

COUNCIL PROCEEDINGS

May 24, 2005

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on May 24, 2005 in the Council Chambers of City Hall. The following Councilmembers were present: Kajewski, Worker, Carlson, Holten, Blacklance, Cullen, Schmalz, and Mayor Wennberg. No Councilmembers were absent. Mayor Wennberg chaired the meeting.

APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed three sets of Council Proceedings. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Carlson, to approve the April 26, 2005 Public Meeting Proceedings, the May 10, 2005 Council Proceedings, and the May 16, 2005 Adjourned Council Proceedings as presented. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 5-88-05: APPROVAL OF PAYMENT OF BILLS

Councilmembers Schmalz and Cullen indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Cullen introduced Resolution No. 5-88-05, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize payment of the second half of May bills in the total amount of \$349,136.42. 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. 5-89-05: APPROVAL OF BID BY MARK II OF FOSSTON, INC. FOR 2005 STREET AND UTILITIES IMPROVEMENT PROJECT (SCHEDULE A)

A Public Works Committee recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 5-89-05, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to an advertisement for bids for the 2005 Street and Utilities Improvement Project, bids were received, opened and tabulated according to law, and the following bids (Schedule A) were received complying with the advertisement:

Mark II of Fosston, Inc.	\$618,213.25
Davidson Construction, Inc.	\$682,345.00
Spruce Valley Corporation	\$687,520.50
Christianson Industrial Developers, Inc.	\$692,677.60
Sellin Brothers, Inc.	\$746,820.50

WHEREAS, Mark II of Fosston, Inc., is the lowest responsible bidder; and,

WHEREAS, the bid amount includes \$214,299.10 for street improvements to be completed on Nelson Drive and Sherwood Avenue adjacent to the proposed Wal-Mart SuperCenter and,

WHEREAS, Wal-Mart is responsible for payment of those associated costs by determination included in a Developer's Agreement between the City of Thief River Falls and,

WHEREAS, said Developer's Agreement has not yet been received, approved, or executed by the City Council as of this date.

THEREFORE, BE IT RESOLVED, by the City Council, that:

- 1) The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Mark II of Fosston, Inc., of Fosston, Minnesota, for the portion of Schedule A of the 2005 Street and Utilities Improvement Project, excluding the \$214,299.10 for Nelson Drive and Sherwood Avenue street improvements, according to the Plans and Specifications approved by the City Council and on file in the Office of the City Administrator.
- 2) The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.
- 3) A contract amount of \$403,914.13 is being awarded by this resolution.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-90-05: APPROVAL OF BID BY MARK II OF FOSSTON, INC. FOR 2005 STREET AND UTILITIES IMPROVEMENT PROJECT (SCHEDULE B)

A Public Works Committee recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 5-90-05, being seconded by Councilmember Schmalz, that:

WHEREAS, pursuant to an advertisement for bids for the 2005 Street and Utilities Improvement Project, bids were received, opened and tabulated according to law, and the following bids (Schedule B) were received complying with the advertisement:

Mark II of Fosston, Inc.	\$ 94,318.60
Spruce Valley Corporation	\$ 99,294.15
Christianson Industrial Developers, Inc.	\$104,561.70
Davidson Construction, Inc.	\$109,696.35
Sellin Brothers, Inc.	\$120,711.50

WHEREAS, Mark II of Fosston, Inc., is the lowest responsible bidder.

THEREFORE, BE IT RESOLVED, by the City Council, that;

- 1) The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Mark II of Fosston, Inc., of Fosston, Minnesota, for Schedule B of the 2005 Street and Utilities Improvement Project, according to the Plans and Specifications approved by the City Council and on file in the Office of the City Administrator.
- 2) The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

On vote being taken, the resolution was unanimously passed.

WAL-MART ACCESS TRAFFIC SIGNAL AGREEMENT WITH MNDOT TABLED

The Council discussed a Traffic Signal Agreement with the Minnesota Department of Transportation for placement and financing of traffic signals at the access road of the proposed Wal-Mart location on Highway 59 Southeast. Following discussion, Councilmember Worker moved, being seconded by Councilmember Kajewski, to table this matter until the Developer's Agreement with Wal-Mart has been executed. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 5-91-05: APPROVAL OF AGREEMENT WITH TRF PARKING LOT STRIPING FOR CROSSWALK PAINTING

A Public Works Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 5-91-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation to accept a proposal submitted by Jerry Unruh of TRF Parking Lot Striping for painting of designated crosswalks at a cost of \$20 per crosswalk. Said agreement shall comply with OSHA and Worker's Compensation requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-92-05: APPROVAL OF MECHANICAL CODE FEE INSPECTION SCHEDULE

Elvin Erickson, Building Official, presented an Administrative Services Committee recommendation. Following discussion, Councilmember Carlson introduced Resolution No. 5-92-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation to approve the Mechanical Code Fee schedule as follows:

Commercial Systems – Effective June 1, 2005

Commercial .0025 times the value of the mechanical system with a \$25.00 minimum

Residential Systems – Effective September 1, 2005

New Construction \$25.00
Replacement \$15.00

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-93-05: APPROVAL OF A 3.2 ON-SALE AND OFF-SALE MALT LIQUOR LICENSE AND AN ON-SALE WINE LICENSE FOR ROGER AND PALMA ANDERSON, d.b.a THE SCHOONER BAR AND GRILL

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 5-93-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve a 3.2 On-Sale and Off-Sale Malt Liquor License and an On-Sale Wine License for Roger and Palma Anderson, d.b.a. The Schooner Bar and Grill, located at 212 East 2nd Street in Thief River Falls, effective June 15, 2005 through December 31, 2005.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-94-05: APPROVAL OF AGREEMENT WITH MCHRA CONTRACT FEES

Mike Moore, Community Development Director, presented information to the Council regarding the processing costs of two grants that MCHRA is administering for the City. Following discussion, Councilmember Kajewski introduced Resolution No. 5-94-05, being seconded by Councilmember Cullen, that:

WHEREAS, the Multi-County Housing and Redevelopment Authority (MCHRA) has administered the funds for the Thief River Falls Housing Project Grant (2000) and the Thief River Falls Comprehensive Grant (1995); and,

WHEREAS, the MCHRA has requested that the fees for administrating the grants be increased due to added labor and processing costs.

THEREFORE, BE IT RESOLVED, by the City Council, to direct the Mayor to execute an agreement whereby the City will pay MCHRA \$1,500 per year for administration of

the Thief River Falls Housing Project Grant (2000) and \$2,000 per year for the Thief River Falls Comprehensive Grant (1995).

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-95-05: APPROVAL OF NORTHWEST MINNESOTA MULTI-CITY HOUSING AND REDEVELOPMENT AUTHORITY CONTRACT

The City Council reviewed a proposed contract with MCHRA for administration of a Minnesota Small Cities Development Program Grant. Following discussion, Councilmember Schmalz introduced Resolution No. 5-95-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a Contract for Services with the Northwest Minnesota Multi-City Housing and Redevelopment Authority (NMCHRA) to act as administering agent for the Minnesota Small Cities Development Program Grant (#CDAP-04-0036-0-FY05) awarded to the City of Thief River Falls, effective from April 12, 2005 until the project is completed and final reports accepted by the Department of Employment and Economic Development. The City shall reimburse the MCHRA dollar for dollar for its administrative and project related costs.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-96-05: APPROVAL OF DOCUMENTS RELATING TO THE MINNESOTA SMALL CITIES DEVELOPMENT PROGRAM GRANT (#CDAP-04-0036-0-FY05)

The City Council reviewed several documents relating to the Minnesota Small Cities Development Program Grant (#CDAP-04-0036-0-FY05). Following discussion, Councilmember Worker introduced Resolution No. 5-96-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute any and all documents relating to the acceptance of the Minnesota Small Cities Development Program Grant. More specifically, the documents approved include: Applicant/Recipient Disclosure/Update Report, Certification for a Drug-Free Workplace, Drug Awareness Policy, Finding of No Significant Impact and Notice of Intent to Request Release of Funds, Residential Anti-displacement and Relocation Assistance Plan, Program Income and Local Reinvestment, Excessive Force Policy, and a Fair Housing Policy.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-97-05: APPROVAL OF PROGRESSION RAISE FOR KEVIN BERG, PATROL OFFICER AND CHRIS HOGLIN, PATROL OFFICER

Progression raises for Patrol Officers Kevin Berg and Chris Hoglin were reviewed. Following discussion, Councilmember Worker introduced Resolution No. 5-97-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the following two progression raises:

Kevin Berg, Patrol Officer - Mr. Berg shall progress to Step 4 of the Grade Level 6 Patrol Officer's salary schedule, for a new salary of \$17.62 per hour, effective May 27, 2005.

Chris Hoglin, Patrol Officer - Mr. Hoglin shall progress to Step 4 of the Grade Level 6 Patrol Officer's salary schedule, for a new salary of \$17.62 per hour, effective May 27, 2005.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-98-05: APPROVAL OF CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 212 3RD STREET EAST OWNED BY SAMI HAJ

A Planning Commission recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 5-98-05, being seconded by Councilmember Blacklance, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a Public Hearing on May 16, 2005, on a Conditional Use Permit request submitted by Sami Haj, 102 Idlewood Court of Thief River Falls, MN 56701, owner of property located at 212 3rd Street East, on behalf of Shawn Callahan and Jamie Dallman, who propose to rent the property and operate a pet store; and,

WHEREAS, after review, the Planning Commission recommended that the Conditional Use Permit be approved by the City Council.

RESOLVED, by the City Council, to accept the Planning Commission recommendation and grant a Conditional Use Permit to Sami Haj, on behalf of Shawn Callahan and Jamie Dallman, to allow for the operation of a pet store at property located at 212 3rd Street East in Thief River Falls, property legally described as Lots 13, 14, and 15 of Block 35 of the Original Townsite.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-99-05: ADOPTION OF ORDINANCE NO. 17, 3RD SERIES,
ADDING CITY CODE SECTION 152.054 - CREMATORIES**

A Planning Commission recommendation was presented regulating crematories in the City. Following discussion, Councilmember Carlson moved, being seconded by Councilmember Kajewski, to have the first reading of Ordinance No. 17, 3rd Series. On vote being taken, the Chairman declared the motion unanimously carried.

Following the reading of the Ordinance by City Attorney Paul Ihle, Councilmember Carlson introduced Resolution No. 5-99-05, being seconded by Councilmember Cullen, that:

WHEREAS, the Planning Commission conducted a meeting on May 16, 2005 to review a proposed ordinance regulating crematories within the City limits; and,

WHEREAS, the Planning Commission has recommended adoption of the proposed ordinance relating to crematories.

RESOLVED, by the City Council, to adopt Ordinance No. 17, 3rd Series, an ordinance adding to the City Code Section 152.054 Entitled "Crematories" and adding Section 152.035(C) (3) "Crematories". Said ordinance is on file in the office of the City Administrator and published in The Times newspaper.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-100-05: APPROVAL OF VARIANCE FOR KENT WESTLIN,
919 KNIGHT AVENUE NORTH**

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 5-100-05, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a Public Hearing on May 16, 2005 on a variance request submitted by Kent Westlin on property owned by him and located at 919 Knight Avenue North to allow for the construction of an 18' x 15' and a 13' x 14' addition onto the eastside (front) of the existing residence; and,

WHEREAS, following review, the Board of Adjustments and Appeals recommended that the request be approved by the City Council, citing that the request met all six of the Criteria for Granting Variances, and indicating that the neighborhood is older and there will be a similar front sight line of homes located on the same block, and that the present structure is non-conforming and the Westlin's are not intensifying that non-conformity.

NOW, THEREFORE, BE IT RESOLVED, by the City Council to accept the Board of Adjustments and Appeals recommendation and grant Kent Westlin a 3' Variance to the 25' Front Yard Setback requirement of City Code Section 152.025(E)(1) and 1'2"

Variance on the Side Yard Setback requirement of City Code Section 152.025(E)(1) on property legally described as Lot 4 in Block 6 of Oakland Addition, to allow for the above described construction.

On vote being taken, the resolution was unanimously passed.

MAYOR WENNBERG VACATED CHAIR FOR PARKS AND RECREATION DISCUSSION

At this time Mayor Wennberg vacated the chair to Vice-Mayor Carlson during discussion of Parks and Recreation Committee business .

RESOLUTION NO. 5-101-05: APPROVAL OF RENTAL RATES OF IMPERIAL ROOM AT RALPH ENGELSTAD ARENA

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 5-101-05, being seconded by Councilmember Blacklance, that:

RESOLVED, by the City Council, to accept a Parks and Recreation Committee recommendation and establish the rental rate of the Imperial Room in the Ralph Engelstad Arena as \$300 (up to four hours), \$500 (four to eight hours), and \$50 for use of the kitchen with an outside caterer.

On vote being taken, the resolution was passed by a seven-yes vote, with Mayor Wennberg abstaining.

RESOLUTION NO. 5-102-05: APPROVAL OF PURCHASE OF AN ARENA DECK ICE FLOOR FROM SOUTHWEST ARENA SUPPLY

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 5-102-05, being seconded by Councilmember Worker, that:

RESOLVED, by the City Council, to accept the Parks and Recreation Committee's recommendation and approve the purchase of an arena deck ice floor from Southwest Arena Supply in the amount of \$35,000 plus \$250 for loading charges.

On vote being taken, the resolution was passed by a seven-yes vote, with Mayor Wennberg abstaining.

MAYOR WENNBERG RESUMED CHAIR

At this time Mayor Wennberg resumed the Chair for the remaining Council business.

RESOLUTION NO. 5-103-05: APPROVAL OF ELECTRIC RATE CHANGE

Arlo Rude, Director of Utilities, presented the City Council with proposed changes to the electrical rates. Following discussion, Councilmember Carlson introduced Resolution No. 5-103-05, being seconded by Councilmember Kajewski, that:

WHEREAS, the City of Thief River Falls owns and operates a municipal electric utility; and,

WHEREAS, the City Council sets the rates for the sale of electricity to retail customers; and,

WHEREAS, the City Council sets the rates for installation and rental of area protective lighting; and,

WHEREAS, the City Council has determined that a change in the electric rates is needed.

BE IT RESOLVED, by the City Council, to assign the rates as follows to be the rates for the sale of electricity at retail, and rental and installation fees for area protective lighting; and,

BE IT RESOLVED, that the rates be in effect for the July 2005 electric utility billing; and,

BE IT RESOLVED, that rates in effect prior to the July 2005 electric utility billing are hereby revoked and replaced.

ELECTRIC UTILITY RATES EFFECTIVE JULY 2005 BILLING

State Sales Tax: Where applicable, the rates shown below are subject to State sales tax.

Customer Charge: The customer charge is the minimum charge and is in addition to any energy used.

Power Factor Correction: When required by the City, the customer shall provide power factor correction as follows.

Power Factor: The customer shall at all times take and use power in such a manner that the average power factor shall be as near 100% as possible.

1. After the customer's power factor has been determined by the City, the City will not be obligated to take additional readings until the customer has taken action to correct his power factor.
2. The City may take power factor readings at its discretion.

3. The customer shall correct the power factor to a minimum of 95%.

Power Factor Correction Charge:

Power Factor Below 95%. Any establishment where the power factor is below 95% will be required to correct same to a minimum of 95%. An additional charge will be added to the customer's monthly bill according to the following until the correction has been made:

95% to 100% P.F.	No additional charge
85% through 94% P.F.	4% additional charge
0 through 84% P.F.	5% additional charge

Transformer discount: A customer who owns a transformer metered at primary voltage may receive a 1% (one percent) discount off the net billing for service.

Determination of Rate: As provided by City Ordinance, the City shall determine the rate at which a customer is served. The City may combine multiple meter readings into one reading and treat the combined reading as one meter. The City may use submeters and subtract meter readings and treat the readings as a separate meter.

ELECTRIC RATES

Rate R1. Electric Residential Service - All Purpose Uncontrolled.

A. Availability. The following rate shall be charged and collected for the use of electricity for light and power in private residences and in all flats and rooms used solely for private residence purposes on an uncontrolled basis (without a City provided load control device).

B. Rate No. R1 (Software Billing No. 1)

Customer Charge:	\$4.00 per month
Energy Charge:	All KWHs per month 5.450 cents/KWH

Rate R3. Electric Residential Service - Dual fuel - 100% Controlled.

A. Availability. Available to all present and future space heating with/without electric water heater installations. In order to qualify for Rate R3, 100% interruptible electric heating rate, the customer must agree that electric heat and electric water heater shall be controlled on an interruptible basis without notice and that the customer shall have an alternate source of heat acceptable to the City. The alternate heating source shall heat the residence for an indefinite period of time.

B. Rate No. R3 (Software Billing No. 3)

Winter Months (Bills due in November, December, January, February, March, April, May and June)

Customer Charge:	\$4.00 per month
Energy Charge:	(With load control - 100%)
For the first 1000 KWHs per month	5.450 cents/KWH
Excess KWHs per month	2.950 cents/KWH

Summer Months (Bills due in July, August, September and October)
The rate shall be Rate R1.

Rate R4. Electric Residential Service - Residential Heating Dual Fuel - 100% Controlled - Separately Metered.

A. Available to all present and future space heating installations that are separately metered. In order to qualify for Rate R4, 100% interruptible electric heating rate, the customer must agree that electric heat and electric water heaters shall be controlled on an interruptible basis without notice and that the customer shall have an alternate source of heat acceptable to the City. The alternate heating source shall heat the residence for an indefinite period of time. This meter may be a submeter.

B. Rate No. R4 (Software Billing No. 4)

Customer Charge:	None
Energy Charge:	(With load control - 100%)
All KWHs per month	2.950 cents/KWH

Rate CH3. Commercial Heat - 100% controlled

A. Availability. Available only for customers with electricity as the primary heat source. Available to commercial heating service installation supplied through a separate meter for the use of electric energy in all establishments other than that used solely for residential purposes.

B. Rate No. CH3 (Software Billing No. 13, 30)

Winter months (Bills due in November, December, January, February, March, April, May and June)

Customer Charge:	\$11.00 per month
Energy Charge:	(With 100% Load Control)
All KWHs per month	2.950 cents/KWH

Summer Months (Bills due in July, August, September and October)
The rate shall be Rate C1.

Rate C1. Commercial - General Service

A. Availability. Available to commercial customer for single phase or three phase electric service supplied through one meter. For the use of electric energy in all churches and in all buildings, stores, offices, manufacturing plants, and other places occupied for business or commercial and manufacturing purposes and for any other use other than residential.

B. Rate No. C1 (Software Billing No. 14)

Customer Charge:	\$ 11.00 per month
Energy Charge:	
For the First 1000 KWHs per month	6.420 cents/KWH
Excess KWHs per month	5.370 cents/KWH

Rate CG1. Commercial, with Standby Generation.

A. Availability. Available in the City to any commercial, industrial, and institutional customer for single or three phase electric service supplied through one meter. For the use of electric energy in all churches and in all buildings, stores, offices, manufacturing plants, and other places occupied for business or commercial and manufacturing purposes and for any use other than residential.

B. To qualify, the customer shall provide:

- 1) a standby generator sized to provide capacity sufficient to supply the power and energy for the customer's total electric load;
- 2) the customer's load factor shall be acceptable to the City;
- 3) the customer's generator shall be controlled by a load control device furnished by the City and installed by the customer at the direction of the City.
- 4) the generator shall be sized and capable of providing the customers energy for an indefinite amount of time.
- 5) the customer shall be billed for any coincidental demand the customer has connected.

C. Rate No. CG1 (Software Billing No. 19, 20 and 25)

Customer Charge:	\$ 11.00 per month
Coincidental Demand:	
Winter demand	\$5.82/KW
Summer demand	\$3.67/KW

Energy Charge: All KWH's per month 3.950 cents/KWH

Coincidental Billing Demand:

Winter: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from November 20 through March 20 during

Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from March 20th to March 19th of the following year.

Summer: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from March 20 through November 20 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from March 20th to March 19th of the following year.

- D. As an alternative to operating the generator for certain designated control periods, the customer may pay an additional \$0.06/ KWH for the hours designated as control hours. The customer shall make a written "Buy Through" agreement as provided by the City for this service.
- E. Primary Service Discount. Customers receiving service at primary distribution voltage may receive a 2% (two percent) discount off the net billing for service.

Rate II. Industrial - General Service Rate

A. Availability. To commercial and industrial customers for combined lighting and power purposes. Service will be rendered at the utility system standard secondary voltage, single or three phase, or at a primary voltage. Special voltage transformers for lighting and other purposes shall be owned and maintained by the customer.

B. Rate No II (Software Billing No. 15, 16, 33 and 34).

Customer Charge:	\$ 11.00 per month
Demand Charge:	
Kilowatts demand	\$8.64/KW

Energy Charge:	
All KWHs per month	3.400 cents/KWH

- C. Primary Service Discount. Customers receiving service at primary distribution voltage may receive a 2% (two percent) discount of the net billing for the service.
- D. Determination of Demand. The maximum demand in kilowatts for billing purposes shall be the greatest 15 minutes demand load during the billing period for which the bill is rendered.
- E. Power Factor Correction. Power Factor Correction may be required as described above.

Rate I2. Industrial - Controlled

- A. Availability. Closed to new installations. Available in the City to any commercial, industrial, and institutional customer as single business establishments for all power and lighting requirements, when all service hereunder is provided through one meter to determine the general service demand, annual system coincidental billing peak demand and energy, all at a single point of entry.
- B. Applicable. To commercial, industrial, and institutional customers for combined lighting and power purposes. Service will be rendered for combined lighting and power purposes. Service will be rendered at the utility system standard secondary voltage, three phase, or at primary voltage designated by the utility system at the service voltage available in the area for the size of load to be served. Special voltage transformers for lighting and other purposes shall be owned and maintained by the customer. Load control receivers will be furnished by the City and installed by the customer.

C. Rate No. I2 (Software Billing No. 17, 18, 19, 35, 36 and 37).
(Closed to new installations)

Customer Charge: \$ 11.00 per month
General Service Demand - Uncontrolled \$0.25/KW

Coincidental Demand:
Winter demand \$5.82/KW
Summer demand \$3.67/KW

Energy Charge: All KWH's per month 3.400 cents/KWH

General Service Demand - Uncontrolled: The maximum demand in kilowatts for billing purposes shall be the greatest 15 minutes demand load during the billing period for which the bill is rendered.

Coincidental Billing Demand:
Winter demand: In no month shall the demand to be billed be less than the maximum demand in kilowatts registered from November 20 through March 20 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s coincidental billing demand periods. To be in effect for one year from March 20th to March 19th of the following year.

Summer demand: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from March 20 through November 20 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from March 20th to March 19th of the following year.

- D. Primary Service Discount. Customer's receiving service at primary distribution voltage may receive a 2% (two percent) discount off the net billing for service.
- E. Power Factor Correction. Power Factor Correction can be required as described above.

Rate I3. Industrial

- A. Availability. Available in the City to any commercial, industrial, and institutional customer as single business establishments for all power and lighting requirements.
- B. Applicable. To commercial, industrial, and institutional customers for combined lighting and power purposes. Service will be rendered for combined lighting and power purposes. Service will be rendered at the utility system standard secondary voltage, three phase, or at primary voltage designated by the utility system at the service voltage available in the area for the size of load to be served. Special voltage transformers for lighting and other purposes shall be owned and maintained by the customer.
- C. Rate No. I3 (Software Billing No. 19, 22, 24, 37, 38 and 39).

Customer Charge: \$11.00 per month
General Service Demand \$1.00/KW

Controlled Coincidental Demand:
Winter demand \$5.82
Summer demand \$3.67/KW

Energy Charge: All KWH's per month 3.720 cents/KWH

General Service Demand: The maximum demand in kilowatts for billing purposes shall be the greatest 15 minutes demand load during the billing period for which the bill is rendered.

Coincidental Billing Demand:

Winter demand: In no month shall the demand to be billed be less than the maximum demand in kilowatts registered from November 20 through March 20 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s coincidental billing demand periods. To be in effect for one year from March 20th to March 19th of the following year.

Summer demand: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from March 20 through November 20 during Northern Municipal Power Agency and Minnkota Power

Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from March 20th to March 19th of the following year.

- D. Primary Service Discount. Customer's receiving service at primary distribution voltage may receive a 2% (two percent) discount off the net billing for service.
- E. Power Factor Correction. Power Factor Correction can be required as described above.

Rate IH1. Industrial Electric Heat Rate.

A. Availability. Available in the City to any customer with an annual electric heat usage of one million KWHs or more. If one million KWHs are not used, the customer shall have the option of paying on the basis of Rate CH3 or paying for one million kilowatt hours on this rate or the City may waive the one million KWHs on this rate. The electric heat must be 100% controlled and shall switch to an alternate fuel or heating during control periods. Service will be rendered at the utility system standard voltage or at primary voltage.

B. Rate No. IH1 (Software Billing No. 21)

Customer Charge: \$11.00 per month
 Energy Charge: For KWHs 2.700 cents/KWH

Summer Months (Bills due in July, August, September and October)
 The rate shall be Rate C1.

Automatic Protective Lighting

A. Availability. The City will install and maintain luminaries upon private or public property for the purpose protective lighting for a customer at the discretion of the City. The installation of the cable, pole and controls not on the luminaire are the responsibility of the customer.

The City shall bill the customer the cost of labor and such material that is not part of the luminaire and mounting arm for the luminaire.

<u>DESIGNATION OF LAMPS</u>	<u>MONTHLY CHARGE</u>
175 Watt Mercury Vapor	\$ 4.65
250 Watt Mercury Vapor	\$ 9.33
100 Watt High Pressure Sodium	\$ 5.50
150 Watt High Pressure Sodium	\$ 7.00
 250 Watt High Pressure Sodium	 \$11.00

400 Watt High Pressure Sodium

\$15.00

- B. Alternatives. Other sizes and types may be available upon request. Prices shall be established by the Utilities Committee as per recommendation of the Director of Utilities. Only high-pressure sodium luminaries shall be available for new protective lighting.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-104-05: APPROVAL OF APPOINTMENT OF ARLO RUDE AS DIRECTOR AND BARRY FROILAND AS ADVISOR TO THE NORTHERN MUNICIPAL POWER AGENCY

The City Council reviewed the annual appointments to the Northern Municipal Power Agency. Following discussion, Councilmember Cullen introduced Resolution No. 5-104-05, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to appoint Arlo Rude as Director and Barry Froiland as Advisor to the Northern Municipal Power Agency, with terms effective June 1, 2005 through May 31, 2006.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-105-05: APPOINTMENT OF VERN WITTENBERG, PATROL OFFICER, AS ASSISTANT ANIMAL CONTROL OFFICER

The City Council reviewed a request from the Police Division. Following discussion, Councilmember Cullen introduced Resolution No. 5-105-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to appoint Patrol Officer Vern Wittenberg as an Assistant Animal Control Officer, with the stipulation that Officer Williams' primary duties are that of a Patrol Officer.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-106-05: RESOLUTION CALLING FOR PUBLIC HEARING ON PROPOSED ADOPTION OF A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1 AND THE PROPOSED ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-6 THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN THEREFORE

Mike Moore, Community Development Director, informed the Council of a requirement for a public hearing. Following discussion, Councilmember Carlson introduced Resolution No. 5-106-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council OF Thief River Falls, Minnesota (the "City"), as follows:

Section 1. Public Hearing. This Council shall meet on July 26, 2005 at approximately 4:45 p.m. to hold a public hearing on the proposed adoption of a Modification to the Development Program for Development District No. 1, the proposed establishment of Tax Increment Financing District No. 1-6, a housing district, and the proposed adoption of a Tax Increment Financing Plan, therefore, all pursuant to and in accordance with Minnesota Statutes, Sections 469.124 through 469.165 and Sections 469.174 through 469.7199, inclusive, as amended, in an effort to encourage the development and redevelopment of certain designated areas within the City; and,

Section 2. Notice of Public Hearing, Filing of Program Modification and Plan. City staff is authorized and directed to work with Ehlers & Associates, Inc., to prepare a Modification to the Development Program for Development District No. 1 and a Tax Increment Financing Plan for Tax Increment Financing District No. 1-6 (the "Program Modification and Plan") and to forward documents to the appropriate taxing jurisdictions including Pennington County and Independent School District No. 564. The City Administrator is authorized and direct to cause notice of the hearing, together with an appropriate map as required by law, to be published at least once in the official newspaper of the City not later than 10, nor more than 30, days prior to July 26, 2005 and to place a copy of the Program Modification and Plan on file in the City Administrator's Office at City Hall and to make such copy available for inspection by the public.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-107-05: APPROVAL OF BEER IN THE PARK PERMIT FOR TRF MEN'S AND WOMEN'S SOFTBALL LEAGUES AT THE MEC

The City Council reviewed a request for the consumption of 3.2 malt liquor at the MEC during the 2005 softball season. Following discussion, Councilmember Schmalz introduced Resolution No. 5-107-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to a Beer Permit to the TRF Men's and Women's Softball Associations for consumption of 3.2 malt liquor at the MEC complex effective May 16, 2005 through August 19, 2005.

On vote being taken, the resolution was unanimously passed.

ITEMS FOR INFORMATION

- 1) A City/County meeting will be conducted at 7:00 a.m. on Monday, June 6, 2005 at the Best Western.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 6:20 p.m. On vote being taken, the Chairman

declared the motion unanimously carried and the meeting adjourned until June 6, 2005 at 7:00 a.m.

Dale Wennberg, Mayor

Attest: _____
Jodie R. Torkelson, City Administrator