

COUNCIL PROCEEDINGS

April 17, 2007

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on April 17, 2007 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Kajewski, Lee, Schmalz, and Mayor Nordhagen. No Councilmembers were absent. Mayor Nordhagen chaired the meeting.

RESOLUTION NO. 4-82-07: APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed several sets of Council Proceedings. Following discussion, Councilmember Cullen introduced Resolution No. 4-82-07, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to approve the March 13, 2007 Committee of the Whole Proceedings, the April 3, 2007 Council Proceedings, the April 10, 2007 Hearing Proceedings, and the April 10, 2007 Committee of the Whole Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-83-07: APPROVAL OF PAYMENT OF BILLS

Councilmember Lee and Mayor Nordhagen indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Lee introduced Resolution No. 4-83-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize payment of the second half of April bills in the amount of \$384,717.52 and the March 26 – April 13, 2007 prepayments in the amount of \$1,110,817.96. 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. 4-84-07: APPROVAL OF BEER IN THE PARK PERMIT FOR TRF MEN'S SOFTBALL ASSOCIATION

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 4-84-07, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to grant the TRF Men's Softball Association a Beer in the Park Permit at the MECC Softball Complex effective May 15 – August 31, 2007.

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

RESOLUTION NO. 4-85-07: APPROVAL OF BEER IN THE PARK PERMIT FOR JOHNSTON FAMILY REUNION

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 4-85-07, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to grant a Beer in the Park Permit for the Johnston Family Reunion at Oakland Park on June 30, 2007 from 11:00 a.m. until 5:00 p.m.

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

RESOLUTION NO. 4-86-07: APPROVAL OF FARM LEASE WITH PETE CARLSON IN GILBERT INDUSTRIAL PARK

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 4-86-07, being seconded by Councilmember Lee, that:

WHEREAS, Resolution No. 12-246-06 approved a farm lease with Pete Carlson for property located in the Gilbert Industrial Park for calendar year 2008 and 2009, with no proposed farming of the property during 2007 due to impending construction in the area; and,

WHEREAS, it has been determined that Pete Carlson will be able to farm approximately 26 acres during the 2007 growing season.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize the Mayor and City Administrator to execute a 2007 Farm Lease with Pete Carlson to farm 26 acres of unused property located in the Gilbert Industrial Park for a fee of \$858.00 effective through December 31, 2007, noting that the lease for 2008 and 2009 approved by Resolution No. 12-246-07 will need to be amended after construction in the area is completed.

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

RESOLUTION NO. 4-87-07: APPROVAL OF LEASE WITH TRF ARCHERY CLUB FOR AIRPORT LAND USAGE

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 4-87-07, being seconded by Councilmember Lee, that:

BE IT RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a lease with the TRF Archery Club, whereby the Archery Club shall lease unused Airport property as agreed upon, effective May 1, 2007 through April 30, 2012.

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

**RESOLUTION NO. 4-88-07: APPROVAL OF RENEWAL OF NAVIGATION AIDS
MEMORANDUM OF AGREEMENT WITH THE FEDERAL AVIATION
ADMINISTRATION**

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 4-88-07, being seconded by Councilmember Lee, that:

WHEREAS, a Memorandum of Agreement with the Federal Aviation Administration (FAA) to install, operate, and maintain navigation, communication, and weather aids for support of air traffic operations serving the Thief River Falls Regional Airport shall expire on September 30, 2007.

THEREFORE, BE IT RESOLVED, by the City Council, to renew the Navigational Aids Memorandum of Agreement (Agreement No. DTFAGL-08-L-00002) with the Federal Aviation Administration for a term commencing on October 1, 2007 through September 30, 2027.

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

**RESOLUTION NO. 4-89-07: APPROVAL OF ADJUSTMENT TO THE PENNINGTON
COUNTY ASSESSOR'S RECOMMENDED MARKET VALUATION ON APPEAL
PRESENTED BY JOHN MATTSON, 324 MAIN AVENUE NORTH**

Adeline Olson, Pennington County Assessor, presented the City Council with a written report containing a review of property, comparable sales, and recommendation on an appeal submitted by John Mattson, owner of property located at 324 Main Avenue North, at the April 12, 2007 Board of Appeals and Equalization held at the Pennington County Courthouse. In her report, the Pennington County Assessor concludes that the original 2007 estimated market value of \$132,700.00 is fair.

Following remarks by Mr. Mattson and discussion by the City Council, Councilmember Lee introduced a resolution, being seconded by Councilmember Bendickson, to reduce the Pennington County's Assessor's 2007 estimated market value to \$100,400. On vote being taken, the resolution failed by a four-yes (Lee, Bendickson, Schmalz, Nordhagen) four-no (Holten, Kajewski, Cullen, Erickson) vote.

Following additional discussion by the City Council, Councilmember Kajewski introduced Resolution No. 4-89-07, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to reduce the Pennington County Assessor's 2007 estimated market value proposal of \$132,700.00 for property located at 324 Main Avenue North (Parcel No. 25-003-236-90), owned by John Mattson, to \$110,000.00.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-90-07: APPROVAL OF ADJUSTMENT TO THE PENNINGTON COUNTY ASSESSOR'S RECOMMENDED MARKET VALUATION ON APPEAL PRESENTED BY WENDELL DONARSKI, 1301 LABREE AVENUE NORTH

Adeline Olson, Pennington County Assessor, presented the City Council with a written report containing a review of property, comparable sales, and recommendation on an appeal submitted by Wendell Donarski, owner of property located at 1301 LaBree Avenue North, at the April 12, 2007 Board of Appeals and Equalization held at the Pennington County Courthouse. In her report, the Pennington County Assessor concludes that a 2007 estimated market value of \$21,000.00 is fair.

Following remarks presented by Wendell Donarski and discussion by the City Council, Councilmember Lee introduced Resolution No. 4-90-07, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to reduce the Pennington County Assessor's 2007 estimated market value proposal of \$21,000.00 for property located at 1301 LaBree Avenue North (Parcel No. 25-022-017-00), owned by Wendell Donarski, to \$16,500.00.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-91-07: ACCEPTING PENNINGTON COUNTY ASSESSOR'S RECOMMENDATIONS FOR 2007 ESTIMATED MARKET VALUATIONS ON APPEALS PRESENTED AT THE BOARD OF APPEAL AND EQUALIZATION

Adeline Olson, Pennington County Assessor, presented the City Council with a written report containing a review of property, comparable sales, and recommendations on appeals submitted by property owners at the April 12, 2007 Board of Appeals and Equalization held at the Pennington County Courthouse. Following review and discussion of each of the appeals, Councilmembers Lee introduced Resolution No. 4-91-07, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept the Pennington County Assessor's recommendations with regard to the 2007 estimated market valuations of each of the following appeals submitted at the April 12, 2007 Board of Appeals and Equalization:

Harvey Riendeau, 1121 1st Street East (Parcel No. 25-006-372-10): Accept recommendation to reduce the original 2007 market value from \$56,800.00 to \$52,700.00;

Samuel and Delores Genereux, 1824 Robinhood Drive (Parcel No. 25-034-048-40): Accept recommendation that no change be made to the original 2007 estimated market value of \$157,000.00;

NWI, Inc., represented by Lincoln Olson and Larry Mogen, 1110 Pennington Avenue (Parcel No. 25-002-004-30): Accept recommendation to reduce the original 2007 market value from \$440,000.00 to \$415,400.00;

Barbara Sprosty, 112 Jerome Street (Parcel No.'s 25-019-016-20 and 25-019-017-20): Accept recommendation that no change be made to the original 2007 estimated market value of \$176,600.00;

Kurt D. Nelson, 414 Riverside Avenue South (Parcel No. 25-005-126-80): Accept recommendation to reduce the original 2007 market value from \$75,900.00 to \$64,600.00;

Shane Dondelinger, 422 Horace Avenue North (Parcel No. 25-003-114-80): Accept recommendation that no change be made to the original 2007 estimated market value of \$138,900.00;

Hilary Stoltman, 422 Baken Street (Parcel No. 25-088-002-10): Accept recommendation to reduce the original 2007 market value from \$179,800.00 to \$172,700.00;

Robert G. and Mary E. Olson, 424 Baken Street (Parcel No. 25-088-001-10): Accept recommendation to reduce the original 2007 market value from \$178,800.00 to \$177,300.00;

Richard Anderson, 915 Duluth Avenue North (Parcel No. 25-017-059-70): Accept recommendation that no change be made to the original 2007 estimated market value of \$84,800.00;

Del R. Nelson, 1202 Oakland Park Road (Parcel No. 25-097-003-10): Accept recommendation that no change be made to the original 2007 estimated market value of \$159,800.00;

Valley Home, 523 Arnold Avenue South (Parcel No.'s 25-001-036-30, 25-005-139-20, 25-001-035-30, and 25-001-037-30): This property was seeking an exemption of property tax. The deadline for filing for exemption is July 1st of each year through Pennington County.

Raymond R. Nelson, 627 Martha Avenue North (Parcel No. 25-020-014-10): Accept recommendation that no change be made to the original 2007 estimated market value of \$94,400.00.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-92-07: ADOPTION OF ORDINANCE NO. 28, 3RD SERIES, ANNEXING PORTION OF ROCKSBURY TOWNSHIP INTO CITY LIMITS

The City Council reviewed the next step in the process to incorporate approximately 65 acres of property south of Challenger School. Following discussion, Councilmember

Lee made a motion, being seconded by Councilmember Kajewski, to call for the first reading of an ordinance to annex a portion of Rocksbury Township into the City limits. On vote being taken, the Mayor declared the motion unanimously carried.

Following the reading of the ordinance by City Attorney Ihle, Councilmember Lee introduced Resolution No. 4-92-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to adopt Ordinance No. 28, 3rd Series, an ordinance annexing unincorporated land to the City of Thief River Falls, land legally described as:

The West Half of the East Half of the Northwest Quarter ($W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$) of Section Ten (10), Township One Hundred Fifty-three (153) North of Range Forty three (43) West of the Fifth Principal Meridian, LESS road right-of-way, containing 40 acres, more or less; and

A tract of land in the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section Ten (10), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, described as follows:

Beginning at the northwest corner of the said Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$); thence North 89 degrees 41 minutes 40 seconds East, assumed bearing, along the north line of the said Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$), a distance of 1304.39 feet to the northeast corner of the said Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$); thence South 0 degrees 31 minutes 27 seconds West, along the east line of the said Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$), a distance of 1106.21 feet to the point of intersection of the said east line and an easterly extension of the south line of that parcel described in Document No. 164216, of record in the Office of the County Recorder, in and for the County of Pennington and State of Minnesota; thence North 89 degrees 17 minutes 10 seconds West, along the said easterly extension, a distance of 855.85 feet to the southeast corner of said parcel; thence North 0 degrees 42 minutes 50 seconds East, along the east line of said parcel 750.00 feet to the northeast corner of that parcel described in Book 93 of Deeds, Page 347, of record in said Office of the County Recorder; thence North 89 degrees 17 minutes 10 seconds West, along the north line of said parcel described in Book 93 of Deeds, Page 347, a distance of 452.00 feet to the west line of the said Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$); thence North 0 degrees 42 minutes 50 seconds East, along the said west line, a distance of 333.00 feet to the point of beginning, said tract containing 25.04 acres, more or less.

Said ordinance shall be 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. 4-93-07: AUTHORIZATION TO REQUEST PROPOSALS FOR CELLULAR TELEPHONE SERVICE

The City Council reviewed a request to seek proposals for cellular telephone service and equipment. Following discussion, Councilmember Lee introduced Resolution No. 4-93-07, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize the City Administrator to seek proposals from qualified cellular telephone service providers to provide the City with reliable and cost-effective cellular telephone service and equipment for use by the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-94-07: APPROVAL OF UNITED RENTALS QUOTE FOR AIR COMPRESSOR

The City Council reviewed the quotes received for a portable air compressor for the Street Department and other departments as needed. Following discussion, Councilmember Schmalz introduced Resolution No. 4-94-07, being seconded by Councilmember Kajewski, that:

WHEREAS, the Street Department 2007 budget includes \$9,000.00 designated for the purchase of a portable air compressor and pneumatic post driver to replace a trailer compressor that was previously declared surplus; and,

WHEREAS, the Public Works Director has received the following quotes for a compressor:

Acme Electric	2007 CS70	\$8,500.00
United Rental	2007 RX70	\$6,850.00
Acme Electric	2005 CS70	\$6,500.00
United Rental	1999 P100 W	\$4,500.00

THEREFORE, BE IT RESOLVED, by the City Council, to accept the low acceptable quote for a new air compressor submitted by United Rentals of Fargo, ND in the amount of \$6,850.00 (plus \$445.25 applicable sales tax) for a 2007 RX70 (20 hp) Honda air compressor.

It should be noted that any overage of the 2007 budgeted allowance for the purchase of the pneumatic post driver and portable air compressor shall be taken from other budgeted Street Department accounts.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-95-07: APPROVAL OF FASTENAL QUOTE FOR POST DRIVER

The City Council reviewed the quotes received for a pneumatic post driver for the Street Department and other departments as needed. Following discussion, Councilmember Erickson introduced Resolution No. 4-95-07, being seconded by Councilmember Schmalz, that:

WHEREAS, the Street Department 2007 budget includes funds designated for the purchase of a pneumatic post driver; and,

WHEREAS, the Public Works Director has received the following quotes:

Acme Electric	\$2,100.00
Hardware Hank	\$2,070.00
Fastenal	\$1,970.00

THEREFORE, BE IT RESOLVED, by the City Council, to accept the low acceptable quote submitted by Fastenal of Thief River Falls, MN in the amount of \$1,970.00 (plus \$128.05 of applicable sales tax) for a 2007 Rhino PD-55 pneumatic post driver.

It should be noted that any overage of the 2007 budgeted allowance for the purchase of the pneumatic post driver and portable air compressor shall be taken from other budgeted Street Department accounts.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-96-07: AUTHORIZATION TO REQUEST PROPOSALS FOR MAINTENANCE OF GROUNDS AT OAKLAND PARK

The City Council reviewed specifications for requesting proposals to maintain the grounds at Oakland Park. Following discussion, Councilmember Schmalz introduced Resolution No. 4-96-07, being seconded by Councilmember Cullen, that:

WHEREAS, the City wishes to seek proposals for the labor, equipment, fuel, tools, and transportation to mow and trim the grounds at Oakland Park for the City of Thief River Falls; and,

WHEREAS, specifications have been prepared and presented to the City Council for the proposed service required.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize that the City of Thief River Falls seek proposals for maintenance of grounds at Oakland Park as per amended specifications. The proposals will be accepted until 2 p.m. on April 27, 2007 and presented at the May 1, 2007 Council Meeting.

On vote being taken, the resolution was unanimously passed.

PROPOSED QUOTES FOR PARKS AND RECREATION DEPARTMENT USED FORKLIFT

It was noted that quotes have been received, but as a result of the required inspection report not being completed, this item was pulled from the agenda and will be presented at the May 1, 2007 Council Meeting.

RESOLUTION NO. 4-97-07: GIVING MAYOR AUTHORITY TO PURSUE FEASIBILITY OF CONSOLIDATING CITY DEPARTMENTS INTO ONE BUILDING

The City Council is studying the concept of consolidating City Departments into a central location for reduced operational costs. Following discussion, Councilmember Kajewski introduced Resolution No. 4-97-07, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize the Mayor to pursue contacting engineering firms for probable costs associated with consolidating several City Departments to a central location.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-98-07: ADOPTION OF ORDINANCE NO. 29, 3rd SERIES, AN ORDINANCE ESTABLISHING A BACKGROUND CHECK PERFORMANCE POLICY

Paul Ihle, City Attorney, presented information to the City Council regarding background checks. Following discussion, Councilmember Schmalz made a motion, being seconded by Councilmember Bendickson, to call for the first reading of an ordinance to authorize the City of Thief River Falls to perform background checks. On vote being taken, the Mayor declared the motion unanimously carried.

Following the reading of the ordinance by City Attorney Ihle, Councilmember Cullen introduced Resolution No. 4-98-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to adopt Ordinance No. 29, 3rd Series, an ordinance amending City Code 32 by adding provisions to authorize the City to conduct computerized criminal history and driver's license history inquiries on persons who are finalists for employment positions in the City, who are volunteers in City programs, and who apply for certain licenses.

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

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-99-07: ADOPTION OF ORDINANCE NO. 30, 3rd SERIES, ADOPTING THE CITY'S 2006 COMPREHENSIVE PLAN

The City Council noted that at its February 6, 2007 Council Meeting, the City Council heard the first reading of an ordinance with regard to adoption of the 2006 Comprehensive Plan. Following discussion, Councilmember Lee introduced Resolution No. 4-99-07, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to adopt Ordinance No. 30, 3rd Series, an ordinance adopting the 2006 Comprehensive Plan.

Said ordinance, in its entirety, will be on file in the Office of the City Administrator. With Council approval, this ordinance may be published in summary form.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-100-07: APPROVAL TO PUBLISH ORDINANCE NO. 30, 3RD SERIES IN SUMMARY FORM

Paul Ihle, City Attorney, indicated that City may publish Ordinance No. 30, 3rd Series in summary form. Following discussion, Councilmember Lee introduced Resolution No. 4-100-07, being seconded by Councilmember Holten, that:

RESOLVED, by the City Council, to authorize and direct that Ordinance No. 30, 3rd Series, be published in The Times newspaper in summary form.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-101-07: APPROVAL OF CONTROLLED BURN AGREEMENT WITH ROBERT BENSON

The City Council reviewed a proposed agreement between the City of Thief River Falls and Robert Benson. Following discussion, Councilmember Cullen introduced Resolution No. 4-101-07, being seconded by Councilmember Erickson, that:

WHEREAS, Robert Benson is the owner of property legally described as Lots 22-24 of Block 7 in Hemmingsen's Addition, which property contains a single family dwelling that Mr. Benson wishes to have destroyed; and,

WHEREAS, the Thief River Falls Fire Department is willing to destroy the building by fire if the building can be used for smoke drilling and other training exercises before and during its destruction by fire.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute an agreement with Robert Benson that the Thief River Falls Fire Department shall destroy the building during the week of April 24, 2007 for the purpose of fire training exercises.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-102-07: APPROVAL OF ARBOR DAY PROCLAMATION

Mayor Steve Nordhagen presented a proclamation for Arbor Day. Following discussion, Councilmember Schmalz introduced Resolution No. 4-102-07, being seconded by Councilmember Cullen, that:

WHEREAS, trees are a significant attraction to the City of Thief River Falls because of their usefulness and the beautiful environment they provide; and,

WHEREAS, trees are a valuable resource, purifying our air and water, serving as recreational settings, providing habitat for wildlife of all kinds, and enriching our lives in so many important ways; and,

WHEREAS, disease, insects, and pollutants have damaged and continue to threaten our trees, creating the need for reforestation and concerted public action, toward ensuring the future of our City's urban forest; and,

WHEREAS, during the month of May, the people of Minnesota pay special attention to the wonderful gift that our trees represent and dedicate themselves to the continued health of our trees.

THEREFORE, BE IT RESOLVED, I, Steve Nordhagen, Mayor, do hereby proclaim that Monday, April 30, 2007 shall be observed as Arbor Day for 2007 in the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

ITEMS FOR INFORMATION

- 1) The City of Thief River Falls will be hosting the League of Minnesota Cities Regional Meeting on Tuesday, September 25, 2007 at the Imperial Room at the Ralph Engelstad Arena.
- 2) The Arbor Day 2007 Ceremony will be held on Monday, April 30, 2007 at the Huck Olson Memorial Civic Center.
- 3) A retirement party will be held for Allan Wilson, Water Treatment Plant Operator on Thursday, April 26, 2007 at the Water Treatment Plant.

RECESS

At 7:00 p.m. a five-minute recess was taken.

BUDGET DISCUSSIONS

At 7:05 p.m. the City Council conducted a review of the following proposed 2008 budgets: City Council, City Administrator Department, City Attorney, Police Relief, Elections, and other General Fund budgets.

ADJOURNMENT

There being no further discussion, Councilmember Schmalz moved, being seconded by Councilmember Cullen, to adjourn the meeting at 8:05 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned.

Steve Nordhagen, Mayor

Attest: _____
Jodie R. Torkelson, City Administrator