

COUNCIL PROCEEDINGS

October 2, 2007

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on October 2, 2007 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson (arrived at 5:15 p.m.), Holten, Kajewski, Lee, Schmalz, and Mayor Nordhagen. No Councilmembers were absent. Mayor Nordhagen chaired the meeting.

RESOLUTION NO. 10-256-07: APPROVAL OF COUNCIL PROCEEDINGS

The City Council reviewed two sets of Council Proceedings. Following discussion, Councilmember Cullen introduced Resolution No. 10-256-07, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve the September 18, 2007 Council Proceedings and the September 25, 2007 Committee of the Whole Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10-257-07: APPROVAL OF PAYMENT OF BILLS

Councilmembers Cullen and Bendickson indicated they reviewed the bills prior to the meeting. Following discussion, Councilmember Cullen introduced Resolution No. 10-257-07, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to authorize payment of the first half of October bills in the amount of \$1,201,851.51 and the September 17 - 28, 2007 prepayments in the amount of \$389,594.71. 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.

RESOLUTION NO. 10-258-07: ACCEPTANCE OF ANNEXATION REQUEST, PROPERTY OWNED BY BEITO, AULT, NESS, KONICKSON, KONICKSON, TOWN OF NORTH TOWNSHIP

Dave Beito presented the City Council with a petition for annexation consideration of certain properties along Greenwood Street. Following discussion, Councilmember Cullen introduced Resolution No. 10-258-07, being seconded by Councilmember Lee, that:

WHEREAS, the City of Thief River Falls received a petition from George and Gretchen Beito, Everett Ault, William and Henrietta Ness, Michael and Barbara Konickson, and Wayne Konickson for annexation of property into the City limits of the City of Thief River Falls; and,

WHEREAS, the following is hereby acknowledged:

- 1) There are five property owners in the area proposed for annexation;
- 2) Five property owners have signed the petition, together with their spouses, if any;
- 3) The property is unincorporated, abuts on the City's east boundary, and is not included within any other municipality;
- 4) The area of the land proposed for annexation is less than 120 acres;
- 5) The reason for the requested annexation is to obtain city services, i.e. water and sewer;
- 6) The area proposed for annexation will be zoned residential;
- 7) The petitioner's have waived any notice concerning Minnesota Statute 414.033, Subdivision 13;
- 8) All the area proposed for annexation is or about to become urban or suburban in character;
- 9) The area to be annexed is not included in any other boundary adjustment proceeding pending before the Office of the Administrative Hearings/ Municipal Boundary Adjustments; and,
- 10) The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statute 414.0325.

THEREFORE, BE IT RESOLVED, that the City of Thief River Falls hereby accepts the petition for annexation into the City limits of Thief River Falls, property legally described as:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Two (2); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Block Three (3) in Nelson's First Addition to Thief River Falls, Minnesota, according to the official plat thereof on record.

AND

A tract of land which consists of Lots One (1) and Two (2) of Block Four (4) of Nelson's First Addition to Thief River Falls, Minnesota, and an unplatted parcel which is part of Government Lot Eight (8) and Government Lot Nine (9), Section Thirty-five (35), Township One Hundred Fifty-four (154) North, Range Forty-three (43) West bounded as follows:

Beginning at the Southwest Corner of Lot One (1), Block Four (4), Nelson's First Addition to Thief River Falls, Minnesota; thence North 86 degrees, 31 minutes, 55 seconds West along the North line of Greenwood Street a distance of 744.8 feet; thence North 24 degrees, 54 minutes, 49 seconds East a distance of 613.5 feet to the Southerly boundary of Nelson Drive; thence Southeasterly along said Southerly line to the Northwest Corner of Lot Two (2) of said Block

Four (4); thence South 3 degrees, 28 minutes, 5 seconds West a distance of 233.555 feet to the point of beginning.

AND

Lots One (1) and Two (2) of Block One (1) in Nelson's First Addition to Thief River Falls, Minnesota, according to the official plat thereof on record, including the West One Half of the abutting Red Lake River.

AND

All that part of Nelson Drive abutting the West line of Lots One (1) through Six (6) in Block One (1) and the East line of Lots One (1) through Six (6) in Block Two (2) Nelson's Addition to Thief River Falls, Minnesota.

AND

All those areas designated for public use in the property described herein, including Rider Court and Nadine Street.

AND

All that part of platted 56 feet wide Greenwood Street lying South of and adjacent to the above described properties.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-259-07: APPROVAL OF LABREE PROPERTIES, LLC.,
MIDWEST VISION BUILDING, 211 LABREE AVENUE NORTH, COMMERCIAL
STOREFRONT RENOVATION LOAN**

Mike Moore, Community Development Director, presented a Community Development Advisory Board recommendation. Following discussion, Councilmember Schmalz introduced Resolution No. 10-259-07, being seconded by Councilmember Kajewski, that:

WHEREAS, the Community Development Advisory Board conducted a meeting on October 2, 2007 to consider a request submitted by LaBree Properties, LLC. for a Commercial Storefront Renovation Loan; and,

WHEREAS, the Community Development Advisory Board recommends 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 LaBree Properties, LLC, d.b.a. Midwest Vision, 211 LaBree Avenue North, a Storefront Renovation

Program Loan in the amount of \$15,000.00 amortized at three and one-half per cent (3.5%) for five (5) years.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10-260-07: APPROVAL OF PROGRESSION RAISE FOR MICHAEL OLSON, PARKS/ARENAS MAINTENANCE

Madelyn Vigen, Parks and Recreation Director, presented the City Council with a proposed progression raise for Michael Olson, Parks/Arenas Maintenance employee. Following discussion, Councilmember Kajewski introduced Resolution No. 10-260-07, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to grant Michael Olson, Parks/Arenas Maintenance employee, a progression raise. Mr. Olson shall progress to Step 2 of Grade Level 4 Parks/Arenas Maintenance salary schedule, effective October 4, 2007.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10-261-07: APPROVAL OF PARTICIPATION IN THE SALVATION ARMY HEAT SHARE PROGRAM

Arlo Rude, Director of Utilities, presented information relating to the Salvation Army Heat Share Program. Following discussion, Councilmember Lee introduced Resolution No. 10-261-07, being seconded by Councilmember Cullen, that:

WHEREAS, the City has, since the early 1990's, entered into an agreement with the Salvation Army to participate in the Heat Share Program, a program which allows the City to collect donations from utility customers to assist eligible customers with financial assistance toward heating costs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council to approve the City's participation in the Salvation Army's Heat Share Program with the understanding that the City will notify customers of this program, accept donations to the program and forward them to the Salvation Army, and inform customers in need of assistance of existence of the program.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10-262-07: APPROVAL OF EXTENSION OF EVERGREEN EATING EMPORIUM INTOXICATING LIQUOR LICENSE TO INCLUDE OUTSIDE SEATING AREA

The City Council reviewed a request submitted by Evergreen Eating Emporium to consume alcoholic beverages outside of their building. Following discussion, Councilmember

Lee introduced Resolution No. 10-262-07, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve an extension of the Intoxicating Liquor License held by Evergreen Eating Emporium to include an outdoor seating area (deck) as proposed, noting that the area must be constructed with proper fencing and is contiguous and compact to the Evergreen Eating Emporium building.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10-263-07: APPROVAL OF PAYMENT TO PENNINGTON COUNTY FOR SHARE OF LAW ENFORCEMENT CENTER RADIO SYSTEM

Councilmember Kajewski motioned, being seconded by Councilmember Lee, to move from the table an item from the Committee of the Whole meeting conducted on August 21, 2007 with regard to the payment toward a radio system at the Law Enforcement Center. On vote being taken, the motion was unanimously carried.

Following discussion, Councilmember Cullen introduced Resolution No. 10-263-07, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize payment in the amount of \$113,044.18 to Pennington County for the City's share of the Law Enforcement Center radio system.

BE IT FURTHER RESOLVED, that the above payment shall be paid as follows:

Year 2007	\$ 5,000.00	Year 2010	\$ 5,000.00
Year 2008	\$ 5,000.00	Year 2011	\$46,544.18
Year 2009	\$ 5,000.00	Year 2012	\$46,500.00

Following continued discussion, Councilmember Kajewski moved, being seconded by Councilmember Bendickson, to amend the motion by reducing the amount payable by \$19,641.45 (payment toward a repeater). On vote being taken, the motion to amend failed by a one-yes (Kajewski), six-no vote.

It should be noted that Councilmember Erickson arrived at this time.

On vote being taken, the resolution was passed by a six-yes, two-no (Holten and Kajewski) vote.

RESOLUTION NO. 10-264-07: RESOLUTION ESTABLISHING A PUBLIC HEARING WITH REGARD TO PROPOSED ASSESSMENTS ON THE 2007 STREET, SIDEWALK, AND UTILITIES IMPROVEMENT PROJECT

Ron Lindberg, Public Works Director, presented information with regard to the 2007 Street, Sidewalk, and Utilities Improvement Project. Following discussion, Councilmember Schmalz introduced Resolution No. 10-264-07, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to Resolution No. 9-255-07, the City Administrator and Public Works Director were directed to prepare the proposed assessments of the 2007 Street, Sidewalk, 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 23rd day of October, 2007 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. 10-265-07: DECLARING 1999 FORD ESCORT AS SURPLUS PROPERTY AND SOLD AT PUBLIC AUCTION

Kim Murphy, Chief of Police, informed the City Council of a vehicle that is in the possession of the Police Department may be declared as surplus property and sold. Following discussion, Councilmember Lee introduced Resolution No. 10-265-07, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to declare a 1999 Ford Escort, VIN # 3FAKP1139XR197091, as surplus property and sold at a public auction to be held on October 4, 2007.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10-266-07: APPROVAL OF HOLD HARMLESS AGREEMENT WITH NORTH TOWNSHIP

The City Council reviewed a proposed hold Harmless Agreement with regard to Schedule "B" of the 2007 Street, Sidewalk, and Utilities Improvement Project. Following discussion, Councilmember Lee introduced Resolution No. 10-266-07, being seconded by Councilmember Kajewski, that:

WHEREAS, The City of Thief River Falls, Minnesota, hereafter "City", does desire to perform utility work on roads described in Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, North Township, hereafter "North", currently has jurisdiction on certain parts of said roads, and

WHEREAS, North is willing to allow City to perform utility work on said roads should City agree to hold North harmless from claims that may arise from that utility work,

NOW, THEREFORE, In consideration of allowing the City to perform utility work on said roads, City shall defend and hold North harmless from any claim of any nature that may arise pursuant to actions taken by City, or its contractors, in performing utility work on said roads.

This hold harmless shall be effective during such time as the City, or its agents, are performing utility work on said roads or until such time as said roads are within the City's jurisdiction, whichever should first occur.

On vote being taken, the resolution was unanimously passed.

ITEMS FOR INFORMATION

- 1) The City Council received a thank you note from Hartz Foods, Inc.
- 2) The Holiday Train will again be in the City of Thief River Falls on December 14, 2007 at 8:00 p.m. to benefit the Area Food Shelf.
- 3) An update was given on the status of work completed on the 2007 Street, Sidewalk, and Utilities Improvement Project.
- 4) Councilmember Bendickson discussed changing the format of the City Council agendas to have old and new business as pending items to enable tracking of items.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Schmalz, to adjourn the meeting at 5:30 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