

**CITY OF PARK RAPIDS  
CITY COUNCIL MEETING  
MARCH 24 2015, 6:00 PM  
Park Rapids Public Library-Lower Level  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The March 24<sup>th</sup>, 2015 Regular Meeting of the Park Rapids City Council was called to order at 6:15 p.m. by Mayor Pat Mikesh, and everyone present recited the Pledge of Allegiance.

**2. ROLL CALL:** Present: Mayor Pat Mikesh, Councilmembers Rod Nordberg, Erika Randall, and Paul Utke. Absent: Dave Konshok. Staff Present: Administrator John McKinney, Planner Ryan Mathisrud, Public Works Superintendent Scott Burlingame, Liquor Store Manager Scott Olson, Public Facilities Superintendent Chris Fieldsend, and Clerk Margie Vik. Others Present: Alan Zemek, Dick Rutherford, and Kevin Cederstrom from the Enterprise.

**3. APPROVAL OF AGENDA:** A motion was made by Utke, seconded by Randall, and unanimously carried to approve the agenda with the following addition to the Consent Agenda: #6.8. Resolution Approving a Wine and Strong Beer License for Schwarzwald Inn in the City of Park Rapids.

**4. APPROVAL OF MINUTES:**

**4.1. City Council Regular Meeting Minutes-March 10, 2015:** A motion was made by Utke, seconded by Randall, and unanimously carried to approve the March 10<sup>th</sup>, 2015 City Council Regular Meeting minutes as presented.

**5. FINANCE:**

**5.1. Payables & Prepaids:** A motion was made by Utke, seconded by Randall, and unanimously carried to approve the payables in the amount of \$63,386.76, and the prepaids in the amount of \$537,315.90, for a total of \$600,702.66.

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

**6.1. Resolution #2015-55 Proclaiming April 24<sup>th</sup>, 2015 as National Arbor Day in the City of Park Rapids.**

- 6.2. **Resolution #2015-56 Approve Minnesota Lawful Gambling LG220 Park Rapids Chapter of the Minnesota Deer Hunters Association.**
- 6.3. **Resolution #2015-57 Approving City of Park Rapids Volunteer Firefighters Wage Adjustment for the Year 2015.**
- 6.4. **Resolution #2015-58 Authorizing Proper City Officials to Execute the Paperwork Associated with the Farm Leases for the City of Park Rapids.**
- 6.5. **Approve Public Facilities Use Permit for Park Rapids Lakes Area Arts Council to Use Pioneer Park on Friday, August 18<sup>th</sup>, 2015, from 11:00 a.m. to 4:00 p.m. for the 7<sup>th</sup> Annual Youth Music and Art Showcase, and to Waive the Fee.**
- 6.6. **Resolution #2015-59 Approve the Renewal of an On Sale 3.2 Beer License for Headwaters Softball League Inc. in the City of Park Rapids.**
- 6.7. **Approve a Plumber's Permit to Work in the City of Park Rapids in 2015 for Superior Mechanical.**
- 6.8. **Resolution #2015-60 Approving a Wine and Strong Beer License for Schwarzwald Inn in the City of Park Rapids.**

**END OF CONSENT AGENDA**

**7. COMMENTS FROM CITIZENS:** There were no comments.

**8. PLANNING:**

**8.1. First Reading of the Ordinance Amending the City Code of Ordinances of the City of Park Rapids, Chapter 151 Zoning, Section 151.062:** Ryan Mathisrud stated this item on the agenda is a request for a zoning ordinance provision amendment from Paul Nistler who owns 120 Main Avenue North. This is for the R-2 Single, 2-Family, Townhouse District. The request is to add language for professional services including banks, medical clinics, mental health buildings, postal stations, and offices under 10,000 square feet. This request is preceding a conditional use permit, which was reviewed at the Planning Commission meeting last night.

Mathisrud stated the applicant currently owns the building and they are intending to sell it to a new prospective business. This business intends to open a law office at that location. However, it's currently in an R-2 District. It makes it a non-conforming use. As a non-conforming use the current property owner can continue to use that building for the use that is currently in there. However, upon sale or transfer of property, if the new use is

established they would need to follow the terms of the ordinance. Under the R-2 zoning ordinance law offices or professional buildings are not allowed. That is the heart of why we are receiving this request.

Mathisrud stated staff did research on this. Back in 1959 the city adopted its first zoning ordinance. In that neighborhood and on Park Avenue there were originally commercial uses. We had the zoning appropriate for commercial uses. Over time, there were only a handful of commercial uses established there. In 2008 we adjusted the zoning map to be more reflective of the buildings that were actually built, which was primarily single family homes. There were a couple of businesses established in there. Part of this request is to try and make those uses permitted within the R-2 District. There are two examples of this, one at 120 Main Avenue North and one at 600 Park Avenue North.

Mathisrud stated at the Planning Commission meeting we reviewed this. The Planning Commission recommended the following changes, to amend Chapter 151.061 R-2 Single, 2-Family, and Townhouse District, part C. Conditional Uses, #20. To add this language: Professional services including banks, medical clinics, public mental health buildings, postal stations, and offices under 10,000 square feet.

Utke requested Mathisrud give the Council some of the background that was provided last night at the Planning Commission meeting, like the zoning that is here now, and what we need to address for the future so we're not piecemealing that block. This is just one lot that we are working with for this property. The Planning Commission felt that the whole block should be B-2 eventually. Mathisrud stated with this ordinance provision it would solve more than one problem. There are other non-conformities located in our R-2 District. By doing this, this would allow us to issue a conditional use permit and allow limited businesses within that district. For example, one of those businesses that are located in the R-2 wants to change ownership which would change the type of use that is going in there. They had to apply for a conditional use permit. Within this particular block here we also discussed rezoning just half of the block to allow other commercial uses there as well as a right.

Utke stated B-2 as an example is what the downtown corridor is. It's not B-1 like a highway district. It fits what they were doing here. But for now we have in front of us what we need to address this. McKinney stated part of your problem that you create here is that you're not dealing just with that block. You're changing the allowable use in all R-2s. You have by way of example more than just professional offices which is what is proposed by the present applicant. That's the condition that you are creating. You may go back and rezone this block, but that doesn't impact the stuff that you aren't changing from R-2 now will be allowed to do these things that they currently aren't allowed to do. Utke stated this is a different move here.

Nordberg stated piecemealing is not so good. This is likely to do that for other places. I think the original 1959 designation of commercial really fit it then and still does. There's a gas station and the other commercial buildings on the block. We've had a suggestion that would solve the immediate problem of which I support. I support the sale and the change to a law office. That is fine. There's been a commercial business there for quite a while. I would suggest deleting the words after "professional", up and through the word "and", so it would read "professional offices under 10,000 square feet". I think that narrows it instead of expanding it. In my definition banks, medical clinics, public mental health buildings, postal stations would not be a professional office.

**A motion was made by Nordberg, seconded by Utke, to change the language of the proposed Ordinance Amending the City Code of Ordinances of the City of Park Rapids, Chapter 151 Zoning, Section 151.062, C. Conditional Use, #20. To read: Professional offices under 10,000 square feet.**

**Discussion:** Nordberg stated we can delete that language, and then vote on the new language. Are there any thoughts about the deleted words?

Mathisrud stated at last night's Planning Commission meeting the recommendation was to keep it broad. Staff presented two options. One was a broad option and one was a narrow option. After some discussion, it was decided that the broad option would allow for more uses. However, the narrow option would limit the number of uses that could possibly go in there. A narrower option would allow the applicant to use this for the use that they had discussed going into it, but would limit future impacts to the R-2 District if there is another applicant that would want to apply under one of these categories.

Nordberg questioned are there any more thoughts about broad versus narrow? Were there other places in town that you were trying to cover with this language? Utke stated no. It was that block and a couple of the parcels on North Park. I'm hearing when we make the motion to change this it will affect all of the R-2, which would make all R-2 in town fall under these same rules. This particular parcel, we could go to this new motion and then if those parcels, as the Planning Commission and Mathisrud work together to present something more to us, if we change some of these areas to B-2, that would then open this one back up because it would be part of a B-2. For now, it allows this process to move forward.

Mathisrud stated that is correct. For professional offices as defined that would apply to most of the current uses that are in there so it wouldn't negatively impact them, but it wouldn't make it broad enough to give them other options either. Utke stated we didn't want to tie the hands of an owner buying it for this use but then couldn't, they'd be very limited in resell if they would want to sell it down the road. There's no guarantees what plans there are that we are going to relook at it again for rezoning of a half a block, so it would change it at a later date.

Nordberg stated the language I'm proposing to delete, in my opinion, would prevent putting in a postal office there.

**The vote was called.**

**The motion carried unanimously.**

**A motion was made by Utke, seconded by Randall, and unanimously carried to acknowledge the First Reading of the Ordinance Amending the City Code of Ordinances of the City of Park Rapids, Chapter 151 Zoning, Section 151.062, with the amended language.**

**9. CITY ADMINISTRATOR UPDATE:** McKinney had no comments.

**10. DEPARTMENT HEAD UPDATES:** Burlingame stated the Riverside Project will start on April 15<sup>th</sup>, 2015.

Mathisrud stated spring is here so we are starting to get a lot of phone calls for people remodeling houses, possible new construction. We're looking forward to bringing you some new applications here soon.

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

**12. COMMENTS FROM COUNCIL:** There were no comments.

**13. ADJOURNMENT:** A motion was made by Randall, seconded by Utke, and unanimously carried to adjourn the meeting at 6:33 p.m.

[seal]

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Mayor Pat Mikesh

ATTEST:

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Margie M. Vik  
City Clerk