2014, 6:00 PM  
Park Rapids Public Library-Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The July 8<sup>th</sup>, 2014 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 Dave Konshok, Rod Nordberg, and Erika Randall. Absent: Mayor Pat Mikesh. Staff Present: Administrator John McKinney, Public Works Superintendent Scott Burlingame, Liquor Store Manager Scott Olson, Police Chief Terry Eilers, Treasurer Angela Brumbaugh, Public Facilities Manager Chris Fieldsend, Planner Dan Walker, and Clerk Margie Vik. Others Present: Cynthia Jones, Kenneth and Suzann Barr, Dick Rutherford, 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 with the following addition: to the Consent Agenda #6.13. Approve an Outdoor Dance Permit for Calvary Lutheran Church for Sunday, July 27<sup>th</sup>, 2014, 8:00 a.m. to 11:00 a.m. at 112 Park Avenue South.

**4. APPROVAL OF MINUTES:**

**4.1. City Council Workshop Minutes-June 24, 2014:** A motion was made by Nordberg, seconded by Randall, and unanimously carried to approve the June 24<sup>th</sup>, 2014, City Council Workshop minutes as presented.

**4.2. City Council Regular Meeting Minutes-June 24, 2014:** A motion was made by Nordberg, seconded by Randall, and unanimously carried to approve the June 24<sup>th</sup>, 2014 City Council Regular Meeting minutes as presented.

**5. FINANCE:**

**5.1. Payables & Prepays:** A motion was made by Konshok, seconded by Nordberg, and unanimously carried to approve the payables in the amount of \$48,904.94, and the prepaids in the amount of \$413,973.89, for a total of \$462,878.83.

**6. CONSENT AGENDA:** Rutherford questioned, regarding Item #6.9., do the squad cars have defibrillators in them? Eilers answered yes. **A motion was made by Konshok, seconded by Nordberg, and unanimously carried to approve the following consent agenda items:**

- 6.1. **Approve Plumber's Permit to Work in the City of Park Rapids in 2014 for The Jamar Company.**
- 6.2. **Approve Pay Request in the Amount of \$33,200.00 to Kern, DeWenter, & Viere for the 2013 Audit.**
- 6.3. **Resolution #2014-95 Authorizing Proper City Officials to Execute the Letter of Understanding by and between the Auditing Firm of Kern, DeWenter, & Viere and the City of Park Rapids to Conduct the 2014, 2015, and 2016 Audit.**
- 6.5. **Approve Purchase of an Informational Kiosk to be placed in Red Bridge Park from Midwest Playscapes in the amount of \$6,047.15.**
- 6.6. **Approve Hiring North Dakota Pump and Hoffman Electric to Rehab Lifts #6 and #7 in the amounts of \$38,650.00 and \$3,600.00, Respectively.**
- 6.7. **Approve Pay Request #1 in the Amount of \$106,384.80 to Howard's Driveway for Red Bridge/Heartland Trail Project.**
- 6.8. **Resolution #2014-96 Appointing Janel Stewart as Full-time Receptionist/Accounting Clerk for the City of Park Rapids.**
- 6.9. **Approve the Purchase of an AED (defibrillator) at an Approximate Cost of \$1,900.00 for the Park Rapids Fire Department.**
- 6.10. **Approve the Purchase of a R900i Water Meter from Ferguson Water Works in the Amount of \$2,749.53 for Invoice #0088463.**
- 6.11. **Approve the Payment to Ulteig Engineers in the Amount of \$10,149.07 for Engineering Services Pertaining to the Red Bridge Trail and Water Treatment Facility Projects.**
- 6.12. **Approve Payment to Apex Engineering in the Amount of \$33,444.81 for Invoice #2860 for Expenses Incurred on the Riverside Avenue Project.**

- 6.13. Approve an Outdoor Dance Permit for Calvary Lutheran Church for Sunday, July 27<sup>th</sup>, 2014, 8:00 a.m. to 11:00 a.m. at 112 Park Avenue South.**

**END OF CONSENT AGENDA**

**7. COMMENTS FROM CITIZENS:** Cynthia Jones, Chairperson of the Downtown Business Association, stated I'd like to thank the city for everything that you have done to help us with the downtown this summer. Last week after the parade I realized it was Friday and there was garbage everywhere. I thought the city doesn't clean the streets on Saturday morning. Yet on Saturday morning the streets were clean. I realize that is an additional cost, but a Saturday on the Fourth of July weekend is terribly busy. Stephanie Paulson has done a wonderful job with the trees on Main Avenue. She takes care of them like they are her own. It's hard to remember a day when there weren't flowers and trees on Main Avenue. We appreciate that. Dan Walker has had his hands full with sign issues this summer. The kids are off the fourth block of Main. The Chief has kept them down to the sixth block. We haven't even had a concern about kids on the street. Second Street Stage is going extremely well. The police have a presence there every Thursday night to make sure everybody knows they are there. Even during the week they are there. There's been a lot of people on the street, many more than what we have seen in the past. We're thrilled about that but we're also happy with the city working so closely with us to keep our downtown looking so nice. I want to say thank you very much.

**8. PLANNING:**

**8.1. Resolution to Approve a Conditional Use Permit to Allow a Home Occupation for a Hair Salon in the R-1 Zoning District at 806 Central Avenue South, PID #32.24.02710:**

Walker stated the applicant, Amielia Kahlstorf who is the property owner, is requesting a conditional use permit to allow a home occupation for a hair salon in a proposed remodeled garage, located at 806 Central Avenue North. The property is currently being used as a single family home. It is zoned R-1, Single Family Residential, and is the same in the city's comprehensive plan. The site is .76 acres. The property is within the city limits and they do not have any city services. The property is on a private well and septic.

Walker stated the applicant is proposing to convert space within a detached garage for use as a hair, makeup, and nail salon. The applicant currently has a clientele of around two-hundred people depending on the season and it varies up and down. They propose the hours of operation will be Tuesday through Friday, 9:00 a.m. to 5:00 p.m. and on Saturdays by appointment. There is adequate parking on the site.

Walker stated they provided a floor plan, in which they have proposed to convert approximately 50% of the garage space to accommodate the salon use which exceeds the 25% which is allowed by Section 151.146 Home Occupations. The Planning Commission has recommended that they be allowed to do that under the condition that they wouldn't be

allowed any further expansion of the salon space at the current location in the future. A building and plumbing permit would also be required prior to the remodeling of the garage.

The property is serviced by an existing private well and septic system which is currently not properly sized to accommodate the demands of the existing house and the proposed salon. The applicant will have to retro-fit the existing system to accommodate the additional usage, or construct a second system on the property if space allows. That was added as a condition of the request. It does meet all of the other provisions listed in Chapter 151.146 Home Occupations. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling. A sign permit would also be required if the applicant would like to have signage on the site.

Walker stated staff and the Planning Commission recommend approval of the conditional use permit to allow a home occupation for a hair salon in a proposed remodeled garage with the following six conditions.

1. The Home Occupation must comply with all of the provisions listed in Chapter 151.146 Home Occupations.
2. No further expansion of the salon space shall be permitted in the future than what is proposed with this application.
3. The retro-fitted or new septic system will need to be approved by the city septic inspector and installed prior to or concurrently with the issuance of the building permit for the salon.
4. A building and plumbing permit will be required prior to the remodeling of the garage.
5. A sign permit is required and must meet all of the zoning requirements for signage in the R-1 Zoning District.
6. A conditional use permit issued by the City Council for a home occupation shall not transfer with the change of ownership of the dwelling.

Nordberg questioned is it correct that they do not have city sewer and water because it's not running up Central Avenue? Walker stated it's not available there. It's available to Summerfield plats, but that runs across the properties, but it's not on that side of Central Avenue. Nordberg questioned so no one on that side of Central is required to hook up? Walker answered no. It's not that far up.

**A motion was made by Konshok, seconded by Randall, and unanimously carried to approve Resolution #2014-97 Approve a Conditional Use Permit to Allow a Home Occupation for a Hair Salon in the R-1 Zoning District at 806 Central Avenue North, PID #32.24.02710.**

**8.2. Resolution to Approve a Variance Request to Allow a Fifteen Foot Front Yard Setback and a Four Foot Side Yard Setback in the R-1 District at 1009 Balsam Lane, PID #32.62.02400:** Walker stated the applicants, Kenneth and Suzann Barr who are the property owners, are requesting the two variances to construct a detached garage, located at 1009 Balsam Lane. The property is currently being used as a single family residence. It is zoned R-1, Single Family Residential, and the comprehensive plan

designates this area for single family residential use. The property is .55 acres. They do have city water and sanitary sewer on the site.

Walker stated the applicants are requesting the variances in order to construct a two stall detached garage in the side yard. It would be used for additional storage space. It will be built on a concrete slab and would be wired for electricity but the applicant is not proposing to connect the garage to sewer and water at this time. Because of the shape of the lot and the orientation of the existing house on the property, the proposed garage does not fit within the required building area on the east side of the house. They also considered the west side of the property but the water and sewer service lines are connected to an easement on the west side of the property and run through the middle of the yard, and the structure would have likely needed variances on that side as well. The proposed garage layout would keep the front of the garage even with the front of the existing attached garage. It would be approximately twenty-nine feet from the front property line and angle to the east to fifteen feet at its closest. It would also start fifteen feet from the east side property line in the front and angle to six feet from the property line to the north. The proposed garage would be parallel to the existing house and garage at a distance of twelve feet. A building permit will be required prior to construction.

Walker stated the variance did meet the five findings of fact affirmatively, which are required in order to grant a variance. There was additional discussion at the Planning Commission meeting. They did add a second condition that the garage blends in with the harmony of the neighborhood and be of similar color to the house along with the first condition that a building permit is required prior to construction. Staff and the Planning Commission recommend approval of the variance requests.

Konshok questioned there is an attached garage at the house? Walker stated that is correct, a two car garage. Konshok questioned so this is an additional structure? Walker answered yes. Nordberg questioned the attached garage is intended to be continued use as a garage, and not converted to living space? Walker stated at this time that is correct.

Konshok stated I read the report from the Planning Commission meeting. I'm perplexed by this. This is totally an additional structure. In a sense there is nothing wrong with the current structure and for that all requirements have been met. So there's no real deficiency in the property. Walker stated the deficiency in the property is the shape of the lot, as well as the water and sewer line being located square in the middle of the property. Konshok stated I get that. I live on a .2 acre lot in town. There are a lot of things that I'm not happy with on that lot. But I'm not seeing it. To me, on variances in the past, we always talk about the burden of proof. It's on the applicant to show that there's a variance needed, that there is some hardship that needs to be addressed. In my mind this would be the first time that we've ever considered an extra structure to satisfy some kind of hardship. Am I missing something here?

Walker stated when they changed the law they said the property should be put to a reasonable use. You don't have to prove that burden of hardship. There is a different test now. This is the first one that we've had to use that test. Utke stated this one does have the water/sewer line coming in from the west which comes down the lot line. This is a unique circumstance. Walker stated it comes through an easement on the west side, and it comes about halfway up the house. Utke stated so it comes from Balsam, up the property line, and then across. Normally they'd come straight in from a street that makes this one unique. Walker stated that existed prior to them buying the property too.

Konshok stated I don't think that makes it unique. I think we have a lot of that in town. Utke stated we have a lot of places where the lines come from different angles. Walker stated from my perspective, if not for the variances, we would allow this type of structure to be built on any sort of a typical lot. The request for the use isn't unique. It's the shape of the lot and the location of the water/sewer line, and the setbacks. Randall stated if they met the setbacks there wouldn't be any problems with it. Walker stated if they would have met the setbacks we would have just issued a building permit.

Konshok stated so what you have is an oversized structure that doesn't meet the setbacks. Walker stated it's because of the orientation of the house, and the shape of the lot. Konshok stated I'm concerned about the precedence. What's stopping me from coming in tomorrow and giving you an application for a thirty by forty garage on my property now that I know that setbacks are not set in stone. Walker stated every single variance request is viewed individually. Konshok stated from our standpoint we try to have consistency across the board. Walker stated I understand that. Konshok stated this is the first time that I've seen us considering a waiver to our setback requirements for an additional structure.

Randall stated the standard has changed. It's just reasonable use of the property. It's very reasonable that people would want extra storage space such as another garage. It's very typical to see an attached garage in addition to a separate garage on a property. So, if it's changed, it's just a reasonable use of the property. Konshok stated I don't consider that a reasonable use of the property. So we're going to allow pole barns all over the place in town? Walker stated pole barns are allowed. Randall stated if they meet the setbacks they don't have to come to us.

Konshok stated nobody has explained to me why we should waive our setbacks. Walker stated that is what the variance request is for. Konshok stated I get that. I look at it and say instead of a thirty by forty, it looks like you could fit a twenty-four by twenty. Walker stated we talked about that and there would still be the requirement for the variance because of the space of the lot. Konshok stated not if you're ten feet from the side lot and thirty-five feet back from the front lot. Walker stated you're not going to get much of a structure there. I discussed that with the applicant. That's why there's a variance request. It goes through the process. From my perspective it met those criteria.

Konshok stated I'm concerned. The fact that you have a vacant lot next door makes it convenient. If I was the neighboring property owner I surely would be concerned. There'll be a big wall facing that property. That's going to affect its value. Nordberg questioned are there other buildings similar in the neighborhood in that area? Konshok stated I don't think so. Nordberg questioned what's the character of the other properties? Are there residents on every parcel? Walker stated it's pretty much developed, except for lot eleven. Konshok stated it's 90% developed with single family residential and twin homes in that area. Randall questioned what if there was a neighbor? Were there notices required for this? Walker stated the neighbors were notified. We did not get any response from the neighbors. Konshok questioned what about the adjacent lot owner? Walker stated there was no response from the adjacent lot owner.

**A motion was made by Randall, seconded by Nordberg, to approve Resolution #2014-98 Approve a Variance Request to Allow a Fifteen Foot Front Yard Setback and a Four Foot Side Yard Setback in the R-1 District at 1009 Balsam Lane, PID #32.62.02400.**

**The vote was called.**

**The following Councilmembers voted in favor: Nordberg, Randall, Utke.**

**The following Councilmembers voted nay: Konshok.**

**The motion carried 3-1.**

**8.3. Approve City of Park Rapids Site Plan Review Process Policies:**

Walker stated this is a request to do an update to the city policy regarding site plan review. It is our goal to review and approve the projects as quickly as possible and the update to the policies will give developers and staff guidance of the expectations and timelines for project approval. The purpose of the review process is to ensure that the developments meet all zoning requirements, public utilities are accessible and adequately sized, the development does not create any public safety issues, and to ensure that it meets all applicable building code requirements. It will give the developers a better idea of the review process from the point of initial contact until the time the building permit is issued and approximately how long that process will take. These policies will replace the existing policy and be used going forward. I have separated the policies, one follows a typical permitted use process and the other follows the process required when additional approvals for variances, rezoning, CUP, etc. These processes are already being followed. We would just like formal approval and adoption of the policies from the Planning Commission and City Council. Staff and the Planning Commission recommend approval of the City of Park Rapids Site Plan Review Process Policies as attached.

Nordberg stated the first policy is to reduce the time which presently is sixty to ninety days, to thirty to sixty. What's the change on the second policy? If you're requesting to change the new policy it would be forty-five to one-hundred and twenty. What's the present policy on that? Walker stated generally we have to have approvals done statutorily within one-hundred and twenty days, unless there's an extension requested. It's our preference that we get something done, if we can do it in two weeks, we will, but this sets a timeline, an expectation. As we are receiving feedback from the developers, this is the feedback that we'll be giving them so that they'll know at the front of the process so they are aware of what we need submitted, and when we get that, this is the timeline that we can get that turned around.

Nordberg stated that's extending the time which is presently limited to ninety days maximum to one-hundred and twenty days. Walker stated some things like a plat will take one-hundred and twenty days, that's the maximum. It just wasn't stated as that previously. Nordberg questioned do we need more than ninety days? Have we had situations that required more than that? Walker stated certain projects may take longer than ninety days. It will depend on things like financing, and other approvals. I want to make sure that developers know upfront what's to be expected. We try to get things out as fast as we can, but if there's a delay in the process, we can identify it and try to untangle it.

Nordberg questioned the Planning Commission has already vetted this? Walker answered yes.

**A motion was made by Randall, seconded by Konshok, and unanimously carried to approve the updated Process for Proposed Site Development Plans for Permitted Uses within the City of Park Rapids (and) Process for Proposed Site Development Plans for Uses which Require Additional City Approval (Conditional Use Permit, Rezoning, Variance, Etc.) within the City of Park Rapids.**

**9. GENERAL BUSINESS:** There were no general business items.

**10. CITY ADMINISTRATOR COMMENTS:** McKinney stated this past week is always a test for patience against weather and common sense. I appreciate the comments from Cynthia Jones. Staff did a great job in getting the parks and streets ready. It was not without challenge. They did a good job.

Cynthia Jones stated Scott Burlingame has been great in responding to us. We store our trailer and stage back there. There's never a time when I call that he doesn't respond to me. Scott Olson has been so helpful. We store our beer for the Second Street Stage at the liquor store. We go up here every Thursday. That's two more staff people that have been totally responsive to us, and we really appreciate it all.

**11. DEPARTMENT HEAD UPDATES:** Konshok stated the rock issue (in Fish Hook River) has been referred to staff. We have more buoys under the new bridge. If they are just marking the locations where they have rocks, that's good, but we're continuing to work the issue. Rutherford stated you cannot see those buoys at night.

Scott Olson stated the third of July sales set a one day total sales record. We've moved some shelving to try to facilitate some more room at the cash registers with some temporary barriers from public works to direct traffic. It worked really well so we are going to order some more permanent structures.

Eilers stated we switched some people around and changed some schedules so we can go with the flow for the summer. We're working with Burlingame's crew to get out some barricades and to move them around. There's a lot of stuff happening downtown. It seems like this summer there has been a lot more traffic than in the past.

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

**13. COMMENTS FROM COUNCIL:** Randall stated I want to commend the Downtown Business Association on the Second Street Stage. I think it's awesome. It grows every week. It's a neat event and it shows off Park Rapids really well.

Nordberg stated as the Council's representative to the Hubbard County Council on Aging I've attended meetings to plan the Senior Citizen's Day at the Hubbard County Fair. It's Friday, July 18<sup>th</sup>, at noon. They nominate and name the outstanding male and female senior citizens. Politicians are invited. We need some help spreading the word about a new access way for people who are handicapped. Previously, you walked by the grandstand and went west to the pavilion where the award ceremony is held. It's a long way for some people to walk. There's a new pathway, developed by the fair board, which is south of the bus barn, then north. You go west from south of the bus barn and there's a road north. Unfortunately, there are some cement barricades in the way right now. We're

hoping there will be signage. Let seniors who have difficulties getting around know that they can drive and park near the pavilion.

Konshok stated I'd also like to echo the Fourth of July thanks to the Chamber of Commerce. They organized the parade. The Rotary Club organized the fireworks. They raised \$29,000.00. The show cost about \$25,000.00. It was impressive. The town was packed with people all over the place, yet it all looked organized and safe.

Konshok stated on the 24<sup>th</sup> of July is the Pioneer Park dedication for all the improvements made there. We are working on a similar one for Red Bridge Park and Lindquist Park as well. On the 12<sup>th</sup> of September the airport will be hosting a Crosswind Runway Project dedication and open house. We have confirmed that we will be hosting the Minnesota Council of Airports meeting for that month. That will bring in the state aeronautics director, plus the heads of all the airports including the Metropolitan Airport Commission-Minneapolis/St. Paul Airport, for the meeting that day. They will be here for the dedication as well. We will invite Congressman Nolan to come as well and officiate at the ribbon cutting because it is 90% federal funding on that. His aid was at our last Airport Commission meeting, so we will work out those details, whether the Congressman attends or someone from his office.

Utke stated what a wonderful weekend of traffic. I've never seen so many people along the parade route. Great turnout. I was trying to drive around town for fireworks. There wasn't a parking space to be had. Everything came together very well. Thank you to all involved. Cynthia Jones stated so many towns our size aren't able to do the fireworks anymore. We placed a thank you page in the Enterprise for donations. There were over four-hundred and fifty people from this community who gave to the fireworks fund this year to make those fireworks really happen. Hugo's gave \$1,500.00, as they do to all their other communities. That's why we were able to put the extra page in the Enterprise to really play up the fireworks and the town. This town is really cooking right now. We're all working together. Thank you very much.

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

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Acting Mayor Paul Utke

ATTEST:

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Margie M. Vik  
City Clerk