

Park Rapids City Council Agenda Packet for April 23, 2024 Regular Meeting

PARK RAPIDS CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, APRIL 23, 2024 6:00 PM
PARK RAPIDS CITY COUNCIL CHAMBERS
PARK RAPIDS, MINNESOTA

Page

1. CALL TO ORDER: *The Pledge of Allegiance will be recited by all those present.*

2. ROLL CALL:

3. APPROVE AGENDA: *Councilmembers may add or delete items on the agenda at this time.*

4. APPROVE MINUTES:

4.1. City Council Regular Meeting Minutes –April 9th, 2024 1

4.2. City Council Special Meeting Minutes –April 15th, 2023 5

5. FINANCE:

5.1. Payables in the Amount of $125,458.23 and Prepaids in the Amount of $124,222.55.....7

6. CONSENT AGENDA: *All items listed with an (*) are considered to be non-controversial by the staff, but not necessarily by the Council, and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember, City Staff or Citizen so requests, in which case, the item will be removed from the consent agenda and considered immediately following consent vote.*

*6.1. Resolution #2024-59 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Osage Sportsman Club.....12

*6.2. Resolution #2024-60 Authorize Proper City Officials to Submit an Application for Funds to the Minnesota Department of Health and the Minnesota Public Finance Authority for the Central Avenue Watermain and Lead Service Line Replacement Project.....13

*6.3. Resolution #2024-61 Amended Joint Resolution: Joint Resolution of the City of Park Rapids and Todd Township for Orderly Annexation.....21

*6.4. Call for Electronic Bids for the Hatch Tower Reconditioning Project 23

*6.5. Approve Public Use Permit to Tammie Lee Hoffman for the Use of Deane Park on June 8th, 2024.....25

*6.6. Approve Public Use Permit to Calvary Lutheran Church for the Use of Deane Park on June 30th, 2024 26

*6.7. Approve Payment in the Amount of $37,000.00 to Duperon 27

*6.8. Approve Payment in the Amount of $16,832.94 to the Hubbard County Auditor 28

*6.9. Approve Payment in the Amount of $1,469.84 to M-R Sign Co, Inc. 29

*6.10. Approve Payment in the Amount of $52,000.00 to Park Rapids Ford 30

*6.11. Approve Payment in the Amount of $1,650.00 to R & G Plumbing & Heating, Inc. 31

*6.12. Approve Payment in the Amount of $2,450.00 to Steve's Tire Service 32

*6.13. Approve Payment in the Amount of $1,443.10 Sweeney Controls Company 33

*6.14. Approve Payment in the Amount of $5,950.00 to White Cap, L.P. 34

*6.15. Approve Payment in the Amount of $1,700.00 to AgSense LLC 35

*6.16. Donations to the City of Park Rapids as of April 23rd, 2024 36

7. COMMENTS FROM CITIZENS: *Individuals have 3 minutes to discuss the topic they wish to bring to Councils' attention about any item not contained on the regular agenda. The Mayor will call you up to speak on your issue. The Council will take no official action on items discussed, with the exception of referral to staff for future report. If there are no comments, the City Council will continue with the regular agenda.*

8. PLANNING:

8.1. Resolution #2024-62 Deny Conditional Use Permit to Allow a Major Modification to Conditional Use Permit Resolution #2022-134 Recorded on October 10, 2023 to Extend Business Hours from 11:00 A.M. to 1: A.M. Sunday Through Thursday and to Use Back Patio for Outdoor Activities for Customers in a B-1 Highway Business District at 1012 Birch Street South, PID# 32.72.00300 37

9. GENERAL BUSINESS

9.1. Resolution #2024-63 Vacating a Section of Front Avenue from the Alley Between Second Street West and Third Street West to Third Street West in the City of Park Rapids 43

9.2. Resolution #2024-64 Approve of and Authorize Proper City Officials to Sign the Rest Area Partnership Agreement By and Between the State of Minnesota, the Park Rapids Lakes Area Chamber of Commerce, Hubbard County, and the City of Park Rapids 45

9.3. Resolution #2024-65 Accept Land Donation from Edoma Ranson PID#'s 32.91.40500 and 32.91.40100 to the City of Park Rapids 61

10. CITY ADMINISTRATOR COMMENTS:

11. DEPARTMENT HEAD UPDATES:

12. MINUTES/REPORTS/INFORMATION: *Some of the information included here is in draft form, and is subject to change.*

12.1. Planning Commission Meeting Minutes – April 8th, 2024 64

12.2. Parks and Beautification Board Meeting Minutes – March 11th, 2024 74

12.3. Charter Communications Memo – April 9th, 2024 78

13. COMMENTS FROM COUNCIL:

13.1 Liz Stone – Arts and Culture

13.2 Liz Stone – Hubbard County EDA

13.3 Bob or Tim – Board of Equalization

14. ADJOURNMENT:

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CITY OF PARK RAPIDS
CITY COUNCIL MEETING
APRIL 9, 2024 6:00 PM
Park Rapids City Hall Council Chambers
Park Rapids, Minnesota

1. CALL TO ORDER: The April 9th, 2024, 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, Councilmembers Joe Christensen, Liz Stone, and Bob Wills. Absent: none. Staff Present: City Administrator Angel Weasner, City Clerk Berit Score, City Planner Ben Oleson via Zoom, City Engineer Jon Olson, Public Works Supervisor Scott Burlingame, Police Officer Mike Mercil, Fire Chief Joe Carlson, and Liquor Store Manager Scott Olson. Others Present: Nancy Newman, Sally Wizik Wills, Derek Ricke, LuAnn Hurd-Lof, Leann Willenbring, and Robin Fish from the Enterprise.

3. APPROVAL OF AGENDA: A motion was made by Stone, seconded by Little, and unanimously carried to approve the agenda as presented.

4. APPROVAL OF MINUTES:

4.1. City Council Regular Meeting Minutes – March 26th, 2024: A motion was made by Wills, seconded by Little, and unanimously carried to approve the March 26th, 2024, City Council Regular Meeting minutes as presented.

4.2. City Council Work Session Meeting Minutes – March 26th, 2024: A motion was made by Stone, seconded by Christensen, and unanimously carried to approve the March 26th, 2024, City Council Work Session Meeting minutes as presented.

5. FINANCE:

5.1. Payables and Prepaids: A motion was made by Stone, seconded by Little, and unanimously carried to approve the payables in the amount of $142,657.69 and prepaids in the amount of $123,530.65.

6. CONSENT AGENDA: A motion was made by Stone, seconded by Wills, and unanimously carried to approve the consent agenda as presented.

*6.1. Proclaiming April 26th, 2024 as Arbor Day in the City of Park Rapids .....

*6.2. Resolution #2024-52 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Park Rapids Chapter of the Minnesota Darkhouse and Angling Association .....

*6.3. Resolution #2024-53 Approve Minnesota Lawful Gambling LG240B Application to Conduct Excluded Bingo for Heartland Lakes Development Commission .....

*6.4. Resolution #2024-54 Approve Temporary On-Sale Liquor License to the Park Rapids Lakes Area Chamber of Commerce in the City of Park Rapids.....

*6.5. Resolution #2024-55 Approve Wage and Step Increase to Full Time Rapids Spirits Clerk Tina Jenkins .....

*6.6. Approve Payment in the Amount of $4,053.00 to O'Day Equipment LLC.....

*6.7. Approve Release of Insurance Flow Payment in the Amount of $83,900.00 to Amanda Klitzke .....

*6.8. Approve Payment in the Amount of $3,100.88 to Hawkins, Inc.....

*6.9. Approve Payment in the Amount of $27,881.42 to the Hubbard County Sheriff's Office .....

*6.10. Approve Payment in the Amount of $4,168.19 to Midwest Playscapes Inc. .....

*6.11. Approve Payment in the Amount of $4,159.25 to Structural Materials Inc. .....

*6.12. Donations to the City of Park Rapids as of April 9th, 2024 .....

*6.13. Approve Public Use Permits to the Park Rapids Lakes Area Chamber of Commerce .....

*6.14. Mayor Calls for a Public Hearing on Monday, April 15th to Discuss the Small Cities Grant Application for the City of Park Rapids .....

END OF CONSENT AGENDA

7. COMMENTS FROM CITIZENS:

8. PLANNING:

9. GENERAL BUSINESS:

9.1. Resolution #2024-56 Approve and Authorize Bid Award for the 2024 Mill and Overlay Project in the City of Park Rapids.....

Discussion:
Weasner stated we had five bids come in and the low bidder came in at $177,876.06. Jon Olson stated the bids we received were great and the low bid came in far lower than my low estimate of $190,000. We recommend approval.

A motion was made by Little, seconded by Joe, and unanimously carried to approve Resolution #2024-56.

10. CITY ADMINISTRATOR COMMENTS:

Weasner stated PID# 32.26.00100, which was one that we pulled from the tax forfeit land sale, has been returned to the County because there was a lot of interest in that parcel. We are moving forward with the rest of them with some housing projects we've been working on with Mary. The Sculpture Walk will be changing soon with the new sculptures going in in May. Next Monday, we will have a special meeting at 5 p.m. to have the public hearing to approve the Small Cities grant application. Next Thursday, we have the Board of Appeal and Equalization meeting at 8:30 a.m. I'd also like to welcome our new public works employee Blake Weleski.

11. DEPARTMENT HEAD UPDATES:

Scott Burlingame stated the new HVAC system at the library will hopefully be going in on the 26th. The library will be closed during that time. Our new employee is so far, so good.

Scott Olson stated March was a little behind 2023. Sales numbers are being led by the high whiskey prices. The last bottle we sold a few weeks ago was $599. Low alcohol sales are rising.

12. MINUTES/REPORTS/INFORMATION:

12.1. Airport Meeting Minutes – April 3rd, 2024 .....

12.2. Charter Communications Memos – March 19th, 2024 and April 2nd, 2024 .....

12.3. Building and Plumbing Reports – March 2024.....

13. COMMENTS FROM COUNCIL:

Little stated the grant application we put through for the Airport Commission did not go through. We got the bids back for the snow removal equipment and they were favorable.

Wills stated we put the bids out for the Beach House roof, so we'll see how that goes.

Christensen stated we've got some good stuff coming up for Planning Commission.

14. ADJOURNMENT: A motion was made by Christensen, seconded by Stone, and unanimously carried to adjourn the meeting at 6:10 p.m.

[seal]

_____
Mayor Ryan Leckner

ATTEST:

_____
Berit Score
City Clerk

PARK RAPIDS CITY COUNCIL
SPECIAL MEETING MINUTES
APRIL 15, 2024 5:00 PM
Park Rapids City Hall Council Chambers
Park Rapids, Minnesota

1. CALL TO ORDER: Mayor Ryan Leckner called the Park Rapids City Council Special Meeting for March 26, 2024, to order at 5:00 p.m.

2. ROLL CALL: Present: Mayor Ryan Leckner, Councilmembers Tim Little, Bob Wills, and Joe Christensen. Absent: Liz Stone. Staff Present: City Administrator Angel Weasner. Others present: Mary Thompson, Nancy Newman, Sally Wizik Wills, and Robin Fish from the Park Rapids Enterprise.

3. APPROVE AGENDA: A motion was made by Christensen, seconded by Little, and unanimously carried to approve the agenda as presented.

4. PUBLIC HEARING:

4.1. To Receive Comments Regarding the Small Cities Grant Application

A motion was made by Wills, seconded by Christensen, and unanimously carried to open the public hearing.

Wills asked why it is called, "Slum and Blight?" Mary Thompson explained the reasoning behind the term is due to Federal definitions and explained that it does not necessarily mean everything in the neighborhood is falling apart, it just defines areas that could benefit from some work and/or improvements.

A motion was made by Wills, seconded by Little, and unanimously carried to close the public hearing.

5. GENERAL BUSINESS:

5.1. Resolution #2024-57 Declaring Slum and Blighted Area in the City of Park Rapids……..
Discussion:
Mary Thompson explained the designated area.

A motion was made by Christensen, seconded by Little, and unanimously carried to approve Resolution #2024-57.

5.2. Resolution #2024-58 Approve the Small Cities Grant Application on Behalf of the City of Park Rapids……
Discussion:
Mary Thompson stated we are requesting $1,175,400.00. There is an identified program income of $48,482.00, which will add to availability of resources and there's leverage that will come from the property owners of $737,174.00. So, the entire project is well over $2 million. SCDP funding will be $1.1 million of that.

Heartland Lakes received an award of the Main Street Revitalization program and we're working with those applicants to take advantage of both these pools of funding.

We've received initial information that the state might have excess money from other awards that we might be able to reapply for some additional resources for Main Street. That's a good match to leverage more resources to make the project even better. This goes for a 30 month period of time, but I'm predicting two years.

Wills asked how and who decides who receives this money. Thompson stated we'll do an application and it will be on a first come first serve basis. We already have a list of about 20 interested business owners and those will be the first group that we'll be reaching out to. Should they not use the funds or as much as they thought they would, we'll continue to market this to everybody.

Little asked if there were limits on the residential and commercial applications. Thompson stated yes, the commercial applications is about 80%, up to $40,000 and the rental rehabilitation portions is 75% of the project costs, up to 12.5% per unit.

A motion was made by Little, seconded by Christensen, and unanimously carried to approve Resolution #2024-58.

6. ADJOURNMENT:

A motion was made by Wills, seconded by Christensen, and unanimously carried to adjourn the work session meeting at 5:12 p.m.

[seal]

_____
Mayor Ryan Leckner

ATTEST:

_____
Berit Score
City Clerk

Report Summary

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Fund Summary

Fund	Payment Amount
100 - GENERAL	69,273.42
208 - AIRPORT	3,139.00
495 - PROJECT-GEN.REAL ESTATE	131.50
601 - WATER	1,949.95
602 - SEWER	48,810.86
609 - LIQUOR STORE	438.00
703 - PW/SAFETY BLDG INT. SVC F	1,715.50
Grand Total:	**125,458.23**

Account Summary

Account Number	Account Name	Payment Amount
100-41200-50210	OPERATING SUPPLIES	175.00
100-41200-50242	OTHER PROFESSIONAL S...	16.98
100-41940-50233	PROPERTY TAX EXPENSE	3,925.79
100-42100-50550	CAPITAL OUTLAY - VEHIC...	52,000.00
100-42200-50233	PROPERTY TAX EXPENSE	438.00
100-43000-50210	OPERATING SUPPLIES	61.08
100-43000-50221	MAINTENANCE & REPAIR..	247.25
100-43000-50226	MAINTENANCE & REPAIR..	1,469.84
100-43000-50232	STREET MAINTENANCE ...	7,063.30
100-45200-50210	OPERATING SUPPLIES	18.36
100-45200-50221	MAINTENANCE & REPAIR..	958.57
100-45200-50233	PROPERTY TAX EXPENSE	733.65
100-45200-50491	PAYMENTS TO OTHER A...	1,844.60
100-45500-50233	PROPERTY TAX EXPENSE	321.00
208-44000-50223	MAINTENANCE & REPAIR..	1,650.00
208-44000-50233	PROPERTY TAX EXPENSE	1,489.00
495-48000-50233	PROPERTY TAX EXPENSE	131.50
601-49400-50210	OPERATING SUPPLIES	1,465.45
601-49400-50242	OTHER PROFESSIONAL S...	60.00
601-49400-50243	OTHER CONTRACTUAL S...	320.00
601-49400-50315	TESTING FEES (NON-PER...	104.50
602-49450-50210	OPERATING SUPPLIES	20.36
602-49450-50221	MAINTENANCE & REPAIR..	2,450.00
602-49450-50233	PROPERTY TAX EXPENSE	7,640.50
602-49450-50243	OTHER CONTRACTUAL S...	1,700.00
602-49450-50510	CAPITAL OUTLAY - GENE...	37,000.00
609-49750-50233	PROPERTY TAX EXPENSE	438.00
703-49800-50233	PROPERTY TAX EXPENSE	1,715.50
	Grand Total:	**125,458.23**

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Project Account Summary

Project Account Key	Payment Amount
None	125,458.23
Grand Total:	**125,458.23**

Report Summary

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Fund Summary

Fund	Payment Amount
100 - GENERAL	11,478.16
208 - AIRPORT	918.65
601 - WATER	588.49
602 - SEWER	1,929.24
609 - LIQUOR STORE	108,535.87
703 - PW/SAFETY BLDG INT. SVC F	507.50
876 - LIBRARY (SEPARATE FUND)	264.64
Grand Total:	**124,222.55**

Account Summary

Account Number	Account Name	Payment Amount
100-41200-50200	OFFICE SUPPLIES	39.18
100-41200-50321	TELECOMMUNICATIONS...	47.61
100-41200-50345	ADVERTISING EXPENSE	22.67
100-41200-50413	RENTS & LEASES - EQUI...	86.95
100-41600-50300	LEGAL EXPENSE-CIVIL	112.50
100-41910-50200	OFFICE SUPPLIES	60.42
100-41910-50321	TELECOMMUNICATIONS...	19.60
100-41910-50413	RENTS & LEASES - EQUI...	57.97
100-41940-50231	JANITORIAL EXPENSE	15.84
100-41940-50321	TELECOMMUNICATIONS...	225.78
100-41940-50383	GAS UTILITIES	404.52
100-42100-50212	VEHICLE OPERATIONS - ...	1,644.53
100-42100-50231	JANITORIAL EXPENSE	21.08
100-42100-50243	OTHER CONTRACTUAL S...	163.17
100-42100-50321	TELECOMMUNICATIONS...	967.52
100-42100-50413	RENTS & LEASES - EQUI...	14.49
100-42200-50210	OPERATING SUPPLIES	249.98
100-42200-50212	VEHICLE OPERATIONS - ...	73.94
100-42200-50243	OTHER CONTRACTUAL S...	14.49
100-42200-50308	TRAINING	450.00
100-42200-50321	TELECOMMUNICATIONS...	194.02
100-42200-50323	COMMUNICATION/RAD...	87.85
100-42200-50383	GAS UTILITIES	780.08
100-43000-50118	ALLOWANCES - UNIFORM	280.23
100-43000-50212	VEHICLE OPERATIONS - ...	724.40
100-43000-50321	TELECOMMUNICATIONS...	128.70
100-43000-50413	RENTS & LEASES - EQUI...	14.49
100-43124-50212	VEHICLE OPERATIONS - ...	66.33
100-43125-50212	VEHICLE OPERATIONS - ...	559.48

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Account Summary

Account Number	Account Name	Payment Amount
100-43125-50232	STREET MAINTENANCE ...	1,591.68
100-43160-50381	ELECTRIC UTILITIES	1,236.43
100-45200-50118	ALLOWANCES - UNIFORM	179.02
100-45200-50212	VEHICLE OPERATIONS - ...	148.41
100-45200-50221	MAINTENANCE & REPAIR..	274.40
100-45200-50381	ELECTRIC UTILITIES	28.83
100-45200-50413	RENTS & LEASES - EQUI...	14.49
100-45500-50223	MAINTENANCE & REPAIR..	137.56
100-45500-50231	JANITORIAL EXPENSE	7.20
100-45500-50383	GAS UTILITIES	332.32
208-44000-50210	OPERATING SUPPLIES	7.48
208-44000-50212	VEHICLE OPERATIONS - ...	385.24
208-44000-50221	MAINTENANCE & REPAIR..	180.00
208-44000-50223	MAINTENANCE & REPAIR..	7.98
208-44000-50321	TELECOMMUNICATIONS...	128.06
208-44000-50383	GAS UTILITIES	195.40
208-44000-50413	RENTS & LEASES - EQUI...	14.49
601-49400-50212	VEHICLE OPERATIONS - ...	284.13
601-49400-50321	TELECOMMUNICATIONS...	151.88
601-49400-50413	RENTS & LEASES - EQUI...	152.48
602-49450-50212	VEHICLE OPERATIONS - ...	284.14
602-49450-50221	MAINTENANCE & REPAIR..	90.00
602-49450-50223	MAINTENANCE & REPAIR..	357.94
602-49450-50321	TELECOMMUNICATIONS...	576.78
602-49450-50323	COMMUNICATION/RAD...	175.70
602-49450-50381	ELECTRIC UTILITIES	292.20
602-49450-50413	RENTS & LEASES - EQUI...	152.48
609-49750-50210	OPERATING SUPPLIES	423.90
609-49750-50223	MAINTENANCE & REPAIR..	819.34
609-49750-50231	JANITORIAL EXPENSE	121.46
609-49750-50242	OTHER PROFESSIONAL S...	-250.00
609-49750-50250	MERCHANDISE FOR RE-...	105,880.72
609-49750-50321	TELECOMMUNICATIONS...	243.38
609-49750-50331	MILEAGE	98.10
609-49750-50345	ADVERTISING EXPENSE	365.00
609-49750-50383	GAS UTILITIES	169.00
609-49750-50413	RENTS & LEASES - EQUI...	57.97
609-49750-50435	MEETINGS AND CONFER...	607.00
703-49800-50223	MAINTENANCE & REPAIR..	38.96
703-49800-50383	GAS UTILITIES	468.54
876-45500-50243	OTHER CONTRACTUAL S...	193.38

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Account Summary

Account Number	Account Name	Payment Amount
876-45500-50321	TELECOMMUNICATIONS...	71.26
	Grand Total:	**124,222.55**

Project Account Summary

Project Account Key		Payment Amount
None		124,222.55
	Grand Total:	**124,222.55**

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RESOLUTION #2024-59

APPROVE MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR THE OSAGE SPORTSMAN CLUB

WHEREAS, the Park Rapids City Council has determined that the said permit would not be detrimental to the public interests of the Citizens of Park Rapids; and,

WHEREAS, the Minnesota Lawful Gambling Permit LG220 is being requested for the purpose of conducting a raffle by the Osage Sportsman Club on August 17th, 2024, at 900 First Street Ease, American Legion Post 212, in the City of Park Rapids; and,

WHEREAS, proceeds from the event will be used for charitable purposes by the Osage Sportsman Club.

NOW, THEREFORE BE IT RESOLVED, that the aforesaid Minnesota Lawful Gambling Application LG220 for the Osage Sportsman Club be and the same hereby is approved, with no waiting period.

The foregoing resolution was moved by Councilmember , seconded by Councilmember

The following Councilmembers voted in favor:
The following Councilmembers voted nay:
The following Councilmembers absent:

(seal)

_____
Mayor Ryan Leckner

Attest:

_____
Berit Score
City Clerk

Adopted this 23rd day of April 2024.

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RESOLUTION #2024-60

AUTHORIZE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION FOR FUNDS TO THE MINNESOTA DEPARTMENT OF HEALTH AND THE MINNESOTA PUBLIC FINANCE AUTHORITY FOR THE CENTRAL AVENUE WATERMAIN AND LEAD SERVICE LINE REPLACEMENT PROJECT

WHEREAS, the City of Park Rapids and Hubbard County are working on a road reconstruction project in 2025 to include water and sewer line replacement and repairs on Central Avenue; and,

WHEREAS, the City must request financial assistance from the Minnesota Department of Health and the Minnesota Public Finance Authority Project Priority List to assist with costs associated with the project; and,

WHEREAS, the Finance Committee met on March 12th, 2024 and recommends approval of the application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Park Rapids, County of Hubbard, State of Minnesota, hereby authorizes proper City officials to submit an application for funds from the Minnesota Department of Health and the Minnesota Public Finance Authority for the Central Avenue watermain and lead replacement project in 2025.

The foregoing resolution was moved by Councilmember , seconded by Councilmember

The following Councilmembers voted in favor:
The following Councilmembers voted nay:
The following Councilmember absent:

(seal)

_____
Mayor Ryan Leckner

Attest:

_____
Berit Score
City Clerk

Adopted this 23rd day of April 2024.

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City of Park Rapids

Request for Council Action

Originating Source:	Meeting Date:	Agenda No.
Administration	April 23, 2024	
Agenda Section:	Item Topic:	
Consent	Approve Application submission for PPL inclusion	

Summary

The City and County are working on a road reconstruction project in 2025 which will include water and sewer line replacement and repairs. The city needs to request financial assistance from MN Department of Health and MN Public Finance Authority Project Priority List (PPL) to assist with those costs.

Background Information:

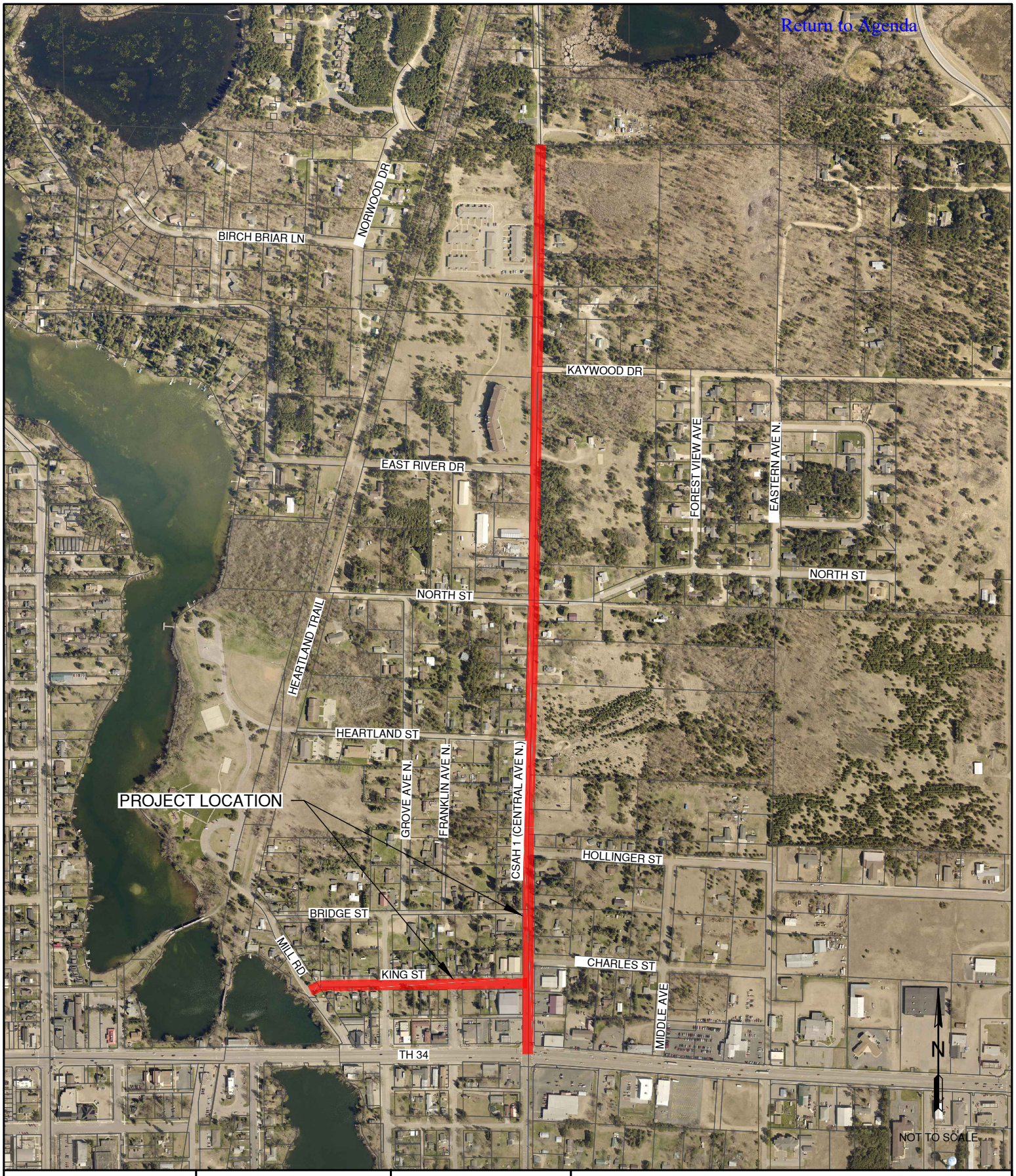
The City of Park Rapids held a finance committee meeting on March 12th where one topic of discussion was a potential application submission to MN DOH (Minnesota Department of Health) and MN PFA (Minnesota Public Finance Authority) for the street reconstruction project being led by Hubbard County in 2025. The street reconstruction project will include replacement and repair of city water and sewer lines underground along this corridor. The Finance committee heard from Jon Olson that now is the time to submit an application for funds to assist with these infrastructure costs next year. The city has a current MN PFA loan where the final payment will be made in 2025 so the potential new loan will just replace that without increasing the city's debt service. The finance committee is recommending approval of submitting the application to the MN DOH and MN PFA for the CSAH 1 road reconstruction project in 2025.

Council Action Recommendation:

Approve submission of City of Park Rapids PPL to MN DOH and MN PFA for the Central Avenue (CSAH 1) watermain and lead service line replacement project.

Funding Source(s): N/A

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Apex Engineering Group

Come to our Northwoods Home. Where everyone is welcome. Park Rapids, MN

HUBBARD COUNTY

HUBBARD COUNTY 1 (CENTRAL AVE N.)

PROJECT LOCATION MAP

Date: April 17, 2024 Drawn By: JAG Apex Project #: 23.621.0214

L:\Projects\2023\23.621.0214 - Hubbard County 1\Preliminary\Drawings & Exhibits\240417 - Location Map With Hubbard.dwg

City of Park Rapids
212 SECOND STREET WEST
PARK RAPIDS, MINNESOTA 56470
PHONE (218) 732-3163
FAX (218) 237-2754

April 23, 2024

Minnesota Department of Health
DWRF Program
P.O. Box 64975
St. Paul, Minnesota 55164-0975

RE: Central Avenue (CSAH No. 1) TH 34 to north City Limits, and
King Street from Mill Street to Central Avenue
Street and Utility Replacement

Dear Revolving Fund Coordinator,

Enclosed is the Park Rapids proposal to place the watermain and lead service line replacement project on the fiscal year 2025 Drinking Water Revolving Fund Project Priority List.

The City of Park Rapids appreciates your review of the attached documentation.

Sincerely,

Angel Weasner
City Administrator

Drinking Water Revolving Fund Application

Project Priority List

Project Owner

City of Park Rapids, Minnesota

Project Name

Central Avenue (CSAH No. 1) TH 34 to north City Limits, and
King Street from Mill Street to Central Avenue
Street and Utility Replacement

Contacts

City Representative
Angel Weasner, City Administrator
City of Park Rapids
212 2nd Street West
Park Rapids, MN 56470
218-732-3163
city.admin@ci.park-rapids.mn.us

Proposal Writer
Jonathan Olson, PE
Apex Engineering Group
920 McKinley Avenue
Detroit Lakes, MN 56501
218-844-2583
jon.olson@apexenggroup.com

Community Statistics & Population

Park Rapids is located in Hubbard County, Minnesota. Incorporated in 1882, the economy is largely based on agriculture, industry, and tourism. Lamb-Weston/RDO and the hospital are the largest employers within the community.

Current Population: 4,322
Current Households: 1,944
Projected 2034 Population: 4,786
Median Household Income: $41,170

System description

General

The public water system consists of two municipal wells, an iron and manganese filtration plant, two elevated storage tanks, and a distribution system that serves the majority of the developed properties within the corporate city limits. The average water use is typically 600,000 gpd, and the maximum daily usage can be nearly double the average. Many of the water service lines within this project location are anticipated to be lead.

Supply

The City of Park Rapids Wells #9 and #10 are installed to a depth of approximately 160 below the surface and draw water from the first confined aquifer. The water is high in iron and manganese and has non-detectable levels of ammonia. Wells #1 through #8 have been previously sealed.

Well Information

Well	Constructed	Depth	Capacity
#9	2013	115 Feet	1,100 GPM
#10	2020	166 Feet	1,100 GPM

Treatment

The iron & manganese filtration plant was built in 2013 to treat water from Well #9 at a capacity of 900 gallons per minute. Well #10 was put into production in 2020 with the intent to alternate operation with #9. Well #10 was installed for redundancy purposes, not capacity increases. The treatment process consists filtration through anthracite/greensand media. Chemical treatment consists of phosphate, hypochlorite, fluoride, and potassium permanganate.

Storage

Water is stored in two elevated storage tanks; one 500k gallon located on Huntsinger Avenue on the west side of town and the second 400k gallon located on Hatch Avenue on the east side of town. The 500k tank was constructed in 1973 and overcoated in 2019. The 400k tank was constructed in 2007, and its coatings will be replaced in 2024. Both tanks are in good condition.

Distribution

The distribution system pipe types vary and include concrete-asbestos, cast iron (CIP), and polyvinyl chloride (PVC). The pipe sizes range from 4- to 12-inch. The City has been actively replacing the CIP watermains which typically contain lead service lines over the last 20-years. The current material standard for the City is PVC.

Need for Improvements

Source

No work is proposed for the City's water supply wells.

Treatment

No work is proposed for the City's water treatment facility.

Distribution

Water distribution system piping within the areas included in this proposal consists of 6-inch CIP that is estimated to be around 70 years of age and older. The City has had numerous water main breaks within the project areas due to the piping being structurally unstable and beyond its useful service life. Many of the existing valves are not operable, which results in challenges

in isolating portions of the water system when the City needs to make repairs and hydrants are old, and many are inoperable.

Alternatives

The City of Park Rapids would like to list watermain replacement and lead service line replacement projects on the Project Priority List at this time.

Distribution

Alternatives for replacing the aging unreliable water distribution system and services are limited to pipe replacement by open excavation as the existing gate valves, hydrants, and water service laterals to the property line are in need of replacement along with the water distribution piping. Costs associated with this alternative are listed below.

Alternative Selected

As mentioned above, it has been proposed that the existing water distribution system piping be replaced by open excavation. This alternative has been selected as it is the only viable alternative to replace the distribution system including all services, fittings, hydrants, and gate valves. Existing CIP will be replaced with 6- and 10-inch gasketed PVC pipe. New hydrants, gate valves, and service laterals to the edge of the right-of-way will also be installed at the necessary locations. The timing of the replacement will be coordinated with Hubbard County when they reconstruct Central Avenue. King Street is adjacent to Central Avenue and will be included in the project scope for watermain replacement. King Street restoration will be necessary as part of this work. The existing rural section bituminous width on King Street is +/- 28'.

Cost Summary

Selected Alternative

Description	**Cost**
Watermain Replacement Construction Costs	$1,266,500
Street Restoration Construction Costs	$121,100
Storm Sewer Restoration Construction Costs	$17,500
Sanitary Sewer Restoration Construction Costs	$17,000
Construction Subtotal	$1,422,100
Engineering & Admin (10%)	$ 284,420
Contingency (10%)	$ 142,210
Total for Selected Alternative	**$1,848,730**

Project Schedule

Watermain Replacement and Lead Service Line Replacement

Topographic and Boundary Survey: Completed
Preliminary Engineering Report: June 2024
Construction Drawings and Specifications: January 2025
Bid Project: February 2025
Award Contract: March 2025
Begin Construction: May 2025
Substantial Completion: September 2025
Final Completion: July 2026

Water Supply Plan

The City of Park Rapids has a conservation plan in place, and it was last updated in 2015.

Miscellaneous

A city map is attached illustrating the proposed watermain replacement locations.

AMENDED JOINT RESOLUTION

CITY OF PARK RAPIDS RESOLUTION NUMBER 2024-61

TODD TOWNSHIP RESOLUTION NUMBER _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION OF THE CITY OF PARK RAPIDS AND THE TODD TOWNSHIP DESIGNATING CERTAIN AREAS AS IN NEED OF ORDERLY ANNEXATION PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325

JOINT RESOLUTION FOR ORDERLY ANNEXATION

WHEREAS, individual property owners, James Girtz and Pamela Girtz, husband and wife, with property located within the Todd Township ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of Park Rapids ("City") seeking annexation of the above-referenced property to the City and connection to City services due to high nitrate levels in the private well located on the property; and

WHEREAS, there was a change to the legal description during the review and the amended map and legal description are attached to replace the original document in City of Park Rapids resolution #2023-123 and Todd Township Resolution 2023-14.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Park Rapids and the Board of Supervisors of the Todd Township approve amended joint resolution with the updated legal description in attached Exhibit A.

1. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.

2. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings / Municipal Boundary Adjustments Unit and pay the required filing fee(s).

Passed, adopted, and approved by the Township Board of Supervisors of the Todd Township, Hubbard County, Minnesota, this ____ day of _____, 2024.

ATTEST: TODD TOWNSHIP

By: _____ By: _____
Pat Cadreau, Town Clerk James Schauer, Chair

Passed, adopted, and approved by the City Council of the City of Park Rapids, Hubbard County, Minnesota, this 23rd day of April, 2024.

ATTEST: CITY OF PARK RAPIDS

By: _____ By: _____
Berit Score, City Clerk Ryan Leckner, Mayor

EXHIBIT A

Legal Description

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

Commencing at an iron monument which designates the southeast corner of said Section 22; thence North 00 degrees 17 minutes 08 seconds East 174.97 feet on an assumed bearing along the east line of said Section 22 to Right of Way Boundary Corner B7 per MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 29-54 (hereinafter, RIGHT OF WAY PLAT), said plat is on file and of record in the Office of the Recorder in said County, said point is the point of beginning; thence continuing North 00 degrees 17 minutes 08 seconds East 63.48 feet along the east line of said Section 22; thence South 88 degrees 16 minutes 19 seconds West 30.37 feet to an iron monument; thence continuing South 88 degrees 16 minutes 19 seconds West 248.66 feet to an iron monument on the northerly line of said RIGHT OF WAY PLAT; thence South 13 degrees 47 minutes 47 seconds East 140.04 feet along the northerly line of said RIGHT OF WAY PLAT to an iron monument at Right of Way Boundary Corner B4 per said RIGHT OF WAY PLAT; thence North 88 degrees 36 minutes 28 seconds East 137.01 feet continuing along the northerly line of said RIGHT OF WAY PLAT to an iron monument at Right of Way Boundary Corner B5 per said RIGHT OF WAY PLAT; thence North 44 degrees 23 minutes 25 seconds East 107.52 feet continuing along the northerly line of said RIGHT OF WAY PLAT to an iron monument at Right of Way Boundary Corner B6 per said RIGHT OF WAY PLAT; thence North 88 degrees 39 minutes 51 seconds East 33.01 feet continuing along the northerly line of said RIGHT OF WAY PLAT to the point of beginning. The above-described tract contains 30,771 square feet (0.71 of an acre).

SUBJECT TO the rights of the public for Western Avenue North along the east line of said Section 22.

Electronic Bids for the Hatch Avenue 400,000 Gallon Elevated Tank Reconditioning will be received electronically by the City of Park until 10:00 a.m. local time on May 15, 2024, at which time the Bids received will be publicly opened OR Received and read aloud at Apex Engineering Group, 920 McKinley Avenue, Detroit Lakes, Minnesota 56501. A link to attend the live video conference bid opening will be sent to all QuestCDN Plan Holders, and others as requested, for this Project. The Project generally consists of various structural modifications, blasting, and recoating of the City's existing 400,000 gallon elevated single pedestal water tower on the east side of town.

The Issuing Office for the Bidding Documents is: Apex Engineering Group, Inc., 920 McKinley Avenue, Detroit Lakes, MN 56501. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 9:00 am and 3:00 pm.

The Bidding Documents are available for download from the QuestCDN.com website for $22.00 (QuestCDN Project #XXXXXXX). Please contact QuestCDN Client Success at 952-233-1632 or Success@QuestCDN.com for assistance in membership registration, downloading digital bidding documents, and vBid questions. Bidders may also obtain hard copies of the Contract Documents from the Issuing Office upon payment of a non-refundable fee of $(Toni G. to demine based on size of Plans/Specs)

Project Bidding Documents must be downloaded from QuestCDN, which will add your company to the Planholders List and allow access to vBid online bidding for the submittal of your Bid (which is required for this project). Bidders will be charged an additional, non-refundable fee of $42.00 to submit a Bid electronically.

Bids will ONLY be received and accepted via the online electronic bid service through QuestCDN.com. Bids will not be allowed to be submitted without proper acknowledgement of any and all addenda.

No bidder shall withdraw their bid for at least thirty (30) days after the scheduled closing time for the receipt of bids.

Each electronic bid shall be accompanied by a bidder's security in a sum equal to five (5) percent of the full amount of the bid. The bid security shall be executed by the bidder as principal and by a surety company authorized to do business in the State of Minnesota. The bid security shall be conditioned that if the principal's bid is accepted and a contract is awarded to the principal, the principal, within ten (10) days after Notice of Award, shall execute a contract in accordance with the terms of his bid and a Contractor's Bond as required by law and the regulations and determinations of the governing body. The bid Security of the three (3) lowest bidders will be retained until the contract has been awarded and executed, but for no longer than thirty (30) days. The bid security is a guarantee that the bidder will enter into contract for the work described in the Contract Documents.

The Owner reserves the right to reject any or all bids and to waive informalities.

The successful Bidder shall be required to furnish both a Performance Bond and Payment Bond in the full amount of the Contract.

A mandatory pre-bid conference will be held on Tuesday, May 7th, 20, 2024 at 2:00 p.m. at the City Public Works Facility, 1425 Fair Avenue, Park Rapids, MN 56470. Personnel from the City and Engineer will be on hand to answer questions. Tours of the sites will be available following the conference. Attendance at the pre-bid conference is mandatory for all Contractors interested in submitting a bid. The Owner is not obligated to meet at other times/dates than listed above.

ALL QUESTIONS REGARDING THE CONTRACT DOCUMENTS SHALL BE DIRECTED TO THE OFFICE OF: Apex Engineering Group, Inc., Jon Olson, PE at 218-844-2583 or by email at Jon.Olson@ApexEngGroup.com. All questions must be received in writing or by email on or before seven (7) days prior to the bid opening. Responses to technical questions will be issued by addendum prior to the bid opening.

Complete instructions for filing bids are included in the Instructions to Bidders.

Dated this 23rd day of April, 2024.

Ms. Angel Weasner
City Administrator
City of Park Rapids, Minnesota

PUBLIC FACILITIES USE PERMIT

Pursuant to the direction of the Council of the City of Park Rapids, County of Hubbard, State of Minnesota, and the payment of a fee of **$25.00**

THIS PERMIT IS ISSUED TO:

Tammie Lee Hoffman

FOR:

An 80th Birthday Party

to hold, give, and conduct a public event in that certain building or place in the City of Park Rapids, County of Hubbard, State of Minnesota known and described as follows:

Deane Park

Upon this date and time as follows:

Saturday, June 8th, 2024

subject to the following conditions:

Permission from the City Council of the City of Park Rapids has been granted prior to the event and approved by the Council on April 23rd, 2024. All the laws of the State of Minnesota, and the City of Park Rapids, relating to the conduct of public events are to be observed.

Witness my hand and the Corporate Seal of the said City of Park Rapids, this 23rd day of April 2024.

(SEAL)

_____ _____

Berit Score, City Clerk Jeffrey Appel, Chief of Police

TO BE POSTED OR HAVE ON PERSON DURING EVENT

Return to Agenda

PUBLIC FACILITIES USE PERMIT

Pursuant to the direction of the Council of the City of Park Rapids, County of Hubbard, State of Minnesota, and the payment of a fee of **$25.00**

THIS PERMIT IS ISSUED TO:

Calvary Lutheran Church

FOR:

Worship Service

to hold, give, and conduct a public event in that certain building or place in the City of Park Rapids, County of Hubbard, State of Minnesota known and described as follows:

Deane Park

Upon this date and time as follows:

Sunday, June 30th, 2024 at 9 a.m.

subject to the following conditions:

Permission from the City Council of the City of Park Rapids has been granted prior to the event and approved by the Council on April 23rd, 2024. All the laws of the State of Minnesota, and the City of Park Rapids, relating to the conduct of public events are to be observed.

Witness my hand and the Corporate Seal of the said City of Park Rapids, this 23rd day of April 2024.

(SEAL)

_____ _____

Berit Score, City Clerk Jeffrey Appel, Chief of Police

TO BE POSTED OR HAVE ON PERSON DURING EVENT

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $37,000 for an invoice from Duperon.	

Summary:

Duperon has submitted an invoice (#25496) in the amount of $37,000 for 25% of contract for a Flexrake Low Flow w/LFCW barscreen for the sewer system. This expenditure was brought to the Finance Committee on February 13, 2024, and recommended for approval. This barscreen acts as a protection in our sewer system.

Background:

Council Action Recommendation:

Approve partial payment to Duperon in the amount of $37,000 for invoice #25496.

Funding Source(s):

602-49450-50510 SEWER FUND/SEWER DEPT./CAPITAL OUTLAY - GENERAL

Return to Agenda

City of
Park Rapids

Request for Council Action

Originating Source: Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment of the first half of property taxes to the Hubbard Co. Auditor/Treasurer in the amount of $16,832.94	

Summary:

The first half of property taxes payable in 2024 is due May 15. The amount listed above pertains to 21 properties. It includes the armory building, which will be invoiced to the AA & EC.

Background Information:

Property taxes are a budgeted item.

Council Action Recommendation:

Approve payment to Hubbard Co. Auditor/Treasurer in the amount of $16,832.94 to pay the first half of property taxes

Funding Source(s):

100-42200-50233	208-4400-50223	495-48000-50233
100-45500-50233	325-47000-50233	602-49450-50233
100-45200-50233	703-49800-50233	
100-41940-50233	609-49750-50233	

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $1,469.84 for an invoice from M-R Sign Co., Inc.	

Summary:

M-R Sign Co., Inc. has submitted an invoice (#223473) in the amount of $1,469.84 for annual signage needs and freight.

Background:

Council Action Recommendation:

Approve payment to M-R Sign Co., Inc. in the amount of $1,469.84 for invoice #223473.

Funding Source(s):

100-43000-50226 GEN. FUND/HWYS., STREETS & ROADS/MAINT. & REPAIR - SIGNS

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Police/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $52,000 for an invoice from Park Rapids Ford for a new vehicle.	

Summary:

Park Rapids Ford has submitted an invoice in the amount of $52,000 for a 2024 Ford Police Intercept AWD police vehicle VIN # 1FM5K8AC5RGA25113. This vehicle was included in the budget.

Background:

Council Action Recommendation:

Approve payment to Park Rapids Ford in the amount of $52,000 for the purchase of this vehicle.

Funding Source(s):

100-42100-50550: GEN. FUND/POLICE/CAPITAL OUTLAY-VEHICLE

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $1,650 for an invoice from R & G Plumbing & Heating, Inc.	

Summary:

R & G Plumbing & Heating, Inc. has submitted an invoice (#8780) in the amount of $1,650 for the removal, purchase, and installation of a toilet and urinal in the airport. This expenditure was brought to the Finance Committee on March 12, 2024, and was recommended for approval.

Background:

Council Action Recommendation:

Approve payment to R & G Plumbing & Heating, Inc. in the amount of $1,650 for invoice #8780.

Funding Source(s):

208-44000-50223 AIRPORT/AIRPORT/MAINT. & REPAIR - BUILDINGS

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $2,450 for an invoice from Steve's Tire Service.	

Summary:

Steve's Tire Service has submitted an invoice (#010577) in the amount of $2,450 for five irrigator tires and a service call for changing tire.

Background:

Council Action Recommendation:

Approve payment to Steve's Tire Service in the amount of $2,450 for invoice #010577.

Funding Source(s):

602-49450-50221 SEWER FUND/SEWER DEPT./EQUIPMENT MAINT. & REPAIR

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $1,443.10 for an invoice from Sweeney Controls Company.	

Summary:

Sweeney Controls Company has submitted an invoice (STDINV18470) in the amount of $1,443.10 for in house labor, Microsoft Office Professional, and shipping costs incurred during the computer hard drive failure for the SCADA system (water)

Background:

Council Action Recommendation:

Approve payment to Sweeney Controls Company in the amount of $1,443.10 for STDINV18470.

Funding Source(s):

601-49400-50210 WATER/WATER/OPERATING SUPPLIES

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 24, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $5,950 for invoice #50026177349 from White Cap, L.P.	

Summary:

White Cap, L.P. has submitted an invoice (50026177349) totaling $5,950 for the purchase of leveling mastic one w/o box crafco plus delivery/fuel surcharges. This material is used for street maintenance.

Background:

Council Action Recommendation:

Approve payment of invoice listed in the amount of $5,950 to White Cap, L.P.

Funding Source(s):

100-43000-50232 GEN FUND/HWYS, STREETS & ROADS/STREET MAINT EXPENSE

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Public Works/Accounting	Meeting Date: April 23, 2024	Agenda No.
Agenda Section: Consent	Item Topic: Approve payment in the amount of $1,700 for an invoice from AgSense, LLC.	

Summary:

AgSense, LLC has submitted an invoice (#1453118) in the amount of $1,700 for five Monitor & Control Pro annual subscriptions for controlling the irrigators. Each subscription was priced at $340 annually.

Background:

Council Action Recommendation:

Approve payment to AgSense, LLC in the amount of $1,700 for invoice #1453118.

Funding Source(s):

602-49450-50243 SEWER FUND/SEWER DEPT./OTHER CONTRACTURAL SERVICES

Return to Agenda

DONATION LIST FOR COUNCIL APPROVAL

DATE	DONOR	AMOUNT	CHECK #/CASH	RECEIPT #	DESIGNATED FOR:
4/8/2024	TOWN OF TWO INLETS	$250.00	4373	67236	LIBRARY DONATION
4/12/2024	TOWNSHIP OF HENRIETTA	$750.00	12622	67237	LIBRARY DONATION

LISTING TO THE 04/23/24 COUNCIL MTG $1,000.00 DEPOSITED _____. DR

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source: Ben Oleson, City Planner	Meeting Date: April 23, 2024	Agenda No.:

Agenda Section:	Item Topic: **Resolution**
Planning	Request from Gregory A. Parsons for a major modification to Conditional Use Permit Resolution 2022-134 recorded on October 10, 2023 to extend business hours from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and to use back patio for outdoor activities for customers.

Summary:

The applicants are proposing to modify a conditional use permit previously granted in 2022 to operate an on-sale bar/liquor establishment on the subject property. The modifications would be: 1) to allow for the bar to be open from 11am-1am every day of the week rather than only Friday and Saturday (current limitations on hours for Sunday-Thursday are 11am-10pm); and 2) to allow for a portion of the rear of the building (between the building and a fence constructed by the applicant as a condition of the 2022 approval that is approx. 15-20 feet from the building and approx. 40-45 feet from the rear property line) to be used as an area for customers to smoke and drink outdoors. The applicant indicates the rear area would have an approx. 12' x 12' patio constructed with a table placed on it and that no speakers for music would be outdoors.

The building and site have previously been used for various retail, service or vehicle repair businesses and is located on Birch Street immediately west of a building owned by Hubbard 1st Response and Rescue and east of a large storage building owned by Davis Holding Company LLC that appears to be used in conjunction with the Davis Electric building located at 1104 Birch Street. To the northeast is an Ambulance Service building and a car wash facility. Birch Street is one block south of 1st Street E./State Highway 34 and connected to the highway via Hatch Avenue, which has a hotel and a sporting good store located on it north of the subject property. Two vacant properties also zoned B-1 are located directly to the north.

Immediately south of the property and a short distance to the west is a residential subdivision (“Timbers”) with the most immediate neighbors being a series of twin homes on Timbers Drive. Beyond that to the south and west is an extensive neighborhood of residential homes. The rear (south) of the property is somewhat separated from those adjacent twinhomes by an existing fence and trees.

An overhead power line and power company easement runs across the south portion of the property that disallows the construction of buildings or other barriers without the permission of Minnesota Power.

The applicant does not propose an expansion of seating area or changes to how the inside of the bar works, as far as City Staff understands.

Background Information:

- **Applicant and Property Owner:** Gregory A. Parsons
- **Location:**
  - Property address: 1012 Birch St S
  - Parcel number(s): 32.72.00300
- **Zoning:** B-1 Highway Business District
- **Lot size:** Approx. 22,510 sq ft (0.52 acres) according to County GIS estimate
- **Sewer/Water Status:** The property is served by city sewer and water.

Council Action Recommendation from the Planning Commission:

Denial of the requested Conditional Use subject to the findings of fact and conditions outlined in the enclosed resolution.

NOTE: Mr. Parsons, since the Planning Commission made its recommendation, has requested the the Council not make a final decision on his application as of yet. He is requesting time to determine if he can address the concerns about insufficient off-street parking and has requested that the Council "table" his request. He is unsure of how long it will take him to determine his plans:

Staff would make the following comments about that request:

1. The Council could:
   a. Agree to send the matter back to the Planning Commission for further consideration of whatever plans he comes up with for off-street parking (Staff would suggest that the meeting be re-noticed to the public given the likely significant change to the proposal); or
   b. Allow him to submit his new information about off-street parking directly to the Council when he has that information available and ready to present; or
   c. Make a final determination as to whether to approve or deny his application without tabling it or sending it back to the Planning Commission if it feels that there are other reasons to approve or deny the request independent of off-street parking issues.
2. If the Council does not make a final decision at the April 23, 2024 meeting, it will either need to make a final decision by May 13, 2024 to meet the "60-day Rule" requirements of MN Statutes 15.99 or have Staff send a letter exercising the City's ability to extend its timeline for making a decision under 15.99 for up to another 60 days (until July 12, 2024).
3. If the Council does table the request to await additional information, it may wish to set a deadline for when he needs to submit that information. Staff would suggest a deadline of no later than May 15 to allow for adequate time to notice a new public hearing at the Planning Commission's June 10 regular meeting date and allow time for the City to make a final decision before the extended timeline under MN Statutes 15.99 expires on July 12, 2024. Alternatively, Mr. Parsons could sign a waiver of the timeline under MN Statutes 15.99 and give the City more time should the Council feel that is acceptable.

RESOLUTION #2024-62

DENY CONDITIONAL USE PERMIT TO ALLOW A MAJOR MODIFICATION TO CONDITIONAL USE PERMIT RESOLUTION #2022-134 RECORDED ON OCTOBER 10, 2023 TO EXTEND BUSINESS HOURS FROM 11:00 A.M. TO 1:00 A.M. SUNDAY THROUGH THURSDAY AND TO USE BACK PATIO FOR OUTDOOR ACTIVITIES FOR CUSTOMERS IN A B-1 HIGHWAY BUSINESS DISTRICT AT 1012 BIRCH STREET SOUTH, PID# 32.72.00300

WHEREAS, Gregory A. Parsons proposes to make use of a property for a major modification to Conditional Use Permit Resolution 2022-134 recorded on October 10, 2023 to extend business hours from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and to use back patio for outdoor activities for customers at PID 32.72.00300 in the B-1 Highway Business District; and

WHEREAS, a public hearing was held at the April 8, 2024 meeting of the Planning Commission to consider the request and a recommendation for Denial was made, based on the findings of fact as listed below; and

WHEREAS, the legal description of the property subject to this resolution is as described in Appendix A as attached;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Park Rapids, County of Hubbard, State of Minnesota hereby denies a request for a major modification to Conditional Use Permit Resolution 2022-134 recorded on October 10, 2023 to extend business hours from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and to use back patio for outdoor activities for customers at PID 32.72.00300 in the B-1 Highway Business District with the findings of fact as noted below:

Findings of Fact

1) **The maintenance of the public health, safety, welfare, morals, and convenience of the occupants of the surrounding land**

   The proximity of the proposed use to residential uses and the nature of a bar with patrons who are likely to be at least somewhat impaired are such that it will impose greater likelihood of noise, trespass, traffic safety, litter and other nuisances than would be expected of most businesses allowed in the B-1 zoning district – including the potential for such nuisances to be experienced during late night hours (up until 1:00-2:00am if the applicant's desired hours of operation are granted). The requested extended hours of operation and use of the rear of the building will very likely increase noise for nearby residents, is likely to degrade property values for those owners and will negate the intent of the original conditions of approval intended to allow for the bar while not overly harming nearby residential properties.

2) **The traffic conditions and parking on adjacent streets and land and existing and proposed access roads**

   The applicant has made use of all available off-street parking given the calculation the City used in approving the original conditional use permit (1 space per 2 seats). Adding another table outside would add anywhere from 2-8 more seats depending on the size of the table, which would create the need for 1-4 more parking spaces the applicant has not provided.

Birch Street is not designed for large amounts of traffic and has no space available for on-street parking. The nature of the business and the limited size of existing parking space would be such that some patrons are likely to attempt to park on Birch Street which would block traffic flow.

3) **Its compatibility with adjacent land uses and impacts on surrounding property**

The proximity of the proposed use to residential uses and the nature of a bar with patrons who are likely to be at least somewhat impaired are such that it will impose greater likelihood of noise, trespass, traffic safety, litter and other nuisances than would be expected of most businesses allowed in the B-1 zoning district – including the potential for such nuisances to be experienced during late night hours (up until 1:00-2:00am all days of the week rather than just on Friday/Saturday nights if the applicant's desired hours of operation are approved).

4) **Its compatibility with the community's Comprehensive Plan and/or Land Use Plan**

None

5) **Whether adequate utility, drainage and other such necessary facilities have been or can be provided**

None, provided that no additional parking or impervious surfaces are added to the site.

6) **Its compatibility with the intent of the zoning district in which such use is proposed**

The proposed use is more likely to serve local residents and is in an area that is not as visible to motorists passing through the area from outside of the community. As such, a bar with extended hours of operation would be more suitable along the main road than in an area without other retail or entertainment businesses and as such it is justifiable to limit the hours of operation more than usual and to limit activities adjacent to the residential properties more than usual.

7) **The ability to provide pedestrian and bicycle access, as noted in the site plan, to any customer/tenant ingress/egress of the building, including from a public right-of-way and off-street parking area that serves the use in a manner which minimizes nonvehicular/vehicular conflicts.**

The business is not designed to be accessed by bike or pedestrian traffic as it is located close to a State Highway and in an area without identified bike paths.

The foregoing resolution was moved by Councilmember , seconded by Councilmember

The following Councilmembers voted in favor:
The following Councilmembers voted nay:
The following Councilmember absent:

(seal)

_____
Mayor Ryan Leckner

Attest:

_____
Berit Score
City Clerk

Adopted this 23rd day of April 2024.

APPENDIX A: LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS CONDITIONAL USE

Lot 2, Block Two of Eastwood Second Addition, as recorded in the Office of the County Recorder, Hubbard County, Minnesota.

I Gregory Parsons am requesting to have my major modification tabled. Until I take care of some parking issues.

04-17-24 Greg Parsons



RESOLUTION #2024-63

VACATING A SECTION OF FRONT AVENUE FROM THE ALLEY BETWEEN SECOND STREET WEST AND THIRD STREET WEST TO THRID STREET WEST IN THE CITY OF PARK RAPIDS

WHEREAS, the City of Park Rapids has received a request from Hubbard County to vacate, pursuant to Minnesota Statutes § 412.851, a portion of a public street on Front Avenue, located in the City, legally described as follows:

That portion of Front Avenue as platted originally in Hollinger's First Subdivision, Park Rapids, Minn. and shown again in Graeber's Addition to Park Rapids, which lies adjacent to Lot 14, Block 4, Graeber's Addition to Park Rapids and lies southerly of the south extents of the alley located in said Block 4 and northerly of the northerly extents of Third Street in said Graeber's Addition to Park Rapids.

; and,

WHEREAS, a request to vacate was filed by Hubbard County to allow for the proposed jail expansion project; and,

WHEREAS, the Park Rapids Planning Commission reviewed the requested vacation at its May 8, 2023 regular meeting in accordance with Minnesota Statutes 462.356, subdivision 2 and made a recommendation that the proposed vacation would not conflict with the City of Park Rapids Comprehensive Plan; and,

WHEREAS, a public hearing to consider the vacation of a portion of such alleyway was held on the 23rd day of May, 2023, before the City Council located in the Park Rapids City Council Chambers, 212 Second Street West, at 6:00 p.m., at which all interested and affected persons were given an opportunity to voice their concerns and be heard; and,

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and,

WHEREAS, the City Council in its discretion has determined by resolution 2023-82, that the vacation will benefit the public interest because:

1. Notice of the vacation was duly provided to the effected property owner(s) by U.S. Mail on May 10th, 2023.

2. The person(s) identified as having received the notice of vacation are identified on the Affidavit of Mailing Public Notice, signed by the City Clerk on May 10th, 2023.

3. The vacation is necessary to allow for the proposed Hubbard County Jail expansion project;

and,

WHEREAS, four-fifths of all members of the City Council concur in this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Park Rapids, County of Hubbard, State of Minnesota, that such petition for vacation is hereby granted and the alleyway described below is hereby vacated:

That portion of Front Avenue as platted originally in Hollinger's First Subdivision, Park Rapids, Minn. and shown again in Graeber's Addition to Park Rapids, which lies adjacent to Lot 14, Block 4, Graeber's Addition to Park Rapids and lies southerly of the south extents of the alley located in said Block 4 and northerly of the northerly extents of Third Street in said Graeber's Addition to Park Rapids.

BE IT FURTHER RESOLVED, that the Mayor and the City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution, and that the city alleyway is to be vacated.

The foregoing resolution was moved by Councilmember , seconded by Councilmember

The following Councilmembers voted in favor:
The following Councilmembers voted nay:
The following Councilmembers absent:

(seal)

Attest: _____
Mayor Ryan Leckner

_____
Berit Score
City Clerk

Adopted this 23rd day of April 2024.

RESOLUTION #2024-64

APPROVE OF AUTHORIZE PROPER CITY OFFICIALS TO SIGN THE REST AREA PARTNERSHIP AGREEMENT BY AND BETWEEN THE STATE OF MINNESOTA, THE PARK RAPIDS LAKES AREA CHAMBER OF COMMERCE, HUBBARD COUNTY, AND THE CITY OF PARK RAPIDS

WHEREAS, the existing wayside rest agreement between the State of Minnesota, the Park Rapids Lakes Area Chamber of Commerce, Hubbard County, and the City of Park Rapids has been revised; and,

WHEREAS, revisions were made to account for the rising costs of maintaining the facility and to more equally distribute the costs between the four entities; and,

WHEREAS, City responsibilities include snow plowing and lawn maintenance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Park Rapids, County of Hubbard, State of Minnesota, hereby authorizes proper City officials to sign the rest area partnership agreement and any amendments.

The foregoing resolution was moved by Councilmember , seconded by Councilmember

The following Councilmembers voted in favor:
The following Councilmembers voted nay:
The following Councilmember absent:

(seal)

_____
Mayor Ryan Leckner

Attest:

_____
Berit Score
City Clerk

Adopted this 23rd day of April 2024.

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source:	Meeting Date:	Agenda No.
Administration	April 23, 2024	
Agenda Section:	Item Topic:	
General	Approve Wayside rest agreement	

Summary

The wayside rest agreement between the State of Minnesota, Park Rapids Chamber, Hubbard County and City of Park Rapids needed to be revised. The agreement has been discussed and revised with all parties involved.

Background Information:

The City of Park Rapids has been part of a wayside rest area agreement between the State of Minnesota, Park Rapids Chamber, Hubbard County, and City to operate and maintain the rest area just east of Hwy 71 near the southerly entrance. The agreement needed revision for a couple of reasons. The costs of maintaining the facility have increased and are not covered equally, and the State of Minnesota contractor for cleaning services has withdrawn their services. The Chamber brought forward these issues last year and together we have been working towards the needed revisions. The Chamber will work with an independent contractor to hire for the cleaning services and the cost share amounts have been increased to capture the increases (and some future increases). The percentages remain the same at Hubbard County (45%), City Park Rapids (45%) and Chamber (10%), the max the city will be responsible for is $6,000 per year. The City is also responsible for snow plowing (which remains as it has been) and, the County is responsible for the lawn maintenance (mowing, same as in the past). The current agreement will be expiring at the State level and the County and City need to approve at the local level prior to submission to the State of Minnesota. Staff is recommending approval of the agreement.

Council Action Recommendation:

Approve and authorize City Administrator to sign the rest area partnership agreement.

Funding Source(s): 100-45200-50491 (Gen fund – Parks dept – Payments to other agencies.

PARTNERSHIP AGREEMENT BETWEEN
MINNESOTA DEPARTMENT OF TRANSPORTATON
AND
HUBBARD COUNTY
AND
CITY OF PARK RAPIDS
AND
PARK RAPIDS LAKES AREA CHAMBER OF COMMERCE
FOR
MAINTENANCE OF PARK RAPIDS SAFETY REST AREA

This Agreement is between the State of Minnesota acting through its Commissioner of Transportation ("State") and Hubbard County, acting through its County Board ("County"), the City of Park Rapids, acting through its City Council ("City") and the Park Rapids Area Chamber of Commerce, a non-profit Minnesota corporation ("Chamber"). The City and County are local government units and political subdivisions of the State of Minnesota.

Recitals

1. Under Minnesota Statutes Section 160.81, subdivision 3, the Commissioner of Transportation is authorized, in areas of scenic interest, to construct, improve and maintain access ramps and turnoffs, recreational facilities, including parking areas, scenic over looks and tourist information facilities, on trunk highway right-of-way and adjacent areas, and
2. Under Minnesota Statutes Section 174.02, subdivision 6, the Commissioner of Transportation may enter into agreements with governmental or nongovernmental entities for research and experimentation, for sharing facilities, equipment, staff, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services or that further the development of innovation in transportation for the benefit of the citizens of Minnesota; and
3. Under Minnesota Statutes§ 161.20, subdivision 2, authorizes the Commissioner of Transportation to make arrangements and cooperate with any governmental authority for the purpose of constructing, maintaining and improving the trunk highway system, and
4. Under Minnesota Statutes §471.59 authorizes two or more governmental units to agree to jointly or cooperatively exercise any common power, or for one governmental unit to exercise its powers on behalf of another, and
5. Under Minnesota Statute §471.15 authorizes cities to operate a program of public recreational facilities, and
6. The parties wish to cooperatively operate and maintain the Park Rapids Safety Rest Area facilities as identified herein; and
7. The parties are willing to enter this Agreement to set forth their respective rights and duties.

Agreement

1. **Term of Agreement; Exhibits**

1.1 ***Effective date.*** This Agreement becomes effective upon execution and approval by the appropriate State, County, City and Chamber officials pursuant to Minnesota law.

1.2 ***Expiration date.*** This Agreement will expire on June 30, 2029, unless terminated earlier pursuant to Article 11.

1.3 ***Exhibits.*** Exhibits A - C are attached and incorporated into this agreement.

2. **Definitions**

2.1 **Rest Area Site ("Site").** The portion of the existing site delineated in Exhibit A including the following features: bituminous entrance drive, 32-stall bituminous car parking lot, 5-stall gravel truck/recreational vehicle parking lot, (2) benches, (2) picnic tables, (2) pet tethering stations, (2) trash receptacles, (1) recycling receptacle, (4) site lighting units and concrete walk pavements. The City owns the Truck/RV Parking Lot, and the Chamber owns the Car Parking Lot as depicted on Exhibit A.

2.2 **Rest Area Building ("Building").** The portion of the existing building delineated in Exhibit B and owned by the Chamber that includes the following rooms and features: men's restroom, women's restroom, mechanical room, restroom foyer, public lobby, drinking fountain, display cases and a vending area.

2.3 **Safety Rest Area ("SRA").** The facility comprised of the Site and Building that functions as a seasonally operated, MnDOT Class I (Modified) safety rest area.

2.4 **Custodial Services.** Daily services necessary to provide a clean and presentable condition of the SRA to visitors.

2.4.1 Examples include: Cleaning and sanitizing restroom fixtures, toilet stall partitions and doors; refilling restroom consumables; sweeping and mopping floors; cleaning drinking fountain; washing walls; cleaning windows, display case glass, mirrors and doors; wiping-down vending machines; emptying interior and exterior trash and recycling receptacles into onsite dumpster; litter pickup; and cleaning picnic table surfaces.

2.4.2 Services do not include snow and ice removal nor work outside the areas designated as the SRA.

2.5 **Minor/Routine Maintenance.** Services, beyond Custodial Services, that maintain the functionality of the SRA, but do not significantly alter its functionality nor extend its useful life.

2.5.1 Examples include: Providing rest area supplies; interior and exterior painting; painting and staining picnic tables and benches; garbage and recycling collection and disposal; pavement restriping; care of landscape plantings; heating, plumbing and electrical system repairs and replacement; changing light bulbs and replacing ballasts; changing air filters; replacing broken glass or sections of flooring; repairing damaged picnic tables, recycling and garbage receptacles; and other similar activities necessary to perpetuate the SRA in a safe and usable condition.

2.5.2 Services do not include lawn mowing or parking lot snow removal as other parties to this Agreement will provide these services.

2.6 **Major Maintenance/Capital Improvements.** Work that significantly alters the functionality of the Building or Site or that significantly extends their useful life.

2.6.1 Examples include: Pavement resurfacing and seal coating; pavement and curb reconstruction; structural additions to the building;reroofing; ; replacement of a majority of plumbing pipes and fixtures; electrical system replacement; building residing; replacement of multiple windows; and other improvements to maintain or enhance the Building or Site.

2.7 **Extraordinary Maintenance.** Maintenance work costing $5,000.00 or more, specifically excluding Major Maintenance/Capital Improvements, that could not be reasonably anticipated; and maintenance work resulting from a force majeure event, including but not limited to unusually severe weather, fire, floods, other acts of God, labor disputes and acts of war or terrorism.

2.7.1 Examples include: Repairs resulting from vandalism, storm damage or other catastrophes to the extent that such damages are not reimbursed by insurance.

2.8 **Emergency Custodial Services.** Services necessary for clean-up and minor repair of sudden and unanticipated situations.

2.8.1 Examples include: Cleanup following a leaking pipe, a plugged drain or as necessary related to Extraordinary Maintenance.

2.9 **Operation and Maintenance Fund ("Fund").** The account providing the mechanism for the receipt and disbursement of funds necessary to operate and maintain the SRA.

2.10 **Fiscal Agent.** The entity acting on behalf of the parties to this agreement to perform financial duties described within this agreement.

2.11 **Operations Task Force.** A group established for the purposes of overseeing the operation of the SRA facilities, implementing this Agreement and determining payments/reimbursements under the terms of this Agreement. The Operations Task Force will consist of the Park Rapids Area Chamber of Commerce President, City of Park Rapids City Administrator, Hubbard County Land Commissioner and the MnDOT Safety Rest Area Program Manager, with other members to be added at the discretion of each party.

3. **Terms of Payment**

3.1 The Fiscal Agent shall provide quarterly financial reports and invoices to the County, City and Chamber detailing expenditures. Expenditures by the Fiscal Agent for operations shall be allocated as follows: County (45%), City (45%), and Chamber (10%). In a calendar year, the parties agree to make payments up to the following amounts, for the duration of the agreement::

County:	$ 6,000.00
City:	$ 6,000.00
Chamber:	$ 1,350.00

3.2 State will provide a lump sum annual contribution for Custodial Services for the SRA portion of the building from May 1 to October 31 of each year, in the following amount or prorated amount, for the duration of the agreement:

State:	$7,500.00

State will be invoiced by the Fiscal Agent upon execution of the contract for the remainder of the State Fiscal Year 2024 and then after the start of the State Fiscal Year on July 1 of each year for the duration of the agreement. The States total obligation for State Fiscal Year 2024 through 2029

will not exceed $40,000.00 with the last two months of State Fiscal Year 2024 being a prorated amount of $2500.00 and subsequent State Fiscal Years the full $7500.00.

4. **Scope of Work and Responsibilities of Each Party.**

4.1 ***State responsibilities.*** State will:

4.1.1 Provide funding for two hours of Custodial Service per day from May 1 to October 31 each year for the SRA in accordance with Section 3 of this Agreement. The availability and encumbrance of necessary funds and changes in the level of funding available for such services may affect the hours of services provided.

4.1.2 Maintain existing rest area guide signs on Highway 71 in advance of the SRA and on-site signs to direct autos, trucks and trailers to the appropriate parking lots. Refer to Exhibit C for existing sign text and graphics.

4.1.3 Participate in the Operations Task Force

4.2 ***Fiscal Agent responsibilities.*** Fiscal Agent will:

4.2.1 Manage the Fund.

4.2.2 Develop an annual operating budget for the SRA.

4.2.3 Receive sums due to the Fund.

4.2.4 Make disbursements from the Fund for authorized purposes.

a. Examples of authorized purposes include payments for: Custodial Services; Emergency Janitorial Services; Minor/Routine Maintenance services; utility charges including electrical costs for the operation of the lighting units in the parking lots; liability insurance premiums; cleaning and restroom supplies; operating supplies such as light bulbs and air filters; repair costs; maintenance costs for interior and exterior lighting; and other payments for goods and services procured for the operation, maintenance and repair of the SRA.

4.2.5 Provide quarterly reports summarizing disbursements from the fund and comparing such actual disbursements to the budgeted amount to the Operations Task Force.

4.2.6 Maintain accurate records of all receipts and disbursements in accordance with Generally Accepted Accounting Principles ("GAAP") and make such records available for review upon the request of a member of the Operations Task Force.

4.2.7 Document Fund surplus and shortfalls and notify the Operations Task Force (State, City, County and Chamber) of any Fund shortfalls and surpluses.

4.2.8 Return any Fund surplus to the County, City and Chamber in percentages equal to the respective party's contributions to the Fund, upon the expiration or termination of this agreement.

4.3 ***Chamber responsibilities.*** Chamber will:

4.3.1 Participate in the Operations Task Force and serve as the Chair

4.3.2 Act as Fiscal Agent.

4.3.3 Provide funding in accordance with Section 3 of this Agreement.

4.3.4 Provide tourist and traveler information to visitors including both regional and statewide tourist information.

4.3.5 Maintain a current version of the Minnesota State Highway Map and postings with Emergency 911 and 511 traffic information in the lobby display case.

4.3.6 Provide for daily Custodial Services for the SRA portion of the building with funding provided by MnDOT under the terms of this agreement and keep MnDOT informed of visitor complaints regarding custodial services or related issues.

4.3.7 Provide oversight and supervision of Minor/Routine Maintenance services.

4.3.8 Remove snow and ice from pedestrian walkways as necessary to provide safe pedestrian access from the parking lots to the building.

4.3.9 Provide, procure and pay for garbage collection services at its own expense.

4.3.10 Operate the SRA as follows:

a. Operate the Building, open to public, from May 1 to October 31 annually from 6:00 AM to 10:00 PM.

b. Operate the Site, open to public, May 1 to October 31 annually 24 hours per day.

c. If necessary, temporarily close the rest area facilities to the public for maintenance, repairs and public safety keeping the length of closures to a minimum.

4.3.11 Arrange for liability insurance coverage for the portion of the SRA owned by the Chamber under the Chamber's insurance policy.

a. Chamber must provide a certificate of insurance showing insurance coverage and limits for the SRA area owned by the Chamber as required under this Agreement. The certificate must be filed with the State's Authorized Representative within 30 days of execution of this contract. Chamber must maintain such insurance in force and effect throughout the term of this Agreement.

b. Chamber must maintain and furnish satisfactory evidence of the following insurance policies:

Commercial General Liability Insurance, protecting parties from claims for damages for bodily injury, including sickness or disease, death and for care and loss of services as well as from claims for property damage including loss of use. Chamber's insurance minimum limits are as follows:

$2,000,000.00 – per occurrence

$2,000,000.00 – annual aggregate

4.3.12 **Independent Contractor Status.** Chamber in providing services under this Agreement, at all times and for all purposes hereunder, shall be an independent contractor and is not an employee of any other party to this Agreement for any purpose. No statement contained in this Agreement shall be construed so as to find Chamber to be an employee

of any other party to this Agreement, and Chamber shall not be entitled to any rights, privileges, or benefits of employees of any other party to this Agreement, including but not limited to, workers' compensation, health/death benefits, and indemnification for third-party personal injury/property damage claims. Chamber acknowledges that no withholding or deduction for State or Federal income taxes, FICA, FUTA, or otherwise, will be made from payments due Chamber, and that it is Chamber's sole obligation to comply with the applicable provisions of all Federal and State tax laws. Chamber shall at all times be free to exercise initiative, judgement and discretion as to how to best perform or provide services identified herein. Chamber is responsible for hiring sufficient workers to perform the services/duties required by this Agreement, withholding their taxes and paying all other employment tax obligations on their behalf.

4.4 ***County responsibilities.*** County will:

4.4.1 Mow lawn and collect recycling at its own expense.

4.4.2 Provide funding in accordance with Section 3 of this Agreement.

4.4.3 Participate in the Operations Task Force

4.4.4 Arrange for liability insurance coverage for the County for the County responsibilities under the County's insurance policy.

a. County must provide a certificate of insurance showing insurance coverage and limits for the County responsibilities as required under this Agreement. The certificate must be filed with the State's Authorized Representative within 30 days of execution of this contract. County must maintain such insurance in force and effect throughout the term of this Agreement.

b. County must maintain and furnish satisfactory evidence of the following insurance policies:

Commercial General Liability Insurance, protecting parties from claims for damages for bodily injury, including sickness or disease, death and for care and loss of services as well as from claims for property damage including loss of use. County's insurance minimum limits are as follows:

$2,000,000.00 – per occurrence

$2,000,000.00 – annual aggregate

4.4.5 **Independent Contractor Status.** County in providing services under this Agreement, at all times and for all purposes hereunder, shall be an independent contractor and is not an employee of any other party to this Agreement for any purpose. No statement contained in this Agreement shall be construed so as to find County to be an employee of any other party to this Agreement, and County shall not be entitled to any rights, privileges, or benefits of employees of any other party to this Agreement, including but not limited to, workers' compensation, health/death benefits, and indemnification for third-party personal injury/property damage claims. County acknowledges that no withholding or deduction for State or Federal income taxes, FICA, FUTA, or otherwise, will be made from payments due County, and that it is County's sole obligation to comply with the applicable provisions of all Federal and State tax laws. County shall at all times be free to exercise initiative, judgement and discretion as to how to best perform or provide services

identified herein. County is responsible for hiring sufficient workers to perform the services/duties required by this Agreement, withholding their taxes and paying all other employment tax obligations on their behalf.

4.5 ***City responsibilities.*** City will:

4.5.1 Arrange for liability insurance coverage for the SRA under the City's insurance policy.

a. City must provide a certificate of insurance showing insurance coverage and limits for the SRA as required under this contract. The certificate must be filed with State's Authorized Representative within 30 days of execution of this contract. City must maintain such insurance in force and effect throughout the term of the contract.

b. City must maintain and furnish satisfactory evidence of the following insurance policies:

- Commercial General Liability Insurance, protecting parties from claims for damages for bodily injury, including sickness or disease, death and for care and loss of services as well as from claims for property damage including loss of use. City's insurance minimum limits are as follows:
  - $2,000,000.00 – per occurrence
  - $2,000,000.00 – annual aggregate

4.5.2 **Independent Contractor Status.** City in providing services under this Agreement, at all times and for all purposes hereunder, shall be an independent contractor and is not an employee of any other party to this Agreement for any purpose. No statement contained in this Agreement shall be construed so as to find City to be an employee of any other party to this Agreement, and City shall not be entitled to any rights, privileges, or benefits of employees of any other party to this Agreement, including but not limited to, workers' compensation, health/death benefits, and indemnification for third-party personal injury/property damage claims. City acknowledges that no withholding or deduction for State or Federal income taxes, FICA, FUTA, or otherwise, will be made from payments due City, and that it is City's sole obligation to comply with the applicable provisions of all Federal and State tax laws. City shall at all times be free to exercise initiative, judgement and discretion as to how to best perform or provide services identified herein. City is responsible for hiring sufficient workers to perform the services/duties required by this Agreement, withholding their taxes and paying all other employment tax obligations on their behalf

4.5.3 Remove snow and ice from the access drive and parking lots at its own expense.

4.5.4 Provide funding in accordance with Section 3 of this Agreement.

4.5.5 Participate in the Operations Task Force

4.6 ***Operations Task Force responsibilities.*** Operations Task Force will:

4.6.1 Meet periodically to review billings and expenditures and provide oversite of the Operations of the SRA within the terms of this Agreement.

4.6.2 Develop recommendations for specific maintenance and operational responsibilities of each agency for items not covered under this Agreement.

4.6.3 If desired, change the Fiscal Agent by written agreement.

4.6.4 Determine how to remedy any Fund shortfall.

4.6.5 Determine whether to retain any Fund surplus for future expenses or return them to the respective parties to this agreement as applicable.

4.6.6 Separately contract and pay for Custodial Services beyond those funded by the State, if desired by the City, Chamber or County or if needed due to visitor volumes.

4.7 ***All Parties.*** All parties may, but are not required to:

4.7.1 Enter into separate agreements to share the cost of Major Maintenance/Capital Improvements to the facilities. MnDOT will not participate in any Major Maintenance/Capital Improvement costs resulting from the deferral of or other failure to perform Minor/Routine Maintenance in a timely manner.

4.7.2 Upon the request of any party, meet to discuss the division of cost, and possible MnDOT participation in sharing Extraordinary Maintenance costs and Emergency Custodial Services costs.

5. **Authorized Representatives**

5.1 ***Each party's Authorized Representative*** is responsible for administering this Agreement and is authorized to give and receive any notice required or permitted under this Agreement.

5.2 ***State's Authorized Representative*** is:

Name:	Jennifer Krantz or successor.
Title:	MnDOT Safety Rest Area Program Manager
MnDOT -	Office of Project Management and Technical Support
Street Address:	395 John Ireland Boulevard, Mail Stop 686
City State Zip:	Saint Paul, Minnesota 55155-1800
Telephone:	651-238-8977
Email:	Jennifer.krantz@state.mn.us

5.3 ***The County's Authorized Representative*** is:

Name:	Cory Kimball or successor.
Title:	Hubbard County Land Commissioner
County:	Hubbard County
Street Address:	101 Crocus Hill Street
City State Zip	Park Rapids, MN 56470
Telephone:	218-732-4270
Email:	Cory.kimball@co.hubbard.mn.us

4.4 ***The City's Authorized Representative*** is:

Name:	Angel Weasner or successor.
Title:	City Administrator
Name of City:	City of Park Rapids
Street Address:	212 Second Street West
City State Zip	Park Rapids, MN 56470
Telephone:	218-732-3163
Email:	city.admin@ci.park-rapids.mn.us

4.5 ***The Chamber's Authorized Representative*** is:

Name:	Derek Ricke	or successor.
Title:	President/CEO	
Name of Party:	Park Rapids Lakes Area Chamber of Commerce	
Street Address:	1204 Park Avenue South	
City State Zip	Park Rapids, MN 56470	
Telephone:	218-732-4111	
Email:	president@parkrapids.com	

6. **Liability:** Each party is solely responsible for its own acts or omissions associated with the maintenance operations covered by this Agreement. The liability of the City and County is governed by Minnesota Statute Chapter 466 and other applicable law. The liability of the State is governed by Minn. Stat. § 3.736.

7. **Audit:** Under Minnesota Statutes §16C.05, subdivision 5, the books, records, documents and accounting procedures and practices of the Parties relevant to this Agreement are subject to examination by State and the Legislative Auditor for a minimum of six years.

8. **Jurisdiction and Venue:** Minnesota Law governs the validity, interpretation and enforcement of this Agreement. Venue for all legal proceedings arising out of this agreement, or its breach, must be in Ramsey County, Minnesota.

9. **Government Data Practices:** The parties must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the parties under this agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either of the parties.

10. **Assignment and Amendments**

10.1 *Assignment*. A party may neither assign nor transfer any rights or obligations under this Agreement without the prior consent of the other party and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

10.2 *Amendments*. Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed this original Agreement, or their successors in office.

11. **Waiver; Contract Complete**

11.1 *Waiver*. If a party fails to enforce any provision of this contract that failure does not waive the provision or the party's right to subsequently enforce it.

11.2 *Agreement Complete*. This Agreement contains all negotiations and agreements between the parties with respect to the subject matter hereof and supercedes all prior agreements and negotiations between the parties. No other understanding regarding this Agreement, whether written or oral, may be used to bind the parties.

12. **Termination and Suspension:**

12.1 This Agreement may be terminated by any of the parties, with or without cause, upon 60 days written notice to the other parties.

12.2 This Agreement may be suspended by State or the Commissioner of Administration, at any time, with or without cause, upon written notice to County, City and Chamber. If such suspension is not lifted within 90 days from the notice of suspension, County, City and Chamber may

terminate this Agreement by providing State with a jointly signed written notice of such termination.

12.3 In the event State cannot or does not obtain funding from the Minnesota Legislature, or funding cannot be continued at a level sufficient to allow for the services contained herein, this Agreement may be immediately terminated or suspended, at State's option, by written notice of termination or suspension delivered in person, by mail or facsimile to County, City and Chamber at the address specified in this Agreement. State will not be obligated to provide or pay for any services and goods related to the services provided under this Agreement after such notice of termination. If this Agreement is suspended for lack of funding, State will not be obligated to pay for any services or goods related to the services provided under this Agreement of suspension unless or until such suspension is lifted. If such suspension is not lifted within 90 days of such notice of suspension, County, City and Chamber may terminate this Agreement by providing State with a jointly signed written notice of such termination.

13. For the term of this Agreement, no party will, without the consent of all other parties, sell its property used for or in connection with SRA or otherwise alter the character or use of such property in a manner inconsistent with use as a Class I (modified) safety rest area. Consent of all other parties is not required if a party wishes to transfer property to another party to this agreement, or if a party wishes to make changes upon its property consistent with use as a Class I (modified)I safety rest area, unless those changes impact the commitments of the other parties to this agreement.

[The remainder of this page has been intentionally left blank. Signature page follows.]

County
The County certifies that the appropriate person(s) have executed the contract on behalf of the Other County as required by applicable articles, bylaws, resolutions or ordinances.

COMMISSIONER OF TRANSPORTATION

By: _____
Title: _____
Date _____

By: _____
Title: Assistant Commissioner or Assistant Division Director
Date _____

City
The City certifies that the appropriate person(s) have executed the contract on behalf of the City as required by applicable articles, bylaws, resolutions or ordinances.

MnDOT Contract Management

By: _____
Title: _____
Date _____

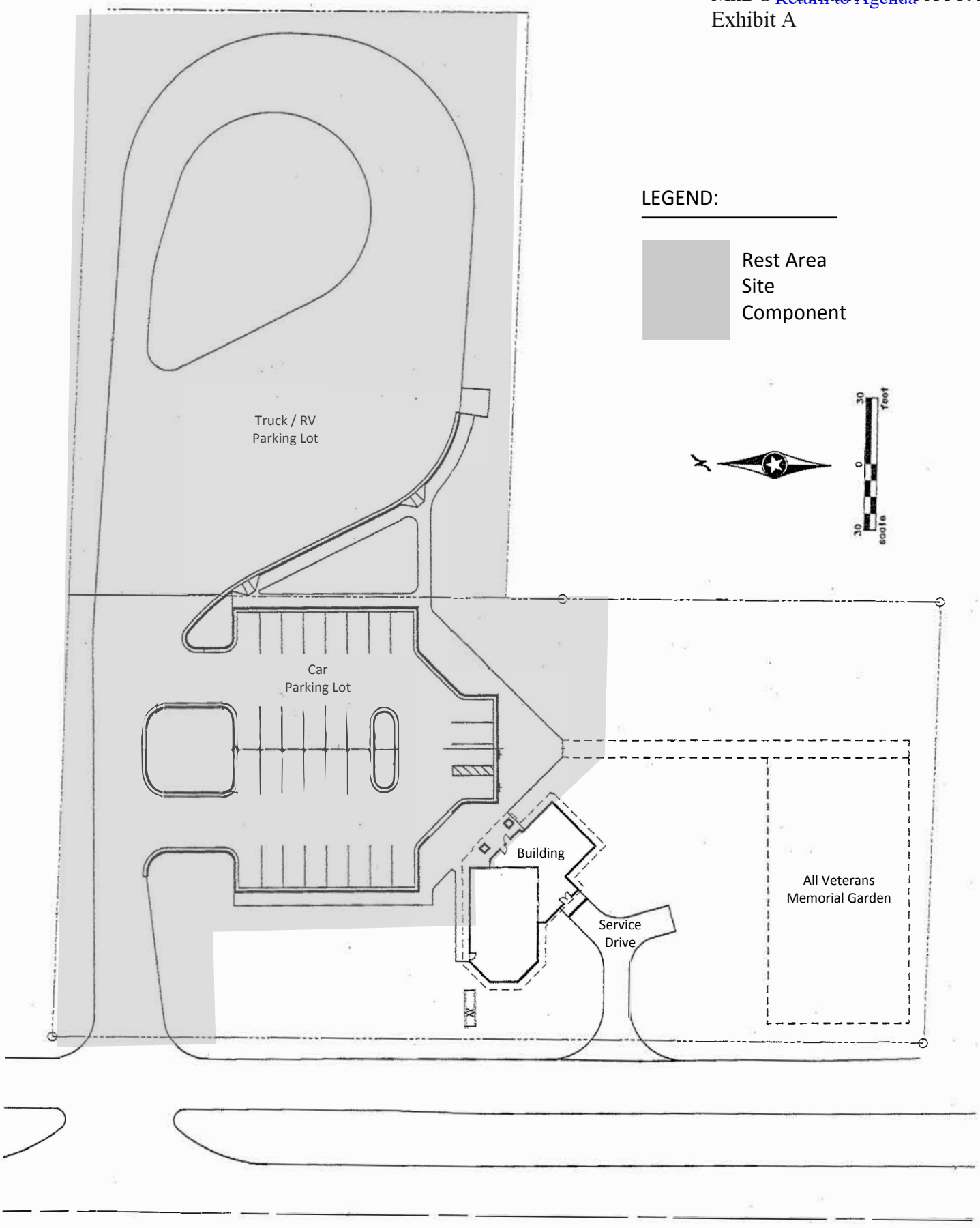
By: _____
Title: _____
Date _____

Chamber
The Chamber certifies that the appropriate person(s) have executed the contract on behalf of the Chamber as required by applicable articles, bylaws, resolutions or ordinances.

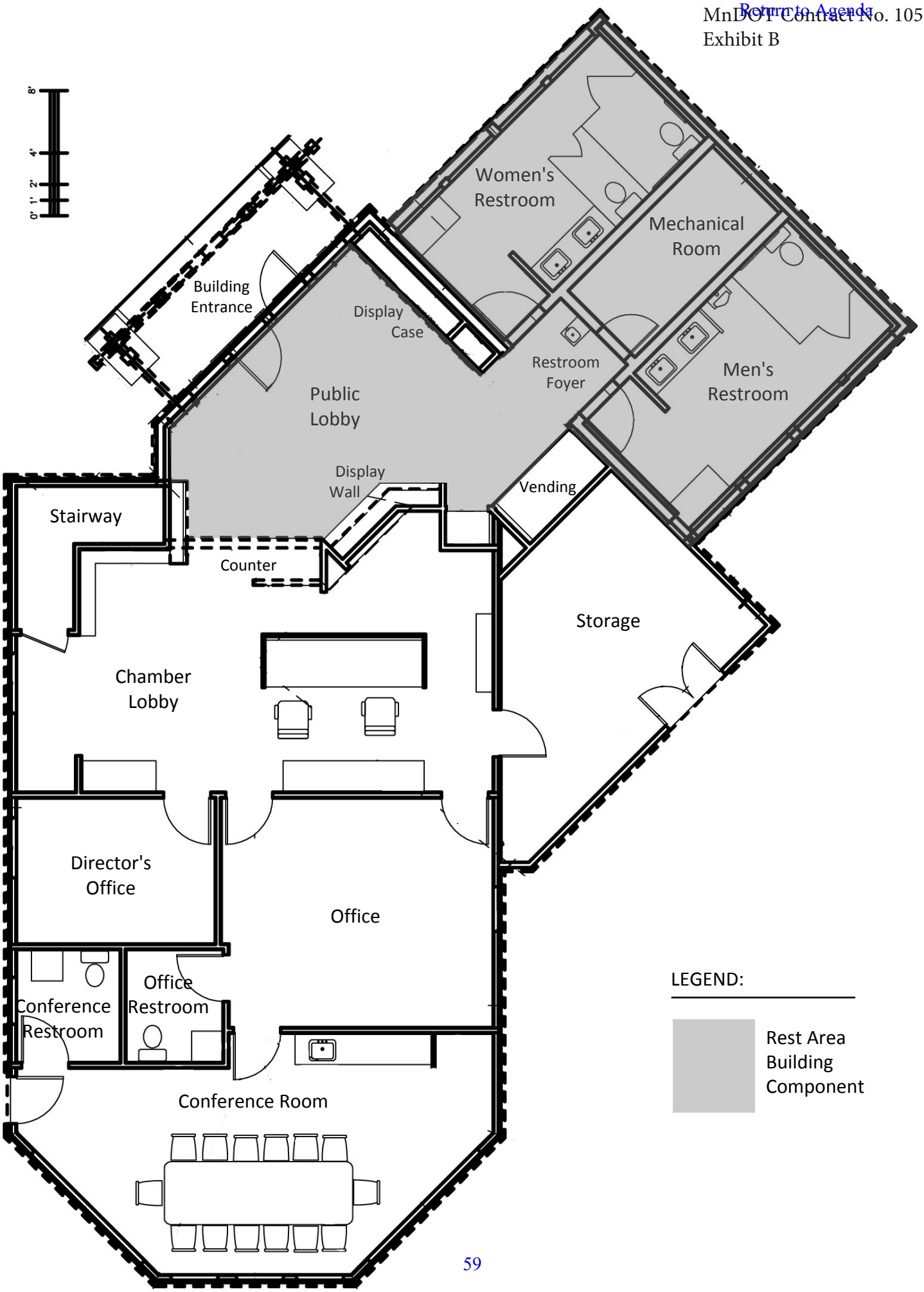
COMMISSIONER OF ADMINISTRATION

By: _____
Title: _____
Date _____

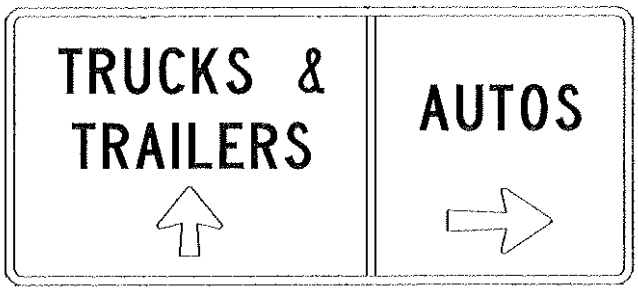
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Title: _____
Date _____


LEGEND:
Rest Area Site Component
Truck / RV Parking Lot
Car Parking Lot
Building
Service Drive
All Veterans Memorial Garden
30
0
30
Feet
Scale

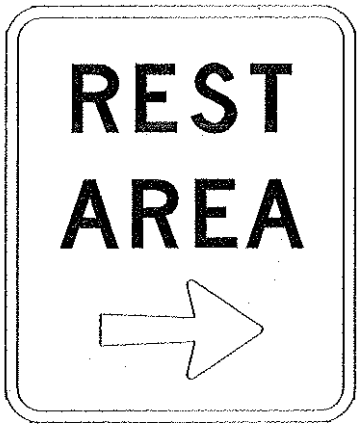
MnDOT Contract No. 1055693
Exhibit B



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RESOLUTION #2024-65

**ACCEPT LAND DONATION FROM EDOMA RANSON
PID #32.91.40500 AND PID #32.91.40100
TO THE CITY OF PARK RAPIDS**

WHEREAS, the City of Park Rapids (the "City") desires to accept a donation of real property by Edoma Ranson, ("Mr. Ranson"), as per the recommendation of the City's Finance Committee; and

WHEREAS, the real property is described as:

PID #32.91.40500: .01 AC PRC OAK HAVEN BOAT LOTS LOT 6 (and)
PID #32.91.40100: .01 AC PRC OAK HAVEN BOAT LOTS LOT 1; and,

WHEREAS, Minnesota Statutes, Section 465.03 provides that the City may accept such donation for the benefit of its citizens in accordance with the terms prescribed by the Donor, and that acceptance of such donation is subject to adoption of a resolution of the City Council passed by a two-thirds majority of its members, expressing the terms of the donation in full; and,

WHEREAS, the City intends to incorporate said donated real property into the city's park system, by adding it to Deane Park in the City of Park Rapids; and,

WHEREAS, Minnesota Statutes, Section 462.356, subdivision 2 states that no publicly owned interest in real property within a city shall be acquired or disposed of until after the Planning Commission has reviewed the proposed acquisition or disposal and reported in writing to the City Council its findings as to compliance of the proposed acquisition or disposal with the Comprehensive Plan; and,

WHEREAS, the same statute further states, however, that the City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of this subdivision when in its judgment it finds that the acquisition or disposal of real property has no relationship to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Park Rapids, Hubbard County, Minnesota, that the City hereby accepts the donation of real property from the Donor, Edoma Ranson, for the purposes of incorporation of the real property to Deane Park under the terms expressed herein, and the City Council hereby expresses the community's appreciation and graditue to Mr. Ranson for such donation.

BE IT FURTHER RESOLVED, that the City Council hereby finds that the proposed donation of the real property to the City of Park Rapids from Edoma Ranson has no relationship to the City's Comprehensive Plan, and therefore review of the proposed sale by the Park Rapids Planning Commission is not required under Minn. Stat. § 462.356, Subd. 2, and is hereby dispensed with as allowed by that statute.

BE IT FINALLY RESOLVED, that the City Council hereby authorizes and directs the Mayor and City Clerk to execute such documentation as necessary to accomplish the transfer of the real property known as, PID #32.91.40500: .01 AC PRC OAK HAVEN BOAT LOTS LOT 6 (and) PID #32.91.40100: .01 AC PRC OAK HAVEN BOAT LOTS LOT 1, to the City.

The foregoing resolution was moved by Councilmember , seconded by Councilmember

The following Councilmembers voted in favor:
The following Councilmembers voted nay:
The following Councilmembers absent:

(seal)

_____
Mayor Ryan Leckner

Attest:

_____
Berit Score
City Clerk

Adopted this 23rd day of April 2024.

Return to Agenda

City of Park Rapids

Request for Council Action

Originating Source:	Meeting Date:	Agenda No.
Administration	April 23, 2024	
Agenda Section:	Item Topic:	
General	Approve donation agreement	

Summary

The city has been offered additional land to become part of Deane Park.

Background Information:

The City of Park Rapids owns Deane Park in the northern boundary of the city. There are several tiny parcels of land formerly utilized as boat slips for residents in the area near the park. The land where the boat slips are located is not ideal and the DNR is not certain a new dock would be permitted. Mr. Ranson own two said tiny parcels: 32.91.40500 and 32.91.40100. These parcels do not abut his residential parcel and he expressed an interest in donating the two parcels to the city as part of Deane Park. In July of 2021 the Park Board requested the City Administrator to look into purchasing some or all of the boat slip lots. Mr. Ranson approached the City Administrator about the donation and the city attorney drafted the donation agreement. The agreement was then presented to Mr. Ranson for his review and was signed.

Council Action Recommendation:

Approve and accept with gratitude the land donation from Mr. Edoma Ranson for two parcels (32.91.40100 and 32.91.40500) abutting Deane Park to forever be parkland.

Funding Source(s): N/A

CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
APRIL 8, 2024, 5:00 p.m.
Park Rapids City Hall, 212 Second Street West

1. CALL TO ORDER: The April 8, 2024, Regular Meeting of the Park Rapids Planning Commission was called to order at 5:00 p.m. by Chair Newman.

2. ROLL CALL: Present: Commissioners Nancy Newman, Anthony Schiller, Scott Hocking and City Council Member Joe Christensen. Absent: Liz Stone. Staff Present: City Administrator Angel Weasner, Attorney Charles Ramstad, Planner Ben Oleson and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Dee Kraft, Wendy Hardacre, Louie Falk, Jerrie Pritzlaff, Shirley Johnson, Kathi Brekke, Lynette Guida, Janet Miller, Oleksandr Kubitskyi, Greg Parsons, Josh Parsons, Nichole Guida, Jeanette Gehrts, Dawn Rouse and Tim Little.

3. APPROVAL OF AGENDA: A motion was made by Hocking, seconded by Schiller, and unanimously carried to approve the agenda as presented.

4. APPROVAL OF MINUTES: A motion was made by Christensen, seconded by Hocking and unanimously carried to approve the Minutes of the March 11, 2024 meeting as presented.

5A. PUBLIC HEARING: Major Modification to Conditional Use Permit, Resolution 2022-134 recorded on October 10, 2023 for Gregory A. Parsons, One More Club, 1012 Birch St. to extend business hours from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and to use back patio for outdoor activities for customers. Property is located in a B-1 Highway Business Zoning District. PID# 32.72.00300.

Oleson explained the Conditional Use Permit was originally issued for this bar in October of 2023, it was actually recorded then but it was earlier in 2022 and at that time we had a number of conditions to the approval two of which included limiting the hours of operation so that only Friday and Saturday nights would be open until 1:00 a.m. and the rest of the week would be open and would have to close earlier and then also that any smoking areas or outdoor activity areas would have to be just on the north side of the building towards Birch Street rather than towards the neighbors to the back and so those are the conditions along with some others about parking and other activities on the property but he is asking for those two particular ones about the hours of operation and allowing for some activity in back to occur. He has put up a fence as was required by that Conditional Use Permit previously. I do have some pictures of that that I can put up on the screen here for you too. So we are talking about, this is the fence, so it wasn't up against the back part of the property, there's probably another 50 ft. or so from this fence to the back property line, 45 or 50 ft. and this is the area that he would be

proposing as I understand it the patio on the back. You can see the doorway in the back there that I'm assuming they would be coming out of but he can address that in more detail. It is my understanding is that he was thinking about a 12x12 patio with maybe one table on it. Oleson displayed and described the pictures.

Oleson said that's the request and we received a number of letters that you've gotten in your packets when those were made up and a number of letters since then as well. All of them so far has been in opposition to any changes to the previous Conditional Use Permit. Mostly the concerns have to do with noise, concerns about potential noise or smoke from people smoking in the back there, just general concerns about parking along the roadway. We did have a condition on that original one that there wasn't supposed to be on street parking so everything was supposed to be off street and that's a real quick summary of those but I'm sure we will have some comments from people tonight too. I will leave it at that unless there's questions as we go through. Just note that we do have the city attorney here too if you have any questions for him.

The public hearing was opened at 5:05 p.m.

Louie Falk, 1023 Timbers Drive, right behind where the bar is. My wife couldn't be here tonight but she has written a letter and wanted me to read it and I think each of you have received this but I am going to read it anyway. Falk read the letter.

Oleksandr Kubitskyi, 1013 Timbers Drive, stated I would like to let everyone know that we are against any current changes to the current conditions. Kubitskyi read his letter.

Dee Kraft, Oak Blvd. stated the residents of the Timbers Addition oppose Mr. Parson's request for the extending hours and for a patio on the south side. The residents have submitted written oppositions to this. We're trusting that the commission will take all these documents under careful consideration. Mr. Parson has evidently outgrown his current building, needs a larger building, more parking and outdoor space which is not possible here.

Gregory Alan Parsons, 54541 Holly Street, Osage, Minnesota stated I want to bring up you guys say that you pay your property taxes, so do I. My property taxes went up $1,659 for commercial. As far as safety for smoking, if one of your neighbors was smoking, is that going to affect you? There's 53 ft. between my building and there's two privacy fences, there's probably 30 ft. of dense trees and shrubbery and you can't even see them houses at any time. I've been in business for seven years. I respect neighbors and I pay taxes just like everybody else and a couple of you here that talk concerns about the neighborhood, I have watched you and the lady next to you run the stop signs continuously 20 miles per hour sometimes you will fly through them stop signs. So if you can sit there and say that you have concerns about your neighbors and this and that, maybe you ought to take a look in the mirror. And you know, I've got higher heat bills, I've got higher taxes, liquor taxes, I've got employees that know they can only work from

five to ten so if affects me for hiring people. I have been in business seven years and I've never had a complaint at Pizza Ranch. We had neighborhood all behind us there too. The Royal Bar has got apartments all around, the Better Place, everybody's got neighbors so there's no reason I should be treated different than any other business in town. I pay my taxes, I'm respectful to the neighborhood and I do not think it's fair that I have to close early but nobody else in town does. It's not right and as far as I'm concerned its discrimination towards me, this has been a battle for almost two years. I've spent oodles of money on attorney fees and being closed under a wrongful thing to start with. The only reason I admitted or agreed to them conditions because it was under the understanding that I would get a liquor license. I agreed to it still didn't get a liquor license. I had to get attorneys involved before somebody finally said hey look and I remember back on my very first or second city council meeting Robb Swanson sat up there and said hey we have a legal obligation here and it took me to get attorneys to get this legal obligation taken care of and finally open. And I have spent enough money, I've gone through enough heartache, sleepless nights. I need to stay open so I can survive and that's all I've got to say.

Jeanette Gehrts, 1019 Timbers Drive, stated I'm directly behind the bar. I purchased my home and delighted to have a back yard. I had five trees removed, I had it landscaped, I had it sodded, I had a patio put in and now I'm concerned about how much of that back yard am I even going to be able to enjoy in the evenings? That's why I'm asking you to think about this, the money is one thing, my enjoyment is something else. Joe, you've been to my house, you know it is my home and I would like to keep it and I would like to be able to enjoy the back yard in the evenings. Thank you.

Oleson asked I know you have all the other letters from the other people that have sent those in and haven't spoken tonight and you've read them? Newman said yes. Oleson asked do you want those just noted or summarized? Newman said they should be put in the record however you want to do it? Oleson said I can at least just kind of quickly note which letters there were:

- Dennis Anderson – opposed – noise, street parking, impact on property
- Dick and Darlene Rolle – noise and similar issues
- Lucy Baumgartner – similar issues
- John and Lavonne Fischer – similar concerns
- James Engst – has property to the north and concerned about people parking on his property and liability that would come to him from that

Oleson said we can go over these in more detail is you would like. Oleson said I think the other ones have been read or are from people who are here tonight.

- Steve and Kay Peloquin – urging us to deny it and stick with conditions that were approved the first time around.
- Letter signed by 10 residents – Dee Kraft, Wendy Hardacre, Jerrie Pritzlaff, Shirley Johnson, Patty Falk, Louie Falk, Jeanette Gehrts, Janet Miller and Bill &

Nancy Fitch. – opposed – similar issues, noise and parking and those kind of issues.

Someone asked if the letters could be read? Oleson deferred it to Chair Newman. Attorney Ramstad stated if Mr. Parsons wants to respond to the letters, I don't know if he has received copies of them? If you were to read them it would allow him the opportunity to respond. Newman asked should be do that before we close? Ramstad said it should be part of the hearing. Newman said so we have Patty Falk's letter that Louie has read.

Parsons stated I have responded to all the letters. Well pretty much what I've said has been a response to all the letters.

Newman asked do I read them? Ramstad said again, it's discretion of the Chair at that point there for them to be entered into the record. Mr. Parson's has indicated that he has given his response to them so I leave it to your discretion. Hocking said if he said Madam Chair that he has given his response I don't feel the half hour or 20 minutes that it's going to take you to read them is going to change Mr. Parson's mind on anything that's been said or changed. Newman said they are all in the record, I have copies.

Ramstad said I think that the record, if we're going to take some action, would be appropriate to reflect that the members of the commission have read all of those letters so that we have some basis to approve or deny. Hocking said yes we've read, I've read them.

Parsons said I do have one more thing to say. I've probably been to seven maybe eight public hearings, city council, city planning there was never a county attorney here before, where was the county attorney when I first applied for this? Ramstad said Mr. Parsons, I'm going to correct you right off the bat, I'm not the county attorney, Mr. Freidman is the county attorney, I'm the city attorney. Parsons said oh, okay, well where was the city attorney when this all started, before I had to hire an attorney to say that the city was wrong. Weasner responded the city was always involved in speaking with the city attorney previously, it was a different attorney at that time and this attorney is in the proximity to our city hall so it does not cost near the same financial. Parson said so you're worried about financials just like I am? Weasner said yeah. Parsons said correct, alright.

Newman asked for any other comments, questions?

The public hearing was closed at 5:22 p.m.

Hocking said I do have a couple of questions for Ben and the attorney. Hocking asked would that fence need to be closed off to the building then so the liquor cannot have the potentiality of leaving the premises? Oleson asked you mean closed off to the sides or? Hocking said to the sides? Hocking said I know all the other bars in town have

a fenced in area for their smoking where they can carry their drinks out but they cannot leave the premises that way, would this, in order to pass that need to be fenced in, gated off? Oleson said I'm not sure I know. Ramstad said I will just take a stab okay, obviously the liquor license is based upon a location a premises and that is there for the reason that you, whatever establishment you go to, you don't get to grab a drink and run out the door right. Hocking said yep. Ramstad said so the applicant or the owner would be obligated to provide some means to prevent that from happening. Hocking said okay. Ramstad said if you were to decide that you were going to allow this modification one additional condition that you could place on that would be to box it in with a fence. I mean that is certainly a legitimate condition. Hocking said okay Ramstad said the owner could suggest some other method, I guess, of insuring that patrons don't go outside and you could consider that but barring that, yes, you would have the right to make that as a condition and you are correct the license is based upon the fact that patrons are not going to be able to leave with alcoholic beverages. Hocking said thank you.

Oleson said I will just point out to you Madam Chair, that in the list of possible conditions that I put in the staff report on page 5(A) -4, #5 somewhat addresses that. I was partly thinking about that issue I guess a little bit but mostly I was thinking about just making sure that if you did approve this, we would want to limit his space in the back so that it doesn't become the whole back or do you want to allow just a certain portion of that so I kind of left a blank in there for how many square feet you thought was appropriate and talk about physical barriers to prevent them from using more than that but that would also address partly your question too that if we were to approve this. All these recommended conditions are just staff recommendations for discussion purposes and feel free to eliminate them or add to them or change them in any way.

Schiller said I have a question regarding the original Conditional Use Permit said one space per two seats for parking so addressing the parking spaces so if there is an additional two to eight seats on that additional whatever we're calling it, patio, it seems that there would need to be an additional one to four more parking spots to accommodate that, is that correct? Oleson said I think that's certainly something to discuss. You're right that that was the ratio that we used in the original Conditional Use Permit. There is a ratio in the ordinance, city code, that says one per every 150 sq. ft. if I'm not mistaken. We decided to go with something that the Planning Commission and the City felt was more appropriate to a bar situation so we did use that one space per two seats. I think it depends in my mind how you look at that back seating area, if it's just sort of a secondary seating area that customers are just going to go to temporarily and then come back versus more adding to the capacity of the bar? But that was number 3 on the list of recommended conditions there was to note that you could consider it potentially additional seating that would justify more off street parking. So if you recall from the first time around in 2022 we had a fair amount of conversation about parking in the back – that was the original proposal was to have some parking in the back and Mr. Parsons was asking for and then it got into discussions about how that would add impervious coverage to the lot, require some stormwater treatment, require paving of the parking area that he wasn't anticipating so he ended up dropping that and just going with parking that was allowed or already there in front which was the eleven

spaces so that is based on the seating that he has identified inside the building right now that is the parking that he needs and there wouldn't really be room for any more unless he were to pave or create more parking space off street somewhere.

Newman asked so is the parking that was allowed has that been violated? (a couple voices said yes). Oleson said from what we've been getting comments lately, that's the suggestion. You know I think obviously a lot of this happens after city hours and I don't know that there's been, I think that there has been some conversation with the police but I haven't seen any reports of it per say, official reports, but yes, there's certainly been talk about how there's been parking out there and we've received some photos recently, in advance of this meeting.

Ramstad said as in the photos that have been presented, you can take into consideration when you're considering you know the Conditional Use Permit the question so not necessarily whether there's never been a violation but if it's a persistent pattern I think would be something more concerning. Newman said right.

Oleson said so these are my pictures from today, it did seem apparent, I don't know if you can tell, you can kind of tell from this photo that there's areas that have been driven in anyways and then these are some of the photos we received from other people. So I think that was read. Schiller said there was another one in this packet. Oleson said there was another packet. Ramstad said I believe in the Peloquin one there was one also. Newman said right. Newman said we have thought about this and this has been an ongoing thing for a long time. We did do and have and are taking this very seriously for both parties involved. We did set these conditions when we finally came to an agreement and one of the stipulations that there wasn't to be anything on the south side in the back due to increased noise. We had people there with little kids, I believe Dan Pike was one of the residents and Hawns were the other residents that brought this issue up that's why we stressed and asked that outside smoking etc. be in the front which would be the north side. The parking was dealt with and brought up. The fence was a requirement, I know it cost but it was one of the conditions that were agreed to and I think there seems to be some violations from the original CUP. So I ask for other comments or recommendations from the other board members or else we would have to decide based on the Findings of Fact whether we approve or deny.

Hocking said I'm going to throw this out there based upon adding more seating he's got to come with more parking spots that are available.

All Commissioners agreed with all Findings of Fact supporting denial referred to in the Staff Report.

A motion was made by Hocking, seconded by Schiller, and unanimously carried to deny the request based upon the inadequate number of parking spots that are available for additional seating as we currently sit on the Conditional Use Permit.

Oleson said so that will be your recommendation to the City Council for everybody here for your understanding that's a recommendation that goes to the council. Weasner stated on April 23rd and they will make a final decision. That will not be a public hearing per say. You're welcome to be here, it's a public meeting but this was the main place to hear the public comments.

6. GENERAL BUSINESS: None.

7. INFORMATIONAL/DISCUSSION:

7A. Land splits and right-of-way designation: Oleson explained this was just a general item that came up as a result of a question I got from a landowner that was looking at splitting their property. The question really is if part of their property abutted an area that had some easements on it and I will bring up other specifics here although this is more of an issue that applies city wide. Along Eastern Avenue here it stops at Hollinger Street coming in from the south and does not continue through and then at North Street it picks up again. That's the area in between when we were looking at the property that they were proposing to split. On some of those properties where it abuts where Eastern Avenue would go through or has gone through there were easements in place to presumably allow for a street in the future but not all of the properties did so it raised a question in my mind just as to how we handle that and if there was a plan to extend things like Eastern Avenue and connect those in the future or other streets throughout the city that might be in similar situations. I talked to the public works director and some others and it didn't seem like there was anything that anybody knew about. I'm not sure where those easements that came in place along here came from but my understanding and certainly the city attorney can weigh in but that cities can do what is called an official map where you kind of lay that out ahead of time and say this is where we do anticipate wanting a road to go through or other public infrastructure and that helps in the sense that as people subdivide property you can kind of point to that and say okay we're open to the subdivision here but part of the process is going to be figuring out a way to get a road through and dedicating right of way for that purpose and that kind of a thing. That without that we may not have as much ability to require those kinds of dedications especially if it's not going through a formal subdivision process it's more of a minor subdivision or a metes and bounds kind of split or whatever. I just was curious I know some of you have some history here on the Planning Commission or the city to figure out if there were any discussions in the past about that kind of issue.

Ramstad said I think what Mr. Oleson is suggesting is a good idea. In the comp plan there typically is an idea about what sort of comprehensive plan you're going to have and what kind of uses you're going to make of this particular area in the future that doesn't necessarily say where the road should be so then some cities will follow that up with what he's suggesting which is more of a document to let landowners know that the plan would be to do that in the future rather than actually requiring them to provide an easement to those type of things. Obviously you could institute proceedings to acquire that property and acquire an easement but as you probably, you may not need to do that in the future if there is a subdivision that is going to be planned so why buy an easement you don't have to buy and so they're not necessarily suggesting that but that's the yes, you absolutely could do it but I think his suggestion is a good idea to have some sort of plan out there so landowners leave, or landowners would know that if they intend to do some sort of subdivision that one of the conditions of that subdivision

may be that there's going to be a need to access to the property. And again, I am not familiar enough with Park Rapids to tell you, I apologize for that, but I do see some properties in there that look to me like they are questionable access already.

Hocking asked so is that individual going to try a subdivision or what were they trying to do? Oleson explained in this case what ended up happening or what they are proposing now is that they would split off a part of their property that has a house on it but then the adjacent of the remainder of that property would go to an adjacent property owner and it would have to be like merged in with that parcel so we are not creating a new parcel in this case so it's not a subdivision per say it's more of a lot line adjustment. Hocking said okay. Oleson said it's termed a minor subdivision in the ordinance and so that's how we're processing it if they decide to go forward.

Christensen asked have you checked into how many other places are like this in town? Oleson said I have not in detail but looked around. Weasner said there's a few. Oleson said I'm sure you guys know some you can think of too but just going east and west too in this area would be another discussion point. If you go further north at the very top of Eastern Avenue it kind of ends sort of unofficially I think or somewhat officially Rolling Hills area. Oleson said I'll be honest I mean I don't have a lot of experience working with cities or seeing cities that I've worked with go through this process of drafting an official map. I don't know if you've seen that as much but there is some logic to it obviously. Ramstad said yeah, I mean where I've seen it is something that is done in conjunction with the Comprehensive Plan and it's an exhibit to the Comprehensive Plan which is an aspirational document that says that we should do this in the future so that in the future when we need to do it it's not something that nobody knows anything about. I mean it's a document that's out there that's been in place for awhile so I absolutely endorse doing it. I will tell you that when I've been involved in doing that the devil is always in the details and it's a little harder than what it seems or maybe more work than what it seems but it's a good idea to do because you're giving landowners advance knowledge.

Little asked was there an easement of any type between the two portions of Eastern in there? Oleson said yes there are some properties that we saw surveys of that showed an easement back there. Little asked and they came from us? Oleson said yeah there is, I don't know that it is, I didn't find it on all the properties up and down on that stretch but it was on at least some of them so that was what made me wonder. Little said for road or utility or what, I don't think it's ever designated. Oleson said I haven't looked into that closely to know like exactly what it was for I think it just mentioned in the easement. I can pull one of them up here I believe. It's what made me wonder like is there some kind of process already in place because why would people put an easement back there otherwise. Oleson showed an easement for Central and where Eastern would go and it does show right of way there. Ramstad there's nothing of record as far as a right of way other than this map? Oleson said I haven't even looked into it. Ramstad said because it says it's subject to an easement because if you look at the narrative on the side. Oleson said right. Ramstad advised so that's something that a little bit of investigation could take a look at those tracts and see whether or not if there is a record easement granted and if so who it is granted to, it might be a private easement, it might be a public easement but it would certainly suggest just from the narrative you know it says subject to easement for county road 1, that's Central but that's not Eastern Avenue subject to 66 ft. easement for future road along the east 33 ft. When they say that in a survey that's all fine and good but unless there's actually some easement of record in the deeds, that doesn't necessarily mean that there is an easement so it would take a little investigation to make that determination. Hocking said

so whoever drafted this their intent was that there was going to be a road. Weasner said potentially. Hocking said but may have never of entered it into the record other than a side comment on there. Ramstad stated you would be surprised how often I see that. Hocking said I'm sure.

Oleson said to me, the question I have is more broadly speaking city wide 1) is this something that's already been discussed; 2) If not, then is it something we find value in discussing moving forward in some fashion, I don't know what kind of budgetary issues it raises. Newman said I don't think it's priority but I think we should. Hocking said I agree it should be looked into at least this particular one since it's been brought forward to you, to find out if this particular one was ever written somewhere, but as far as that then if it is we might have to look at the rest of them or others just to see where we need to proceed. Like you say, it's nothing urgent, nothing time frame, it's not like something has to be decided tomorrow, we do have some time on it but. Schiller said I think it also helps just with the planning for the future it's kind of controlling it putting it in writing now will help any questions in the future. Oleson said right, the one community that I did kind of work on this a little bit with is they did in the Comprehensive Plan they did create a map that was, they had a future land use map that kind of talked about future zoning but then as part of that map, that same map they would identify future corridors. I know our discussion at the time was we don't necessarily care if the road goes straight across or if it winds through somebody's property a little bit, what we're trying to convey is that we want a road to go through here at some point in the future and as those lands develop we want to have that discussion and work with the land owner and figure out a way to do that. Ramstad said sometimes you will see on those maps a disclaimer to the effect that this isn't necessarily exactly where this access is going to be but an access should be you know in any future subdivision an access should be considered, something like that. Again, by doing that you're not requiring anything, you're not forcing the landowners to do anything, you're not saying you won't approve a subdivision that doesn't have that in there but you're giving them a heads up that you know we are thinking about this as well. Hocking said okay.

Oleson said okay so we will just work on that kind of internally and as appropriate bring back to you.

7B. Shouses: Oleson said if I may I have one more item that I would like to discuss that came up recently before we go. This has to do with a section of the ordinance that we amended last year I believe regarding shouses, remember that discussion? Oleson explained that one of the things we talked about was we were concerned about the appearance of these shouses and how they fit in the city and ended up coming up with some limitations or requirements for how they would be built based on certain situations so I think the general type of building that we were thinking of at the time was where it's a fairly large building and the garage or storage portion of it significantly exceeds the house portion of it in terms of square footage. One of the things that we put in there was #4 here on the screen – accessory structures attached to a dwelling shall have a minimum roof pitch of 6/12 except by conditional use permit otherwise. I was presented with something that is essentially a shouse I guess, it's a house with a garage on it and I'm trying to figure out the details on it of how much is storage verses house but I did notice that it had a 4/12 roof pitch over the whole structure and I guess I got to wondering I don't think we require a 6/12 roof pitch on homes in general so I wasn't quite sure how we meant that if the entire structure is a 4/12 pitch.

There was further discussion concerning the following:

- If house roof and garage are significantly different we wanted the garage portion to be the 6/12 pitch and the house to be the normal 4/12 pitch
- If both roof lines are same height
- Limit how much we can design someone's house
- Enforcement and explanation
- Attached accessory structure verses detached accessory structure
- Avoid 2 different pitches on roof line, hard to adhere to, aesthetics, ugly buildings
- Common sense
- Footprint when garage exceeds house portion
- Requirement of CUP
- Review minutes for intent of previous discussions

8. ADJOURNMENT: A motion was made by Hocking, seconded by Schiller, and unanimously carried to adjourn the meeting at approximately 6:05 p.m.

_____
Chair Nancy Newman

ATTEST:

_____
Carmen L. Lockhart
Planning/Administrative Assistant

CITY OF PARK RAPIDS

PARKS & BEAUTIFICATION BOARD REGULAR MEETING MINUTES

Monday, March 11, 2024, Noon

City Hall Council Chambers

Park Rapids, Minnesota

1. CALL TO ORDER: The meeting was called to order at noon by Chair Stuart Larson.

2. ROLL CALL: In attendance were: Stuart Larson, Sue Cutler, Zelda Novak, Elmer Schoon, Barb Thomason, Michelle Nickolauson, Council member Bob Wills, City Administrator Angel Weasner, staff Steph Pazdernik and Dawn Rouse. Kim Donahue arrived after the meeting started. Guest Terry Novak also was in attendance.

4. APPROVAL OF MINUTES. (Out of order) Cutler moved, Nickolauson seconded to approve the minutes of the January 8, 2024 meeting as presented. Motion carried.

3. ADDITIONS TO THE AGENDA: (Out of order) There were no additions to the agenda.

5. REPORT ON PARKS – STEPHANIE PAZDERNIK. "We really need moisture," Pazdernik reported. With the lack of snow removal, everyone had been working together to get ready for spring. Trees were being trimmed.

6. GENERAL BUSINESS:

6. A. RED BRIDGE PARK.

1. KAYAK/PADDLEBOARD KIOSK. A representative from Whenever Water Sports (Aran Gillette) presented via zoom. Highlights of the presentation were:

- The company has been in business approximately 1.5 years. Their main office is in Boston. They have a healthy cash balance.
- They provide everything needed: kiosk, equipment, insurance, a local operator, software, replacement, and repair.
- Their kiosk with kayaks will require a footprint of 80" x 10 ft. of relatively flat space as close to the water as possible.
- The kayaks are dragged with a wheeled transporter.
- Kayaks and paddleboards are available from sun up until one hour before sun down with pre-programmed locks. Season is contingent on water temperature (50 degrees is target temperature). Last year, they were able to rent through the month of October. After the season ends, the equipment is put into indoor storage by their

local operator.

- Unit is operated with battery and blue tooth options. The solar option has been removed due to reliability.
- A local operator will be hired to provide regular maintenance for the operation using a weekly systems checklist.
- Rental cost is approximately $15/hour for single; $30/hour for double; $20/hour for paddleboard or $40/monthly for unlimited two-hour rentals. A comparative analysis is done to insure competitive pricing within the area.
- Renters need to provide contact information and are required to take a picture of the equipment after rental. If unit is not returned prior to sun down time line, renter will receive a phone call.
- Kiosk and equipment are covered under two million liability coverage plan.
- They will provide signage with live customer service which has remote access capabilities.
- Cost is $9,999 for a four-slot unit for five years. They can provide a customized configuration of singles and double kayaks. Kiosk would be set up approximately 2.5 months from signing of agreement. Total amount is payable up front. Extensions after the five-year term will cost $3,000-$5,000 via agreement. The city would receive twenty percent of revenue generated. No one in town currently provides this service. R & R Rental may rent kayaks for $25/day or $90/week. Single-person kayaks can be purchased for approximately $100. It is believed Itasca charges $15 for half a day or $35/full day.
- The company currently has an installation at Phalen Regional Park. They just extended for another three-year term. They are expanding into Arkansas, South Caroline, Florida, and four state parks in ND.
- Pazdernik was asked if someone could get stuck at the dam. The area is monitored all the time. Pazdernik indicated that there is a ridge unless the water is high. She's never seen an issue.

After the presentation, the board discussed the venture. While it offered no real opportunity for profit, there was the realization that, "as a business owner, anything you can do is good." Cutler reiterated that the only real justification would be that it draws people to the area. She suggested the Chamber of Downtown Business Association could help with advertising it. Different areas of the city have "community" advertising. As other components of their budgetary planning had not been resolved, Larson suggested setting it aside for now.

2. BEACH HOUSE RE-ROOF ESTIMATES. Estimates had been received from four of the area contractors who looked at the project. The estimates ranged from approximately $12,000 to $31,000 with the biggest determinator being whether shingles or metal were used. Shingles were definitely cheaper; metal has variations. **Weasner advised that it might be better for a subcommittee to be appointed to review the estimates and bring their recommendations back to the board.** It would probably only take one meeting. **Wills, Donahue, and Larson volunteered to review the information.**

6. B. LINDQUIST PARK.

1. PLACEMENT OF NEW SWING SET. Weasner reported that the swing set at Lindquist Park had sustained irreparable damage due to a driver running into it with his car. A claim has been filed with the driver's insurance. With the replacement, the board has the following choices:

- It can be returned to its original location;
- It could be put by the pavilion—one tree would need to be removed;
- It could be placed where the cement pad was—close to the parking lot (not shown in picture).

The replacement equipment will be here in 10-12 weeks. The most reasonable option would be to re-install it in its original placement. If moved, it will cost more as the base would have to be brought up to code (it has pea rock currently). Several board members shared that, in its original location, people in the "cottages" as well as the parking lot could watch the children. The updated plan for the park now has two parking lots—one at the north end and one at the south.

As Park Board members were having a tough time visualizing the site, even with the map they were given, a homework assignment was given. Members were asked to visit the site and be prepared to make a decision regarding placement at the April meeting.

6. C. PARK FINANCE TOPICS.

1. REVIEW PARKS MONTHLY EXPENDITURE GUIDELINES. A piece of equipment (broom) had been purchased for the Parks Department. The equipment came in under the $5,560 price tag budgeted under 2024 capital outlay. A budget allotment of $10,000 had been directed to the capital outlay fund for 2024 to augment the $35,000 from last year's budget being held in reserve.

2. 2024 PROJECT PRIORITIES. Without knowing the recommendation for re-roofing the Beach House, establishing project priorities at this point is futile. It will be added back to next month's agenda.

6. D. OTHER. No other items were brought up for discussion.

6. E. ADJOURNMENT. Cutler moved, Schoon seconded to adjourn the meeting at 12:56 p.m. The next meeting is slated for April 8, 2024, at noon.

_____
Stuart Larson
Chair

Attest:

_____
Dawn Rouse
Accounts Payable Clerk

Return to Agenda

Charter
COMMUNICATIONS

April 9, 2024 Delivery via Email Please Reply “Received”

Ms. Angelica Weasner
City of Park Rapids
212 West 2nd Street
Park Rapids, MN 56470-1507

RE: UPtv

Dear Ms. Weasner:

This letter will serve as notice that on or around May 20, 2024, Spectrum Mid-America, LLC (“Spectrum”), will launch UPtv to Spectrum Select and TV Select Signature on channels 141 and 710HD on the Staples, MN channel line-up serving your community.

If you have any questions about this change, please feel free to contact me at (952) 367-4263 or via email at david.larson@charter.com.

Sincerely,



David Larson
Director, State Government Affairs Minnesota
Charter Government Affairs