

## COUNCIL PROCEEDINGS

March 28, 2006

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on March 28, 2006 in the Council Chambers of City Hall. The following Councilmembers were present: Blacklance, Carlson, Cullen, Kajewski, Schmalz, Worker, and Mayor Wennberg. Councilmember Holten was absent. Mayor Wennberg chaired the meeting.

### **APPROVAL OF COUNCIL PROCEEDINGS**

The City Council reviewed the March 14, 2006 Council Proceedings. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Worker, to approve the March 14, 2006 Council Proceedings as presented. On vote being taken, the Chairman declared the motion unanimously carried.

### **RESOLUTION NO. 3-60-06: 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. 3-60-06, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of the second half of March bills in the amount of \$685,119.92 and the March 13 - 17, 2006 prepayments in the amount of \$383,237.60. 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. 3-61-06: ACCEPTANCE OF RESIGNATION OF TIM MILLER, INVESTIGATOR**

Presented as part of the Consent Agenda, Councilmember Worker introduced Resolution No. 3-61-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the resignation of Tim Miller, Police Investigator, effective May 31, 2006. The City Council indicated its appreciation for the 33 years of service to the City of Thief River Falls.

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

### **RESOLUTION NO. 3-62-06: APPROVAL OF SUBORDINATION AGREEMENT WITH TROY AND DARA DYRDAL**

Presented as part of the Consent Agenda, Councilmember Worker introduced Resolution No. 3-62-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation to authorize and direct the Mayor and City Administrator to execute a Subordina

tion Agreement on a Slow Second Mortgage with Troy and Dara Dyrdal, 1506 Meadowlark Court, property legally described as Lot Fourteen (14), Block One (1), Meadowlark Estates First Addition to the City of Thief River Falls.

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

**RESOLUTION NO. 3-63-06: APPROVAL OF WAL-MART TOBACCO LICENSE**

Presented as part of the Consent Agenda, Councilmember Worker introduced Resolution No. 3-63-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation to issue a Tobacco License to Wal-Mart, effective until December 31, 2006.

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

**RESOLUTION NO. 3-64-06: APPROVAL OF WAL-MART 3.2 MALT LIQUOR OFF-SALE LICENSE**

Presented as part of the Consent Agenda, Councilmember Worker introduced Resolution No. 3-64-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation to issue a 3.2 Off-Sale Malt Liquor License to Wal-Mart, effective until December 31, 2006.

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

**RESOLUTION NO. 3-65-06: APPROVAL OF PAMIDA STORES OPERATING CO. 3.2 MALT LIQUOR OFF-SALE LICENSE**

Presented as part of the Consent Agenda, Councilmember Worker introduced Resolution No. 3-65-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation to issue a 3.2 Off-Sale Malt Liquor License to Pamida Stores Operating Co., effective until December 31, 2006.

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

**RESOLUTION NO. 3-66-06: APPROVAL OF VFW POST #2793 LAWFUL GAMBLING LICENSE RENEWAL**

Presented as part of the Consent Agenda, Councilmember Worker introduced Resolution No. 3-66-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation and approve a Gambling License Renewal Application, License No. 404, being submitted to the State of Minnesota Gambling Control Board by the VFW Post 2793, 123 Horace Avenue North, Thief River Falls, MN 56701, to allow for gambling activities. This renewal shall be effective June 1, 2006 through May 31, 2008.

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

**RESOLUTION NO. 3-67-06: APPROVAL OF GREENWOOD CEMETERY RULES AND REGULATIONS**

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 3-67-06, being seconded by Councilmember Carlson, that:

RESOLVED, by the City Council, to accept the Administrative Services Committee's recommendation to adopt the Greenwood Cemetery Rules and Regulations as attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-68-06: APPROVAL OF ADDENDUM TO SCHOOL DISTRICT FACILITIES LEASE AGREEMENT**

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 3-68-06, being seconded by Councilmember Cullen, that:

WHEREAS, the boys and girls high school hockey teams use the Ralph Engelstad Arena as their venue for practice and games; and,

WHEREAS, each team has an annual banquet to honor the achievements of the teams and its members.

THEREFORE, BE IT RESOLVED, by the City Council, that Exhibit A to the Facilities Lease Agreement with School District #564 be amended to include use of the Imperial Room for the two annual high school hockey team banquets as additional use by the school district at no additional charge.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-69-06: APPROVAL OF QUOTE FROM EIDELBES CONSTRUCTION FOR DEPOT BATHROOM DOOR PROJECT**

A Public Works Committee recommendation was presented. Following discussion, Councilmember Blacklance introduced Resolution No. 3-69-06, being seconded by Councilmember Worker, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation to approve the low quote submitted by Eidelbes Construction in the amount of \$3,850.00 for the installation of bathroom doors at the Depot. The following quotes were received:

Eidelbes Construction	\$3,850.00	Eldon Vigstol	\$4,550.00
Bill Wightman Construction	\$4,160.00	Ram Building System	\$8,156.00

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-70-06: APPROVAL OF MARSHALL COUNTY HIGHWAY AND SLOPE EASEMENT**

A Public Works Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 3-70-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation to grant a Highway and Slope Easement to Marshall County in the amount of \$456.80 on property located in Marshall County, legally described as:

Highway Easement:

The Southerly Sixty-five (65) feet of the Westerly One Thousand Seven Hundred Eighty and Eighty-one One Hundredths (1,780.81) feet and the Southerly Seventy-five (75) feet of the Easterly Eight Hundred Ninety-one and Fourteen One Hundredths (891.14) feet of the Southeast Quarter (SE1/4) of Section Twenty-six (26) in Township One Hundred Fifty-five (155) North, Range Forty-four (44) West; excepting therefrom the right-of-way of existing highways, containing 0.84 acres more or less; and,

Slope Easement:

A strip of land Fifteen (15) feet wide lying adjacent to and Northerly of the above described tract.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-71-06: APPROVAL OF WIKSTROM TELEPHONE CABLE EASEMENT**

A Public Works Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 3-71-06, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Public Works Committee's recommendation to grant an easement to Wikstrom Telephone Company, Inc. for telephone equipment on property located in Marshall County, legally described as:

The Southeast Quarter (SE1/4) of Section Twenty-six (26) in Township One Hundred Fifty-five (155) North of Range Forty-four (44) West of the Fifth Principal Meridian in Minnesota, containing One Hundred Sixty (160) acres, more or less.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-72-06: APPROVAL OF CONDITIONAL USE PERMIT FOR WESTERN WIRELESS CORPORATION AND DAN TRONTVET**

A Planning Commission recommendation was presented. Following discussion, Councilmember Carlson introduced Resolution No. 3-72-06, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on March 20, 2006 on a Conditional Use Permit request submitted by Western Wireless Corporation and Dan Trontvet; and,

WHEREAS, following the public hearing, the Planning Commission recommends that the City Council grant the Conditional Use Permit as applied for, noting that all eight of the criteria for granting conditional use permits are met.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and grant Western Wireless Corporation and Dan Trontvet a Conditional Use Permit to allow for the construction and operation of a cellular telephone monopole tower on property owned by Trontvet and leased by Western Wireless Corporation, property legally described as:

Commencing at the found iron at the southwest corner of Lot 6 of Block 2 of Riverside Addition to the City of Thief River Falls, Minnesota; thence, North 02 degrees 24 minutes 00 seconds East, along the east side of Dewey Avenue extended, a distance of 391.43 feet; thence, North 87 degrees 36 minutes 00 seconds West for a distance of 60.00 feet to the west side of Dewey Avenue; thence, North 87 degrees 36 minutes 00 seconds West for a distance of 108.36 feet; thence, North 12 degrees 35 minutes 32 seconds West for a distance of 329.55 feet; thence, North 88 degrees 24 minutes 30 seconds West, parallel and 96.9 feet distance from the north boundary of Government Lot 4, for a distance of 75.48 feet to Point "A"; thence, North 01 degrees 35 minutes 30 seconds East for a distance of 10.00 feet to the point of beginning of the tract to be described; thence, North 88 degrees 24 minutes 30 seconds West for a distance of 40.00 feet; thence, North 01 degrees 35 minutes 30 seconds East for a distance of 40.00 feet; thence South 88 degree 24 minutes 30 seconds East for a distance of 40.00 feet; thence, South 01 degrees 35 minutes 30 seconds West for a distance of 40.00 feet, more or less to the point of beginning. Said tract of land containing 1,600 square feet.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-73-06: APPROVAL OF CONDITIONAL USE PERMIT FOR SCHOOL DISTRICT #564 ON BEHALF OF RED LAKE WATERSHED DISTRICT**

A Planning Commission recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 3-73-06, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on March 20, 2006 on a Conditional Use Permit request submitted by School District No. 564 on behalf of the Red Lake River Watershed District; and,

WHEREAS, following the public hearing, the Planning Commission recommends that the City Council grant the Conditional Use Permit as applied for, noting that all eight of the criteria for granting conditional use permits are met.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and grant School District No. 564, on behalf of the Red Lake River Watershed District, a Conditional Use Permit to allow the Red Lake Watershed District the opportunity to purchase the property owned by the School District, located along Pennington Avenue South, and to construct and operate the Watershed District Office at that location, property legally described as:

Part of Government Lot 4, Section 3, Township 153 North, Range 43 West of the Fifth Principal Meridian described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 3, thence North 00 degrees 05 minutes 44 seconds West, assumed bearing, along the west line of the said Northwest Quarter a distance of 1682 feet to the point of beginning of the tract to be described; thence continuing North 00 degrees 05 minutes 44 seconds West, along said west line 328.50 feet to a point 740.00 feet south of the northwest corner of said Section 3; thence north 89 degrees 21 minutes 56 seconds east, parallel with the north line of the said Northwest Quarter a distance of 538.60 feet to an iron pipe monument on the westerly right of way line of the Soo Line Railroad; thence south 11 degrees 25 minutes 55 seconds east along said westerly right of way line 335.12 feet to an iron pipe monument; thence south 89 degrees 33 minutes 16 seconds west, parallel with the south line of the said Northwest Quarter a distance of 604.72 feet to the point of beginning.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-74-06: APPROVAL OF CERTIFICATION OF CORRECTION TO PLAT OF ROHL'S ADDITION**

A Planning Commission recommendation was presented. Following discussion, Councilmember Worker introduced Resolution No. 3-74-06, being seconded by Councilmember Blacklance, that:

WHEREAS, a pursuant to proper notice, the Planning Commission conducted a Public Hearing on March 20, 2006 to review a Certificate of Correction to Plat of Rohl's Addition as submitted by Regan H. Rohl; and,

WHEREAS, following the hearing the Planning Commission recommends that the City Council approve the Certificate of Correction to Plat of Rohl's Addition.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and approve the Certificate to Plat of Rohl's Addition as follows:

That said plat contains errors, omissions, or defects in the following particulars, to wit: In the fourth, fifth, sixth, seventh, eighth and ninth lines of the second paragraph of the legal description in the instrument of dedication the text “817.06 feet; thence North 89 degrees 53 minutes 27 seconds West 546.19 feet to the intersection with a line 7 feet east of, measured at a right angle to and parallel with the east line of Southern Addition, according to the Official Plat thereof on file in the Recorder’s Office in and for the County of Pennington, State of Minnesota; thence North 00 degrees 07 minutes 51 seconds West along said parallel line 816.03 feet to the south right of way line of Greenwood Street; thence North 90 degrees 00 minutes 00 seconds East along said right of way line 546.70 feet” is incorrect and does not conform to the correct description.

That said plat contains errors, omissions, or defects in the following particulars, to-wit: In the fourth, fifth, sixth, seventh, eighth, and ninth lines of the second paragraph of the legal description in the instrument of dedication the text “817.06 feet; thence North 89 degrees, 53 minutes 27 seconds West 546.19 feet to the intersection with a line 7 feet east of, measured at a right angle to and parallel with the east line of Southern Addition, according to the Official Plat thereof on file in the Recorder’s Office in and for the County of Pennington, State of Minnesota; thence North 00 degrees 07 minutes 51 seconds West along said parallel line 816.03 feet to the south right of way of Greenwood Street; thence North 90 degrees 00 minutes 00 seconds East along said right of way line 546.70 feet”; is hereby changed to “783.25 feet; thence North 89 degrees 55 minutes 42 seconds West 534.14 feet to the intersection with a line 13 feet east of, measured at a right angle to and parallel with the east line of Southern Addition, according to the Official Plat thereof on file in the Recorder’s Office in and for the County of Pennington, State of Minnesota; thence North 00 degrees 07 minutes 51 seconds West along said parallel line 783.16 feet to the south right of way line of Greenwood Street; thence North 89 degrees 50 minutes 51 seconds East along said right of way 533.70 feet to the west line of said Allwood Acres Addition; thence South 00 degrees 09 minutes 42 seconds East along said west line 2.00 feet”

BE IT FURTHER RESOLVED, that the correction certifies that said plat is incorrect in that the south line of Rohl’s Addition is platted 33.00 feet too far south and that distances shown on the original plat are incorrect.

BE IT FURTHER RESOLVED, that the correction certifies that said plat is incorrect in that the west line of Rohl’s Addition is platted 13.00 feet too far west and that distances shown on the plat drawing are incorrect.

On vote being taken, the resolution was unanimously passed.

**DISCUSSION HELD ON CITY’S CAPITAL IMPROVEMENT PLAN AND PHOSPHORUS/  
AMMONIA TREATMENT AND SLUDGE CONTROL**

During review of the City’s Capital Improvement Plan, the Planning Commission questioned if the phosphorous/ammonia treatment and sludge control projects in the City were adequately studied and alternatives explored. During discussion, Director of Utilities Arlo Rude indicated that the phospho

rous/ammonia treatment and sludge control projects could be removed from the Capital Improvement Plan. No action was taken.

**RESOLUTION NO. 3-75-06: APPROVAL OF HUNTER'S OUTLET, INC. STOREFRONT RENOVATION PROGRAM LOAN**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 3-75-06, being seconded by Councilmember Kajewski, that:

WHEREAS, Scott Strand d.b.a Hunter's Outlet, 206 Knight Avenue North, has applied for a Storefront Renovation Loan Request; and,

WHEREAS, the Community Development Advisory Board, at a meeting held March 23, 2006 recommended that the City Council grant the loan as applied for.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Community Development Advisory Board's recommendation and grant Scott Strand, d.b.a. Hunter's Outlet, 216 Knight Avenue North, a Storefront Renovation Program Loan in the amount of \$15,000 amortized at three percent (3%) for five (5) years.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-76-06: APPROVAL OF BID FROM DAKOTA SUPPLY GROUP FOR CABLE**

The City Council reviewed bids received for 10,230 feet of cable to be used as part of an improvement along Brooks Avenue. Following discussion, Councilmember Worker introduced Resolution No. 3-76-06, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the low bid submitted by Dakota Supply Group in the amount of \$53,779.11 for 10,230 feet of 15 KV 750 MCM cable. Bids received were as follows:

Dakota Supply Group	\$53,779.11
Burmeister Electric	\$55,958.10
RESCO	\$59,293.08
WESCO Bid #1	\$61,891.50
WESCO Bid #2	\$66,842.82
Border States Electric	\$67,569.15

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 3-77-06: APPROVAL OF DITCH WITCH BID FOR BORING MACHINE**

The City Council reviewed bids received for a horizontal boring machine. Following discussion, Councilmember Cullen introduced Resolution No. 3-77-06, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the low bid submitted Ditch Witch of Minnesota in the amount of \$68,328.18 for a horizontal boring machine, Model JT1720. One other bid was received from Trencher Plus, Model Case 6010, in the amount of \$77,925.00.

On vote being taken, the resolution was unanimously passed.

**ADJOURNMENT**

There being no further discussion, Councilmember Kajewski moved, being seconded by Councilmember Worker, to adjourn the meeting at 5:50 p.m. On vote being taken, the Chairman declared the motion unanimously carried and the meeting adjourned until Noon on March 30, 2006 for a meeting with MnDOT in the Council Chambers.

**WAL-MART TOUR**

At 6:30 p.m., the City Council attended at tour of the Wal-Mart facility. No discussion or action was taken.

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

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