

COUNCIL PROCEEDINGS

September 27, 2005

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on September 27, 2005 in the Council Chambers of City Hall. The following Councilmembers were present: Kajewski, Holten, Worker, Carlson, Blacklance, Cullen, Schmalz, and Mayor Wennberg. No Councilmembers were absent. Mayor Wennberg chaired the meeting.

APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed four sets of Council Proceedings. Following discussion, Councilmember Kajewski moved, being seconded by Councilmember Cullen, to approve the September 12, 2005 Adjourned Council Proceedings, the September 13, 2005 Council Proceedings, the September 14, 2005 Adjourned Council Proceedings, and the September 15, 2005 Adjourned Council Proceedings as presented. On vote being taken, the Chairman declared the motion unanimously carried.

RESOLUTION NO. 9-192-05: 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. 9-192-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of the second half of September bills in the amount of \$381,151.63; the September 1-2, 2005 prepayments in the amount of \$226,584.93; the September 5-9, 2005 prepayments in the amount of \$71,090.77; the September 12-16, 2005 prepayments in the amount of \$647,338.62; and the September 19-23, 2005 prepayments in the amount of \$207,707.71. 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.

PRESENTATION OF DONATIONS FROM THE HARTZ FOUNDATION FOR CURLING CLUB AND FIRE DEPARTMENT

Dick Sjoberg, on behalf of the Hartz Foundation, appeared before the City Council to present a donation to the Curling Club in the amount of \$10,000 and a donation to the Fire Department for the purchase of a "jaws of life" in the amount of \$20,000.

RESOLUTION NO. 9-193-05: APPROVAL OF QUOTE FROM LEE PLUMBING & HEATING AND NELSON REFRIGERATION FOR HVAC SYSTEM AT THE THIEF RIVER FALLS PUBLIC LIBRARY

A Public Works Committee recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 9-193-05, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation and approve the quote submitted by Lee Plumbing & Heating and Nelson Refrigeration in a combined amount of \$30,386 for a new HVAC system at the Thief River Falls Public Library. One other quote was received from Brodin Comfort System in the amount of \$32,709.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-194-05: RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL FOR THE 2005 STREET AND UTILITIES IMPROVEMENT PROJECT

Ron Lindberg, Public Works Director, presented a Public Works Committee recommendation with regard to the 2005 Street and Utilities Improvement Project. Following discussion, Councilmember Schmalz introduced Resolution No. 9-194-05, being seconded by Councilmember Kajewski, that:

WHEREAS, a contract has been let for the 2005 Street and Utilities Improvement Project and the contract price for such improvements is \$770,750.00 and the expenses incurred or to be incurred in the making of such improvements amount to \$136,650.00 so that the total cost of the improvements will be \$907,400.00.

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

- 1) The portion of the cost of such improvements to be paid by the City is hereby declared to be \$128,400.00 and the portion of the cost to be assessed or invoiced against benefited property owners is declared to be \$779,000.00;
- 2) Assessments shall be payable in equal annual installments extending over a period of 12 years, the first of the installments to be payable on or before the first Monday in January, 2006, and shall bear interest rate of five and one-half percent (5.5%) per annum from the date of the adoption of the assessment roll;
- 3) The City Administrator, with the assistance of the Public Works Director, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece, or parcel of land within the area affected, without regard to cash valuation as provided by law, and the City Administrator shall file a copy of such proposed assessment in the Office of the City Administrator for public inspection; and,
- 4) The City Administrator shall, upon the completion of such proposed assessments, notify the City Council of its completion.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-195-05: RESOLUTION ESTABLISHING A PUBLIC HEARING WITH REGARD TO PROPOSED ASSESSMENTS ON THE 2005 STREET AND UTILITIES IMPROVEMENT PROJECT

Ron Lindberg, Public Works Director, presented information with regard to the 2005 Street and Utilities Improvement Project. Following discussion, Councilmember Worker introduced Resolution No. 9-195-05, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to Resolution No. 9-194-05, the City Administrator was directed to prepare a proposed assessment of the 2005 Street and Utilities Improvement Project; and,

WHEREAS, the City Administrator has notified the City Council that such proposed assessment has been completed and filed in the Office of the City Administrator for public inspection.

THEREFORE, BE IT RESOLVED, by the City Council of Thief River Falls, that:

- 1) A hearing shall be held on the 19th day of October, 2005 in the Council Chambers of City Hall at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment;
- 2) The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and the City Administrator shall state in the notice the total cost of the improvement, The City Administrator shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing; and,
- 3) The owner of any property so assessed may, at any time prior to certification of the assessment to the Pennington County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The property owner may at any time thereafter, pay to the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the succeeding year.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-196-05: APPROVAL OF TEMPORARY EASEMENT TO PENNINGTON COUNTY AT CHIEF'S COULEE

A Public Works Committee recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 9-196-05, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation to grant a temporary 50' easement to Pennington County, located at the City of Thief River Falls Sanitation Department site on Highway 32 North (part of Section 28, Township 154, Range 43W), for the purpose of removing drainage blocks from Chief's Coulee and to temporarily store excavated material. The easement will expire on June 1, 2006.

BE IT FURTHER RESOLVED, that Pennington County shall restore the ground surface, as nearly as practicable, to the state condition that existed prior to entering.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-197-05: APPROVAL OF CROSSWIND RUNWAY LIGHT PROJECT CLOSEOUT

A Public Works Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 9-197-05, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation and approve the Project Closeout Report for the Crosswind Runway Lighting Project (Project AIP 3-27-0100-08-03).

BE IT FURTHER RESOLVED, to authorize payment to Strata Corporation for a project overage in the amount of \$12,206 (ALP update and overruns).

BE IT FURTHER RESOLVED, to authorize the final payment to Strata Corporation in the amount of \$70,060.69, which includes a retainage of \$35,000 being held by the City until completion of the PAPI's system.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-198-05: DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF THIEF RIVER FALLS

The City Council reviewed a resolution of compliance of the National Incident Management System. Following discussion, Councilmember Cullen introduced Resolution No. 9-198-05, being seconded by Councilmember Schmalz, that:

WHEREAS, the President of the United States of America issued Homeland Security Presidential Directive 5 to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system; and

WHEREAS, the President, in Homeland Security Presidential Directive 5, tasked the secretary of the U.S. Department of Homeland Security to develop and administer a National Incident Management System; and

WHEREAS, the secretary of the U.S. Department of Homeland Security developed and administered the National Incident Management System (NIMS) to provide for interoperability and compatibility among federal, state, and local capabilities, the NIMS will include: a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources; and

WHEREAS, the governor of Minnesota issued Executive Order 05-02: Designation of the National Incident Management System (NIMS) as the basis for all incident management in the State of Minnesota; and

WHEREAS, the collective input and guidance from all federal, state, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation, and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all City of Thief River Falls departments and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the ability of the City of Thief River Falls to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Management System components of NIMS are already an integral part of various incident management activities throughout the City of Thief River Falls, including current emergency management training programs; and

NOW, THEREFORE, we do hereby establish the National Incident Management System (NIMS) as the City of Thief River Falls standard for incident management.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-199-05: APPROVAL OF EASEMENT FOR EUGENE AND MARCIA KALINOWSKI IN OXBOW FIRST ADDITION

The City Council reviewed a proposed easement for Eugene and Marcia Kalinowski. Following discussion, Councilmember Blacklance introduced Resolution No. 9-199-05, being seconded by Councilmember Cullen that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute an Easement to Eugene and Marcia Kalinowski on property legally

described as the South 75 feet of the East 100 feet of Outlot "B" of Oxbow First Addition. Kalinowskis shall have the right to construct, maintain, operate, alter, repair and remove one drainage pipe of up to 12 inches in diameter under the said property.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-200-05: APPROVAL OF VARIANCE FOR 928 KNIGHT AVENUE NORTH, STEVEN HARDER PROPERTY

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Carlson introduced Resolution No. 9-200-05, being seconded by Councilmember Worker, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a hearing on September 19, 2005 to review a variance request submitted by Steven Harder, 928 Knight Avenue North, to allow for the installation of extensions onto the roof overhangs of his current residence; and,

WHEREAS, the Board of Adjustments and Appeals recommends approval of the variance request based on the fact that the request met all six of the Criteria for Granting Variances and the fact that the house is located in an older section of town and the variance will allow for greater protection for the home.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals recommendation and grant Steven Harder, on property legally described as Lot 15 in Block 5 of Oakland Addition, a six-inch variance to the Side Yard Setback requirement and a twelve-inch variance to the Front Yard Setback requirement as it pertains to City Code, Section 152.025(E)(1).

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-201-05: ACCEPTANCE OF RESIGNATION OF MICHEAL PLADSON, CAD OPERATOR

Arlo Rude, Director of Utilities, presented the City Council with a letter of resignation from Micheal Pladson, CAD Operator. Following discussion, Councilmember Kajewski introduced Resolution No. 9-201-05, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the resignation of Micheal Pladson, CAD Operator, effective September 23, 2005.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 9-202-05: APPROVAL OF EXTENSION OF CONTRACT WITH LES COTA FOR GRASS MOWING SERVICES

The City Council was informed that, due to the unseasonable warm weather, the contract with Les Cota to provide grass mowing services needed to be extended. Following discussion,

Councilmember Cullen introduced Resolution No. 9-202-05, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve the extension of the contract with Les Cota for grass mowing services, as approved by Resolution No. 4-77-05, until October 31, 2005.

On vote being taken, the resolution was unanimously passed.

ADJOURNMENT

There being no further discussion, Councilmember Carlson moved, being seconded by Councilmember Kajewski, to adjourn the meeting. On vote being taken, the Chairman declared the motion unanimously carried and the meeting adjourned until September 27, 2005 at 7:30 p.m. at the Ralph Engelstad Arena.

Dale Wennberg, Mayor

Attest: _____
Jodie R. Torkelson, City Administrator