

COUNCIL PROCEEDINGS

June 28, 2005

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on June 28, 2005 in the Council Chambers of City Hall. The following Councilmembers were present: Worker, Carlson, Cullen, Blacklance, Schmalz, and Mayor Wennberg. Councilmembers Kajewski and Holten were absent. Mayor Wennberg chaired the meeting.

APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed a set of Council Proceedings. Following discussion, Councilmember Worker moved, being seconded by Councilmember Carlson, to approve the June 14, 2005 Council Proceedings as presented. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 6-123-05: APPROVAL OF PAYMENT OF BILLS

Mayor Wennberg and Councilmember Schmalz indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Schmalz introduced Resolution No. 6-123-05, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to authorize payment of the second half of June bills in the amount of \$262,977.79 and the June 13 – 24, 2005 prepayments in the amount of \$859,242.83. 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. 6-124-05: APPROVAL OF CHANGE ORDER NO. 1 FOR 2005 STREET AND UTILITIES IMPROVEMENT PROJECT

A Public Works Committee recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 6-124-05, being seconded by Councilmember Blacklance, that:

RESOLVED, by the City Council, to accept a Public Works Committee recommendation and approve Change Order No. 1 with Mark II of Fosston to include the award for completion of the balance of work on Nelson Drive and Sherwood Avenue and the addition of bituminous paving of Mark Boulevard east of Highway 32. Change Order No. 1 shall increase the original contract price by \$248,339.10. Wal-Mart has agreed to pay 100% of the Nelson Drive improvement and Rocksbury Township has agreed to pay 100% of the Mark Boulevard bituminous paving.

BE IT FURTHER RESOLVED, that approval of Change Order No. 1 is subject to receipt of the signed Developer's Agreement with Wal-Mart.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-125-05: APPROVAL OF AGREEMENT WITH MNDOT FOR WAL-MART TRAFFIC SIGNAL LIGHTS AT HIGHWAY 59 AND ANTHONY AVENUE

Councilmember Carlson moved, being seconded by Councilmember Cullen, to remove from the table the matter of a proposed agreement with MnDOT for installation of traffic signals on Highway 59 SE, an item tabled at the June 14, 2005 Council Meeting. On vote being taken, the Chairman declared the motion unanimously carried.

Following discussion, Councilmember Cullen introduced Resolution No. 6-125-05, being seconded by Councilmember Worker, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation to authorize and direct the Mayor and City Administrator to execute an agreement with MnDOT, whereby MnDOT will furnish a traffic control lighting system at the intersection of Highway 59 and Anthony Avenue at a cost of \$25,118.47.

BE IT FURTHER RESOLVED, that the agreement shall only be executed upon Wal-Mart submitting an executed Developer's Agreement to the City, indicating that Wal-Mart will reimburse the City for all costs involved in the traffic signal installation and maintenance.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-126-05: APPROVAL OF FAA AGREEMENT FOR PRECISION APPROACH PATH INDICATOR AT REGIONAL AIRPORT

A Public Works Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 6-126-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept a Public Works Committee recommendation to direct the Mayor and City Administrator to execute an agreement with the Federal Aviation Administration for the installation and maintenance of a Precision Approach Path Indicator (PAPI) system at the Regional Airport to provide pilots with a safe and accurate glide slope on final approach to the runway.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-127-05: APPROVAL OF CONVEYANCE OF TAX FORFEITED PROPERTY TO CITY OR RELEASED FOR PUBLIC AUCTION

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 6-127-05, being seconded by Councilmember Cullen, that:

WHEREAS, according to Minnesota State Statute 282.01, the City must designate tax forfeited properties in the city limits as property for public auction or request conveyance to the City for public use; and,

WHEREAS, the Administrative Services Committee has reviewed the list of tax forfeited properties from non-payment of property taxes.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Administrative Services Committee's recommendation that:

The following tax forfeited properties shall be conveyed to the City as the properties are needed for the redevelopment of the land as productive taxable properties:

Parcel No. 25-003-198-60	Parcel No. 25-013-035-60
Parcel No. 25-031-045-00	Parcel No. 25-059-028-00

The following tax forfeited properties shall be allowed to be sold at public auction:

Parcel No. 25-006-305-70	Parcel No. 25-046-035-71
Parcel No. 25-022-055-00	Parcel No. 25-059-004-00
Parcel No. 25-059-010-00	Parcel No. 25-061-004-10

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-128-05: APPROVAL OF 2005 BROADBAND PROJECT BUDGET

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 6-128-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Administrative Services Committee's recommendation to approve the 2005 Broadband Project Budget as follows:

<u>Revenues</u>	
Blandin Foundation	\$15,000
City of Thief River Falls	\$ 1,000
Community Development Department	\$ 1,000 (inkind)
Jobs, Inc.	\$ 1,000
Sjoberg's Cable	\$ 500
Wiktel	\$ 500
Total	\$19,000
<u>Expenditures</u>	
Labor (Intern: 10 hrs per week – 4 months)	\$ 2,000
Printing	\$ 500
Ads	\$ 500
Website	\$ 100
Computers (15 computers as incentives)	\$ 7,500

Highspeed Internet (15 or more free internet subs)	\$ 2,700
Commercial Workshops (fee for consultants)	\$ 2,000
Web Design/Hosting (workshop and free hosting)	<u>\$ 1,100</u>
Total	\$16,400

Note: Surplus Balance = \$2,600 – if surplus holds, the \$1,000 from the City will not be requested.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-129-05: APPROVAL OF APPOINTMENT OF TONY KOZOJED TO POLICE CIVIL SERVICE COMMISSION

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 6-129-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation and approve the appointment of Tony Kozojed to the Police Civil Service Commission, effective immediately, with the term to expire on January 31, 2006. Mr. Kozojed is filling a vacancy created by the death of Orrin Green.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-130-05: ADOPTION OF ORDINANCE NO. 18, 3rd SERIES, AUTHORIZING VEHICLE IMPOUND FEES

A Public Safety Committee recommendation was presented to adopt an ordinance allowing the City to require payment of charges to reclaim a vehicle impounded by the City. Councilmember Worker then moved, being seconded by Councilmember Cullen, to have the first reading of Ordinance No. 18, 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 Schmalz introduced Resolution No. 6-130-05, being seconded by Councilmember Worker, that:

RESOLVED, by the City Council, to accept the Public Safety Committee recommendation's to adopt Ordinance No. 18, 3rd Series, an ordinance amending City Code Section 32.21(A) requiring that payment of towing and storage charges, as adopted by resolution, be paid prior to releasing a vehicle impounded by the City.

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

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-131-05: APPROVAL OF VEHICLE IMPOUND FEES

A Public Safety Committee recommendation was presented as a result of the adoption of Ordinance No. 18, 3rd Series. Following discussion, Councilmember Cullen introduced Resolution No. 6-131-05, being seconded by Councilmember Blacklance, that:

RESOLVED, by the City Council, to accept a Public Safety Committee recommendation establishing the following vehicle impound fee schedule, effective July 1, 2005:

Day of Vehicle Impound (anything impounded before
Midnight is considered/counted as day one) \$25.00 first day

Everyday thereafter will be: \$ 5.00 per day

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. 6-132-05: APPROVAL OF ADDENDUM TO TIM AND SCOTT
BERGLAND PRO SHOP LEASE TO ALLOW SKATE SHARPENING SERVICES**

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 6-132-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept a Parks and Recreation Committee recommendation to authorize Tim Bergland and Scott Bergland to perform skate sharpening services at the Ralph Engelstad Arena in conjunction with their Pro Shop business. Revenue proceeds from skating sharpening will be shared as follows: If the Pro Shop sharpens skates, the revenue will be split 75% and 25% City. If City staff (after training by Tim Bergland or Scott Bergland) sharpens skates, the revenue shall be split 25% Pro Shop and 75% City.

BE FURTHER RESOLVED, that this addendum is granted until the expiration of the Pro Shop Lease (June 14, 2006). If the Pro Shop lease is renewed, this arrangement will be incorporated into the new lease.

On vote being taken, the resolution was unanimously passed, with Mayor Wennberg abstaining.

MAYOR WENBERG RESUMED CHAIR

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

**RESOLUTION NO. 6-133-05: ADOPTION OF ORDINANCE NO. 19, 3RD SERIES,
AMENDING C-1 NEIGHBORHOOD BUSINESS DISTRICT "RETAIL"
DESCRIPTION**

A Planning Commission recommendation was presented. Following discussion, Councilmember Carlson moved, being seconded by Councilmember Cullen, to have the first reading of Ordinance No. 19, 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. 6-133-05, being seconded by Councilmember Worker, that:

RESOLVED, by the City Council, to accept the Planning Commission's recommendation to adopt Ordinance No. 19, 3rd Series, an ordinance amending City Code Section 152.030(C)(1) by including "office buildings" in the description of a retail use.

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

On vote being taken, the resolution was unanimously passed.

**MOTION INITIATING REZONING OF PORTION OF ATLANTIC AVENUE FROM
GENERAL INDUSTRIAL (I-2) TO GENERAL BUSINESS (C-2)**

The City Council reviewed a request to rezone a portion of property along Atlantic Avenue from Third Street to Eight Street from General Industrial (I-2) to General Business (C-2). Following discussion, Councilmember Carlson moved, being seconded by Councilmember Schmalz, to refer this matter to the Planning Commission. On vote being taken, the Chairman declared the motion unanimously carried.

**RESOLUTION NO. 6-134-05: APPROVAL OF VARIANCE FOR JEROME COTA, 820
ARNOLD AVENUE NORTH**

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Carlson introduced Resolution No. 6-134-05, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on June 20, 2005, to consider a request for a variance submitted by Jerome Cota, 802 Arnold Avenue North, to allow for the construction of a 14' x 30' garage onto the side of his existing garage; and,

WHEREAS, following the public hearing and review, the Board of Adjustments and Appeals recommends that the City Council approve such variance request.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals recommendation to grant Jerome Cota a two-foot Variance to the three-foot Side Yard Setback requirement of City Code, Section 152.025(E)(2)(b) for General Residential District (R-2) on property legally described as Lot 11 of Block 10 in Oakland Park Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-135-05: APPROVAL OF VARIANCE FOR PHILIP D.L. MCKENZIE, 1217 TAFT STREET

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 6-135-05, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on June 20, 2005, to consider a request for a variance submitted by Philip D.L. McKenzie, 1217 Taft Street, to allow for the construction of a 24' x 30' garage onto the front of their existing residence; and,

WHEREAS, following the public hearing and review, the Board of Adjustments and Appeals recommends that the City Council approve such variance request.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals recommendation to grant Philip D.L. McKenzie a two-foot Variance to the seven-foot Side Yard Setback requirement of City Code, Section 152.025(E)(1) for General Residential District (R-2) on property legally described as Lot 1 of Block 1 in Bratrud's 2nd Rearrangement of Park Addition and Lot 4 of Block 2 of Bratrud's Rearrangement.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-136-05: APPROVAL OF QUOTE

The City Council reviewed quotes received for the purchase of a travel van. Following discussion, Councilmember Worker introduced Resolution No. 6-136-05, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to accept the low quote submitted by Westside Motors in the amount of \$14,845.00 for a 2003 Grand Caravan Sport van. Quotes received were as follows:

Loren Auto Sales	2001 Villager	\$10,100.00	Did not meet specs
Westside Motors	2002 Caravan	\$11,102.00	Sold before Council Meeting
Westside Motors	2002 Caravan	\$12,200.00	Sold before Council Meeting

Westside Motors	2003 Caravan	\$14,845.00
Northern Motors	2001 Windstar	\$15,000.00
Loren's Auto Sales	2004 Montana	\$15,200.00
Westside Motors	2004 Caravan	\$15,365.00
Loren's Auto Sales	2003 Windstar	\$15,800.00

On vote being taken, the resolution was unanimously passed.

ADJOURNMENT

There being no further discussion, Councilmember Worker moved, being seconded by Councilmember Cullen, to adjourn the meeting at 6:15 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