

## COUNCIL PROCEEDINGS

January 25, 2005

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on January 25, 2005 in the Council Chambers of City Hall. The following Councilmembers were present: Kajewski, Carlson, Worker, Holten, Blacklance, Cullen, Schmalz, and Mayor Wennberg. No Councilmembers were absent. Mayor Wennberg chaired the meeting.

### **APPROVAL OF COUNCIL PROCEEDINGS**

The City Council reviewed the January 11, 2005 Council Proceedings. Following discussion, Councilmember Worker moved, being seconded by Councilmember Schmalz, to approve the January 11, 2005 Council Proceedings as presented. On vote being taken, the Chairman declared the motion unanimously carried.

### **RESOLUTION NO. 1-14-05: APPROVAL OF PAYMENT OF BILLS**

Councilmembers Cullen and Schmalz indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Schmalz introduced Resolution No. 1-14-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of the second half of January bills in the total amount of \$235,897.72. A printout of the bills authorized for payment is attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

### **SOUTHEAST AREA (COUNTY DITCH NO. 1) DRAINAGE STUDY PRESENTATION BY HDR ENGINEERING**

Nate Dalager, HDR Engineering, appeared before the City Council to give a presentation regarding the Southeast Area Drainage Study (a.k.a. County Ditch No. 1). A copy of the Power Point presentation is on file in the Office of the City Administrator. This item was for information only and no action was taken by the Council.

### **RESOLUTION NO. 1-15-05: ACCEPTANCE OF RESIGNATION OF DANA KLOS, ELECTRIC PROJECT MANAGER**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 1-15-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and accept the resignation of Dana Klos, Electric Project Manager, effective January 31, 2005.

On vote being taken for the Consent Agenda, the resolution was unanimously passed.

**RESOLUTION NO. 1-16-05: APPROVAL OF PROGRESSION RAISE FOR DOUGLAS STACK, PUBLIC WORKS MAINTENANCE (AIRPORT) EMPLOYEE**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 1-16-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept a Public Works Committee recommendation and grant Douglas Stack, part-time Public Works Maintenance (Airport) employee a progression raise. Mr. Stack shall progress to Step 4 of the Public Works Maintenance (Airport) salary schedule for a new salary of \$16.18 per hour, retroactive to January 1, 2005.

On vote being taken for the Consent Agenda, the resolution was unanimously passed.

**RESOLUTION NO. 1-17-05: APPROVAL OF CITY COUNCIL APPOINTMENTS TO STATEWIDE AND LOCAL COMMUNITY COMMITTEES**

Councilmember Kajewski moved, being seconded by Councilmember Worker, to take from the table the matter of Councilmember appointments to various local and statewide committees, which was tabled at the January 11, 2005 Council Meeting. On vote being taken, the Chairman declared the motion unanimously carried.

Following review and discussion, Councilmember Kajewski introduced Resolution No. 1-17-05, being seconded by Councilmember Blacklance, that:

RESOLVED, by the City Council, to approve the following appointments to various community/state boards and committees for calendar year 2005:

Airport Advisory Board	Ken Schmalz
Coalition of Greater Minnesota Cities	Elvera Cullen
Community Development Advisory Board (Ex-Officio)	Dale Wennberg
Community Development Advisory Board	Ken Schmalz
Community Education Advisory Board	Harriet Worker
Convention and Visitors Bureau Board	David Carlson
Employee Safety Committee	Conrad Holten
Jobs, Inc. (Ex-Officio)	Terry Blacklance
MEC Joint Powers Board	David Carlson
MN Department of Transportation Variance Board	Dale Wennberg
Northwest Regional Development Commission	Elvera Cullen
Pennington County Building Committee	Ken Schmalz
Pennington County Historical Society	Dale Wennberg
Pennington County Water Quality Task Force	Glen Kajewski
Planning Commission/Board of Appeals & Adjustments	Conrad Holten
Red Lake River Corridor Enhancement Project	Glen Kajewski
TRF Chamber of Commerce Board of Directors	Elvera Cullen
TRF Library Board/Regional Library Board	Harriet Worker
TRF Youth Development Committee	Harriet Worker

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-18-05: APPROVAL OF PRELIMINARY PLAT OF BARNICK'S SECOND ADDITION (BARNICK'S THIRD ADDITION)**

A Planning Commission recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 1-18-05, being seconded by Councilmember Kajewski, that:

WHEREAS, Jacob and Anne Barnick have submitted a Preliminary Plat of property currently a part of Barnick's First Addition, prepared by Moore Engineering, Inc., to the Planning Commission for consideration. The Barnick's propose, after the Final Plat is approved, to offer the lots for sale for the proposed development of a Wal-Mart store; and,

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on January 18, 2005 at which the persons principal to the issue were not present and therefore the meeting was adjourned to January 20, 2005 at which time the review was conducted. Based upon that review, the Planning Commission recommended that the City Council approve the Preliminary Plat with contingencies, one of which is the renaming of the Plat to Barnick's Third Addition.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation and approve the Preliminary Plat of "Barnick's Third Addition", property legally described as a parcel of land, which is part of Barnick's First Addition to the City of Thief River Falls, and that part of Government Lot 9, 10, 11 and 12, Section 35, Township 154, Range 43, Pennington County, Minnesota, further described as:

Commencing at the southwest corner of said Barnick's First Addition; thence North 51 degrees 31 minutes 22 seconds East on an assumed bearing along the northwest line of Lot 1, Block 1 and its southwesterly extension a distance of 250.00 feet; thence North 38 degrees 34 minutes 17 seconds West a distance of 487.78 feet to the southeasterly right-of-way line of Nelson Drive; thence North 59 degrees 23 minutes 46 seconds East along said right-of-way line a distance of 715.00 feet; thence South 66 degrees 34 minutes 04 seconds East along the southerly right-of-way line of said Nelson Drive a distance of 165.93 feet; thence southeasterly 487.66 feet along said right-of-way line, on a tangential curve concave to the south, having a radius of 1780.77 feet and a central angle of 15 degrees 41 minutes 26 seconds; thence South 50 degrees 53 minutes 21 seconds East, along said right-of-way line a distance of 301.65 feet; thence South 52 degrees 01 minutes 51 seconds West a distance of 818.69 feet to the easterly most corner of Lot 5, Block 1; thence South 51 degrees 31 minutes 22 seconds West along the east line of said Lot 5 a distance of 450.00 feet; thence North 38 degrees 28 minutes 38 seconds West along the southwesterly line of said Barnick's First Addition a distance of 500.00 feet to the point of beginning.

BE IT FURTHER RESOLVED, that the approval is based upon the following contingencies:

- 1) The acceptance of all appropriate access and utility easements;
- 2) Approval and acceptance of the primary entrance from Minnesota Truck Highway 59 SE into the proposed Wal-Mart site (westerly entrance);
- 3) Renaming the Plat to Barnick's Third Addition;
- 4) Acceptance and creation of access to the vacant Barnick property located south of the proposed Wal-Mart site; and,
- 5) Dedication and naming of the street (regardless of location) as a public right-of-way, into the proposed Wal-Mart site from Minnesota Trunk Highway 59 SE.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-19-05: APPROVAL OF VARIANCE FOR PENNINGTON COUNTY WELFARE PARKING LOT ON CORNER OF KNIGHT AVENUE AND FOURTH STREET**

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 1-19-05, being seconded by Councilmember Carlson, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on January 18, 2005, on a variance request submitted by Pennington County to construct a 65' x 140' parking lot at the southwest corner of Knight Avenue and Fourth Street; and,

WHEREAS, the Board of Adjustments and Appeals recommended that the City Council approve the requested variance with the contingency that a buffering plan be developed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals recommendation and grant a 20' variance to the 35' Buffer Strip requirement of the Side Yard-Corner as it pertains to City Code, Section 152.036(4) for the Commercial District (C-3) to Pennington County for the construction of a parking lot on property legally described as Lots 9-12 in Block 27 of Original Townsite.

BE IT RESOLVED, that the approval is contingent upon a buffering plan being developed by the City Forester and the Community Development Office, with input from Pennington County. The primary buffering material shall be shrubbery and trees and is required to be planted by October 1, 2005.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-20-05: RESOLUTION RECEIVING 2005 STREET AND UTILITIES IMPROVEMENT PROJECT FEASIBILITY REPORT**

Ron Lindberg, Public Works Director, presented a Public Works Committee recommendation. Following discussion, Councilmember Kajewski introduced Resolution No. 1-20-05, being seconded by Councilmember Carlson, that:

WHEREAS, pursuant to Resolution No. 12-277-04, a report has been prepared by the Public Works Director with reference to the following proposed improvements:

- 1) Spruce Avenue and Woodland Court (south of Allwood Court) – installation of street, storm sewer, sanitary sewer and water main improvements;
- 2) Alice Drive (south of Greenwood Street) – street and utilities extension;
- 3) Meadowlark Court East – street construction and utilities extensions;
- 4) Oak Avenue (south of Cartway Drive) – street construction, curb and gutter installation, and bituminous paving;
- 5) Gausen Court – street construction and utilities extension;
- 6) Nelson Drive (from Hwy 59 to Steven’s Drive) – street construction, curb and gutter, and bituminous paving;
- 7) Allwood Court – construction of curb and gutter, concrete driveways, and bituminous surfacing; and,
- 8) Barzen Avenue (south of First Street) – street improvements.

WHEREAS, the report provides information regarding whether the proposed projects are necessary, cost-effective, and feasible; and,

WHEREAS, the proposed Hanson Drive storm sewer improvements have been removed from consideration by recommendation of the Public Works Director due to the high cost and lack of benefit at this time.

THEREFORE, BE IT RESOLVED, by the City Council, that the Council will consider the improvements of such projects in accordance with the report and the invoicing of abutting property for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of \$836,000.00.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-21-05: RESOLUTION ESTABLISHING HEARING DATE FOR 2005 STREET AND UTILITIES IMPROVEMENT PROJECT**

Ron Lindberg, Public Works Director, presented a Public Works Committee recommendation. Following discussion, Councilmember Cullen introduced Resolution No. 1-21-05, being seconded by Councilmember Schmalz, that:

WHEREAS, pursuant to Resolution No. 1-20-05, the City Council accepted the 2005 Street and Utilities Improvement Project Feasibility Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, that a hearing shall be held on such proposed improvements accepted in Resolution No. 1-20-04 on the 17<sup>th</sup> day of February, 2005 in the Council Chambers of the City Hall at 7:00 p.m. and that the City Administrator shall give mailed and published notice of such hearing and improvements as required by law.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-22-05: APPROVAL OF ELECTRONICS PLUS FOR SECURITY CAMERA EQUIPMENT**

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 1-22-05, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation and accept the quote submitted by Electronics Plus for security camera equipment at Falls Liquor Store in the amount of \$8,769.00. One other quote was received in the amount of \$9,205.00 from Stone's Mobile Radio.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-23-05: APPROVAL OF CITY MEMBERSHIP IN THE RIVERLAND ASSOCIATION**

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 1-23-05, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation and approve the City's membership in the Riverland Association for calendar year 2005 and payment of dues in the amount of \$550.00.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-24-05: APPROVAL OF USE OF A CONFIDENTIALITY AGREEMENT FOR POLICE EMPLOYEES**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 1-24-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation and require that employees of the Police Department sign a Confidentiality Agreement with regard to the release of personal, private or confidential data as regulated by Federal and State laws.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-25-05: APPROVAL OF CHANGE OF POLICE OFFICER SHIFT SCHEDULES FOR SIX-MONTH TRIAL PERIOD**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 1-25-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation and approve a six-month trial period of a change to the scheduled shifts of Police Officers from a 8 ½ hour shift schedule to an 11 ½ hour – 28 day rotation shift, beginning January 30, 2005. Monthly progress reports shall be made to the City Council.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-26-05: APPROVAL OF NO PARKING DESIGNATION ON MAIN AVENUE ADJACENT TO THE REGIONAL LIBRARY FACILITY**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 1-26-05, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation to designate the two parking spaces along the east side of Main Avenue from First Street south to the alley ingress, adjacent to the Thief River Falls Regional Library as “No Parking” from 3:00 p.m. to 6:00 p.m., Monday through Friday, effective mid-February of 2005.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-27-05: APPROVAL OF A COOPERATIVE AGREEMENT WITH PENNINGTON COUNTY FOR CONCEALED WEAPONS PERMITTING SERVICES**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 1-27-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation and authorize the Chief of Police to execute a Cooperative Agreement for Concealed Weapons Permitting Services with Pennington County, whereby Pennington County will, for a fee to the City of \$10 per application, perform all functions related to the processing of concealed weapon permit applications from an individual seeking to carry, hold, or possess a pistol. Said agreement will terminate on December 31, 2006 or upon a 30-day written termination notice by either party.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-28-05: APPROVAL OF PROGRESSION RAISE FOR DUSTIN COAUETTE, PATROL OFFICER AND RYAN BASSETT, PATROL OFFICER**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 1-28-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation and grant the following two progression raises:

Dustin Coauette, Patrol Officer – approval of progression to Step 6 of the Patrol Officer salary schedule for a salary of \$19.69 per hour, effective January 22, 2005; and,

Ryan Bassett, Patrol Officer – approval of progression to Step 2 of the Patrol Officer salary schedule for a salary of \$15.55 per hour, effective February 1, 2005.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-29-05: ACCEPTANCE OF RESIGNATION OF POLICE SERGEANT GERALD HANSON**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 1-29-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation to accept the resignation of Gerald Hanson, Police Sergeant, effective February 5, 2005.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-30-05: APPROVAL OF LETTER OF AGREEMENT WITH THE MINNESOTA STATE HIGH SCHOOL LEAGUE TO HOST SECTION 8A BOYS HOCKEY AND SECTION 8A GIRLS AND BOYS BASKETBALL TOURNAMENTS AT THE RALPH ENGELSTAD ARENA**

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 1-30-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Parks and Recreation Committee recommendation and authorize and direct the Mayor and City Administrator to execute a Letter of Agreement that the City of Thief River Falls/Ralph Engelstad Arena host the

2005 Section 8A High School Boys Hockey Tournament on February 17, 18, 19, 21, and 24, 2005 and also host the 2005 Section 8A High School Girls and Boys Basketball Tournament on February 26, March 1, 5, and 8, 2005.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-31-05: APPROVAL OF AGREEMENT WITH TIM BERGLAND FOR RALPH ENGELSTAD ARENA AND HUCK OLSON MEMORIAL CIVIC CENTER ADVERTISING SALES**

The City Council reviewed a proposed agreement for advertising sales at the REA and HOMCC. Following discussion, Councilmember Cullen introduced Resolution No. 1-31-05, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute an agreement with Tim Bergland to sell advertising at the Ralph Engelstad Arena and Huck Olson Memorial Civic Center from November 1, 2004 through October 31, 2005. Mr. Bergland shall be paid a commission of 20% of the sale price for new advertisers and 13% for renewal advertisers for the entire contract, with the stipulation that the commission paid to Mr. Bergland be adjusted if payment by the advertiser is not received by the City.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 1-32-05: APPROVAL OF AGREEMENT WITH THE THIEF RIVER FALLS SOCCER ASSOCIATION FOR REA CLEANUP DURING WORLD JUNIOR HOCKEY TOURNAMENT**

A proposed agreement with the TRF Soccer Association was presented. Following discussion, Councilmember Worker introduced Resolution No. 1-32-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute an agreement with the Thief River Falls Soccer Association (TRFSA), whereby TRFSA will clean the Ralph Engelstad Junior stadium seating area during the World Junior Hockey Tournament ( December 21, 22, 25, 26, 27, 28, 29, and 30, 2004) for a fee of \$2,000.00.

On vote being taken, the resolution was unanimously passed.

**ITEMS FOR INFORMATION**

- 1) The City Council received the Thief River Falls Fire Department 2004 Annual Report.
- 2) The Volunteer Firefighters purchased a rescue truck box for \$5,000 for the Fire Department.
- 3) Senator Stumpf will conduct a town hall meeting on Saturday, February 5, 2005 at 3:30 p.m. in the Council Chambers.

**ADJOURNMENT**

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 7:24 p.m. On vote being taken, the Chairman declared the motion unanimously carried and the meeting adjourned.

\_\_\_\_\_  
Dale Wennberg, Mayor

Attest: \_\_\_\_\_  
Jodie R. Torkelson, City Administrator