

COUNCIL PROCEEDINGS

March 8, 2005

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on March 8, 2005 in the Council Chambers of City Hall. The following Councilmembers were present: Kajewski, Worker, Holten, Blacklance, Cullen, Schmalz, and Mayor Wennberg. Councilmember Carlson was absent. Mayor Wennberg chaired the meeting.

APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed a set of Council Proceedings and a set of Hearing Proceedings. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Worker, to approve the February 22, 2005 Council Proceedings as presented and the February 17, 2005 Hearing Proceedings with corrections. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 3-52-05: APPROVAL OF PAYMENT OF BILLS

Councilmembers Kajewski and Worker indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Worker introduced Resolution No. 3-52-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize payment of the February prepayments in the amount of \$1,815,132.95 and the first half of March bills in the amount of \$466,755.43. A printout of the bills approved for payment is attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 3-53-05: APPROVAL OF PROGRESSION RAISE FOR LENNY JOHNSON, PART-TIME OFF-SALE CLERK

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 3-53-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation and grant Lenny Johnson, part-time Off-Sale Clerk, a progression raise. Mr. Johnson shall progress to Step 4 of the Off-Sale Clerk salary schedule effective upon Mr. Johnson's completion of 4,160 hours of employment, for a new salary of \$14.99 per hour.

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

RESOLUTION NO. 3-54-05: APPROVAL OF PROGRESSION RAISE FOR DALLAS BOTHUM, PART-TIME OFF-SALE CLERK

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 3-54-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation and grant Dallas Bothum, part-time Off-Sale Clerk, a progression raise. Mr. Bothum shall progress to Step 3 of the Off-Sale Clerk salary schedule effective upon Mr. Bothum's completion of 2,080 hours of employment, for a new salary of \$13.32 per hour.

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

MATTER OF FINAL PLAT OF BARNICK'S THIRD ADDITION TABLED

A Planning Commission recommendation regarding the Final Plat of Barnick's Third Addition was discussed. Following discussion, Councilmember Kajewski moved, being seconded by Councilmember Worker, to table this matter and refer it back to the Planning Commission's March 21, 2005 meeting for further review. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 3-55-05: ADOPTION OF ORDINANCE NO. 15, 3rd SERIES, REZONING BARNICK'S THIRD ADDITION

A Planning Commission recommendation was presented. Following discussion, Councilmember Schmalz moved, being seconded by Councilmember Kajewski, to have the first reading of Ordinance No. 15, 3rd Series. On vote being taken, the Chairman declared the motion unanimously carried.

Following the reading of the ordinance by Paul Ihle, City Attorney, Councilmember Kajewski introduced Resolution No. 3-55-05, being seconded by Councilmember Blacklance, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a hearing on March 1, 2005 on a request by Jacob and Anne Barnick, on behalf of Olsson Associates of Edina and Wal-Mart Cooperation, to rezone property located at 1755 U.S. Highway 59 SE, Thief River Falls, MN 56701 from Agricultural (AG) to General Business District (C-2); and,

WHEREAS, noting that the request meets all eight of the Criteria for Granting Zoning Amendments, the Planning Commission recommended that the City Council approve the request.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and adopt Ordinance No. 15, 3rd Series, an ordinance amending the zoning of Barnick's 3rd Addition from Agricultural (AG) to General Business District (C-2).

BE IT FURTHER RESOLVED, that the ordinance is adopted based upon the following Criteria for Granting Zoning Amendments being met:

- 1) That the rezoning conforms to the Comprehensive Plan for the City, as well as present land uses;
- 2) That the rezoning will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area;
- 3) That the rezoning will not adversely affect property values of adjacent landowners;
- 4) That the rezoning will not impose other undue hardship on adjacent landowners such as noise, electrical display signs, odors, or other nuisances;
- 5) That necessary utilities be available to serve the use intended;
- 6) That additional public services needed by the rezoning be considered;
- 7) That alternate areas previously zoned for the intended use be considered; and,
- 8) That there is a public need for the proposed land use.

Said ordinance shall be published in The Times newspaper and on file in the Office of the City Administrator.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 3-56-05: APPROVAL OF CONDITIONAL USE PERMIT FOR WAL-MART SUPERCENTER

A Planning Commission recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 3-56-05, being seconded by Councilmember Schmalz, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a hearing on March 1, 2005 on a request by Jacob and Anne Barnick, on behalf of Olsson Associates of Edina and Wal-Mart Cooperation, for a Conditional Use Permit on property located at 1755 U.S. Highway 59 SE, Thief River Falls, MN 56701 to allow for the construction and operation of a shopping center; and,

WHEREAS, noting that the request meets all eight of the Criteria for Granting Conditional Use Permits, the Planning Commission recommended that the City Council approve the request, contingent upon required conditions being met.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation and grant Jacob and Anne Barnick, on behalf of Olsson Associates of Edina and Wal-Mart Cooperation; a Conditional Use Permit, based upon the stipulation that the following Criteria for Granting Conditional Use Permits are met:

- 1) The establishment, maintenance, or operation of a conditional use will not be detrimental to or endanger the public health, safety, morals, or general welfare;
- 2) The conditional use will not create an excessive burden on existing parks, schools, streets, and other public facilities and services, which serve or are proposed to serve the area;
- 3) The conditional use will be sufficiently compatible with or separated by distance or screening from adjacent agriculture or residential zoned or used land;

- 4) The structure and site shall have an appearance that will not have an adverse effect upon adjacent agricultural or residential zoned or used land;
- 5) The conditional use is related to the overall needs of the City and to existing land use;
- 6) The conditional use is consistent with the purpose of the Zoning Ordinance and requirements of the zoning district;
- 7) The conditional use is not in conflict with the Comprehensive Plan; and,
- 8) Adjacent business will not be adversely affected because of curtailment of customer trade brought on by the intrusion of noise, glare, or general unsightliness;

and contingent upon the following conditions being met:

- 1) A Developer's Agreement is created and approved;
- 2) That the Site Plan be approved and complied with;
- 3) That the area plan for "Big Box Retailers" and utilities for such are present and sized accordingly;
- 4) A mosquito control plan is developed for the detention ponds and adhered to;
- 5) A trash control plan is developed and adhered to for the detention ponds and for the Buffer Zone (tree line) surrounding the site; and,
- 6) The lighting of the site will be developed per agreed upon plan.

On vote being taken, the resolution was unanimously passed.

DEVELOPER'S AGREEMENT FOR WAL-MART SUPERCENTER TABLED

The City Council was informed that the Developer's Agreement for Wal-Mart had not been submitted to the Planning Commission as expected, therefore, no recommendation was being presented to the City Council at this time. The Planning Commission expects to review the Developer's Agreement at their March 21, 2005 meeting and present a recommendation to the City Council on March 22, 2005. Following discussion, Councilmember Schmalz moved, being seconded by Councilmember Cullen, to table this matter until a recommendation is received by the Planning Commission. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 3-57-05: APPROVAL OF LEASE WITH NORTHWEST MEDICAL CENTER FOR FRAPPIER ACCELERATION SPORTS TRAINING PROGRAM AT THE RALPH ENGELSTAD ARENA

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 3-57-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the Parks and Recreation Committee's recommendation to authorize and direct the Mayor and City Administrator to execute a lease with Northwest Medical Center to conduct a Frappier Acceleration Sports Training Program (FAST) at the Ralph Engelstad Arena, effective April 1, 2005 through

March 31, 2006 for a fee equal to 12.5% of the FAST revenues, net of royalties, generated in the Ralph Engelstad Arena.

On vote being taken, the resolution was unanimously passed.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 5:25 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