

COUNCIL PROCEEDINGS

May 1, 2007

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on May 1, 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. 5-103-07: APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed two sets of Council Proceedings. Following discussion, Councilmember Cullen introduced Resolution No. 5-103-07, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to approve the April 17, 2007 Council Proceedings and the April 24, 2007 Committee of the Whole Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-104-07: APPROVAL OF PAYMENT OF BILLS

Councilmembers Schmalz and Kajewski indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Lee introduced Resolution No. 5-104-07, 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. 5-105-07: ADOPTION OF THE 2007 MOSQUITO PLAN

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-105-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to adopt the 2007 Mosquito Control Plan as follows:

Larviciding: Larviciding will start in late May or early June depending upon the weather. Target areas will be identified and appropriate larvicides will be used. Most larvicides will have a 30-day residual. The dates will be recorded for these areas. This procedure will continue all summer with concentrated efforts after a rain of 1" or more.

Monitoring: Three New Jersey light traps and one CO2 trap will be set out in different areas of the city in early June. Counts will start at this time and each trap will be emptied every morning. Only female mosquitoes will be counted. The numbers in each trap will be averaged to see if threshold numbers have been reached (approximately 100 mosquitoes per trap).

Adulticiding (Fogging): If threshold levels have been found in City traps, fogging operations will begin. The City usually will start fogging some time after 8:00 p.m. if weather conditions are right. The wind needs to be less than 10 M.P.H. and the temperature 58 degrees or above. Two ULV foggers will be used with one on each side of the river. Fogging time will be approximately four hours for alleys only. If the trap counts are high, the City may fog the avenues along with the alleys. This will take around five hours to cover the entire corporate city limits using two machines.

West Nile and other Mosquito Borne Diseases: City Staff will identify the Culex Tarsalis mosquito, the primary vector of West Nile in Minnesota. If the average number of Culex Tarsalis mosquitoes in the City traps is greater than 10, the City will conduct a city-wide fogging at the next window of opportunity, weather and temperature permitting.

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

RESOLUTION NO. 5-106-07: APPROVAL TO SURPLUS MOSQUITO FOGGER

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-106-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to declare the 11 hp LECO mosquito fogger (Serial No. 84-50279) as surplus property.

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

RESOLUTION NO. 5-107-07: APPROVAL OF PROGRESSION RAISE FOR JANICE DAVIS, FOOD AND BEVERAGE SPECIALIST

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-107-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to grant Janice Davis, part-time Food and Beverage Specialist, a progression raise to Step 4 of 5 of the Grade Level 4 non-union salary schedule, after completion of 4,160 hours of employment.

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

RESOLUTION NO. 5-108-07: APPROVAL TO CALL FOR BIDS TO REPLACE TWO SEWER LIFT PUMPS

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-108-07, being seconded by Councilmember Kajewski, that:

WHEREAS, the City Council previously approved Resolution No. 2-42-07 which rejected all bids received for the replacement of two sewer lift pumps, valves, and piping as the bids came in over budget; and,

WHEREAS, to reduce costs, the Director of Utilities is requesting to call for bids for the pumps only at this time and use the information for the pumps to bid out the installation and valves.

THEREFORE, BE IT RESOLVED, by the City Council, to call for bids for the purchase of two 75 horsepower pumps for Lift Station #9, with bids to be opened on May 22, 2007 at 2:00 p.m.

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

RESOLUTION NO. 5-109-07: APPROVAL OF FINANCIAL ASSISTANCE TO PENNINGTON COUNTY FAIRBOARD ASSOCIATION FOR BUS GARAGE/OFFICE BUILDING CONSTRUCTION AT FAIRGROUNDS

Curt Howe was present on behalf of the Pennington County Fairboard to request financial assistance toward the construction of a building at the Fairgrounds that would contain bathrooms, a bus garage for the Tri-Valley Heartland Express (T.H.E. BUS), and office space for the Pennington County Fair Association. Following discussion, Councilmember Cullen made a motion, being seconded by Councilmember Bendickson, to grant the Pennington County Fairboard Association financial assistance in the amount of \$10,000, payable over five years, with the first installment being made in 2007. Following budget-related discussion, Councilmember Cullen and Council Bendickson amended their motion and introduced Resolution No. 5-109-07, that:

WHEREAS, Pennington County Fairboard Association has approached the City of Thief River Falls and Pennington County with a request for assistance in funding a proposed building construction project on the Pennington County Fairboard and is also seeking grants and may request donations/fundraising from other sources.

THEREFORE, BE IT RESOLVED, by the City Council, to grant the Pennington County Fairboard Association financial assistance of \$10,000 for the construction of a building on the Pennington County Fairgrounds, payable over five years, with the first installment being payable in fiscal year 2008.

On vote being taken, the resolution was passed by a five-yes, two-no (Nordhagen and Kajewski) vote, with Councilmember Erickson abstaining.

RESOLUTION NO. 5-110-07: APPROVAL OF ACCEPTANCE OF FORKLIFTS OF NORTH DAKOTA QUOTE FOR FORKLIFT PURCHASE

The City Council reviewed the quotes received for the purchase of a reconditioned forklift as requested by the Parks and Recreation Department. Following discussion, Councilmember Erickson introduced Resolution No. 5-110-07, being seconded by Councilmember Cullen, that:

WHEREAS, the following three quotes for a reconditioned forklift were received and reviewed:

Forklifts of North Dakota:	\$11,449.00
Tool Crib of the North	\$12,300.75
RDO	\$18,105.00

WHEREAS, it appears that Forklifts of North Dakota has submitted the lowest accepted quote.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the quote from Forklifts of North Dakota in the amount of \$11,449.00 for a reconditioned Daewoo 5,000 pound LPG forklift. It should be noted that this is a 2007 budgeted item.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-111-07: APPROVAL OF CONTRACT WITH LES COTA FOR GRASS MOWING SERVICES

The City Council reviewed the renewal of a lease with Les Cota for grass mowing services. Following discussion, Councilmember Lee introduced Resolution No. 5-111-07, being seconded by Councilmember Kajewski, that:

WHEREAS, the Building Official presented the City Council with information he gathered as it relates to the contracting of mowing services the City provides to residents who are violation of the City Code and other mowing as directed; and,

WHEREAS, the Building Official recommended that the contract with Les Cota be renewed for a two-year period.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a contract with Les Cota, whereas Mr. Cota shall provide grass mowing services as directed by the City, effective May 1, 2007 through April 31, 2009.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-112-07: APPROVAL OF SMALL CITIES DEVELOPMENT PROGRAM REHABILITATION PROJECTS

Mike Moore, Community Development Director, and Judy Bruggeman, Rehabilitation Project Director, presented a recommendation from the Community Development Advisory Board. Following discussion, Councilmember Schmalz introduced Resolution No. 5-112-07, being seconded by Councilmember Cullen, that:

WHEREAS, the Community Development Advisory Board reviewed and recommended approval of six applications for Small Cities Commercial/Rental Rehabilitation Project funding assistance.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Community Development Advisory Board's recommendation to award the following Small Cities Commercial/Rental Rehabilitation Project grants/loans:

	<u>Grant</u>	<u>Loan</u>
LaBree Plaza	\$ 2,588	\$ -0-
Café LaBree	\$16,675	\$8,325
Brite Spot	\$ 7,588	\$3,794
Hartz Warehouse	\$16,675	\$8,325
Hartz Foods, Inc.	\$15,645	\$7,823
John Kopari	\$ 7,500	\$3,750

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-113-07: APPROVAL OF T.R. MINI STORAGE, INC. CONDITIONAL USE PERMIT

Mike Moore, Community Development Director, presented a recommendation from the Planning Commission. Following discussion, Councilmember Lee introduced Resolution No. 5-113-07, being seconded by Councilmember Erickson, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing for a Conditional Use Permit application submitted by T.R. Mini Storage, Inc. c/o Tom Greelis, President, which will allow for the construction of additional storage units on property located at 906 Greenwood Street West; and,

WHEREAS, the Planning Commission recommends that the City Council grant the Conditional Use Permit, based on the facts that the application meets all eight "Criteria For Granting Conditional Use Permits, as required by City Code 152.031.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and grant T.R. Mini Storage, Inc. a Conditional Use Permit to construct a 30' x 100' mini-storage facility on property legally described as:

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

Beginning at an iron monument at the northwest corner of Oakland Park Second Addition, according to the Official Plat on file in the Recorder's Office in and for the County of Pennington and State of Minnesota; thence north 17 degrees 44 minutes 00 seconds east, assumed bearing, along an extension northerly of the west line of said Oakland Park Second Addition and along the easterly right-of-way line of Minnesota Highway No. 32 a distance of 209.98 feet; thence east 333.00 feet; thence north 00 degrees 29 minutes 05 seconds west 240.19 feet to the intersection with the south line of Greenwood Street; thence north 89 degrees 34 minutes 03 seconds east along said south line 180.32 feet; thence south 00 degrees 42 minutes 22 seconds west 441.58 feet to the north line of said Oakland Park Second Addition; thence west along said north line 569.80 feet to the point of beginning, containing 3.46 acres, more or less.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-114-07: APPROVAL OF APPOINTMENT OF MIKE MOORE AS SECRETARY, RICHARD SJOBERG AS VICE-CHAIRPERSON, AND MIKE PARKER AS CHAIRPERSON OF THE PLANNING COMMISSION

Mike Moore, Community Development Director, presented a recommendation from the Planning Commission. Following discussion, Councilmember Lee introduced Resolution No. 5-114-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept the Planning Commission's recommendation to make the following appointments to the Planning Commission for calendar 2007:

Chairperson:	Mike Parker
Vice-Chairperson:	Richard Sjoberg
Secretary:	Michael Moore

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-115-07: DENIAL OF VARIANCE REQUEST SUBMITTED BY ROBERT BENSON

Mike Moore, Community Development Director presented a recommendation from the Board of Adjustments and Appeals. Following discussion, Councilmember Lee introduced Resolution No. 5-115-07, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing for a Variance application submitted by Robert Benson, owner of property located on the northeast corner of Kinney Avenue and 4th Street, which will allow for the construction of a 60' x 40' duplex on the property; and,

WHEREAS, the Board of Adjustments and Appeals recommends denial of the application, based on the fact that the request does not meet all the criteria for Granting of Variances as established by City Code Chapter 152.049.

THEREFORE, BE IT RESOLVED, that the City Council hereby accept the Board of Adjustments and Appeals recommendation to deny the application for a variance as requested by Robert Benson for property legally described as Lots 22, 23, and 24 in Block 7 of Hemmingston's Addition, based on the fact that the request does not meet: City Code 152.049 - Criteria # 1) Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zoning district or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of the property had no control; Criteria #2) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under this ordinance; Criteria #3) That the special conditions or circumstances do not result from the actions of the applicant; and, Criteria #4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-116-07: 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 Schmalz introduced Resolution No. 5-116-07, being seconded by Councilmember Cullen, 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, 2007 through May 31, 2008.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-117-07: RESOLUTION REJECTING PROPOSALS FOR MAINTENANCE OF OAKLAND PARK

Madelyn Vigen, Parks and Recreation Director, presented proposals received for maintenance of Oakland Park as directed by Resolution No. 4-96-07. Following discussion, Councilmember Lee introduced Resolution No. 5-117-07, being seconded by Councilmember Cullen, that:

WHEREAS, the Parks and Recreation Director and the City Council have reviewed the following proposals submitted for lawn maintenance at Oakland Park:

Janet Curfman

Quote for season \$3,792.00

Wayne's Lawn Service	Quote for season \$9,393.30
Breiland Landscape	\$239.63 per entire mow

WHEREAS, it has been determined based upon these quotes that City staff can accomplish the lawn maintenance at less cost than paying an independent contractor.

THEREFORE, BE IT RESOLVED, by the City Council, to reject all proposals received for the maintenance of Oakland Park, based upon the fact that the quotes were higher than the cost of lawn maintenance by City staff according to information provided by the Parks and Recreation Director.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-118-07: APPROVAL TO DELAY START OF "SUMMER HOURS" SCHEDULE FOR CITY EMPLOYEES

The City Council continued discussion from the Committee of the Whole Meeting conducted on April 24, 2007 with regard to City employees utilizing "summer hours". Following discussion, Councilmember Lee introduced Resolution No. 5-118-07, being seconded by Councilmember Kajewski, that:

WHEREAS, several City managers have indicated that they wish to begin "summer hours" for personnel in their departments; and,

WHEREAS, the City Council wishes to further study the impact of a "summer hours" schedule and the impact, if any, on the service to the public.

THEREFORE, BE IT RESOLVED, by the City Council, to delay the start of any "summer hours" schedules of City employees until further notice.

On vote being taken, the resolution was unanimously passed.

ITEMS FOR INFORMATION

- 1) Mayor Nordhagen indicated he will meet with Kick'n Up Kountry representatives on Thursday, May 3, 2007.
- 2) The Director of Utilities indicated that in response to purchased power cost increases, a proposed electric increase will be presented at the May 15, 2007 Council Meeting.
- 3) A tour of the City's parks will be held at 5:00 p.m. on May 10, 2007.

RECESS

A five-minute recess was taken at this time.

BUDGET DISCUSSIONS

The City Council conducted a review of the following proposed 2008 budgets: MIS/GIS, Community Development, Building Official, and the Community Development Advisory Board.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Schmalz, to adjourn the meeting at 7:25 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