

COUNCIL PROCEEDINGS

January 22, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on January 22, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Schmalz, and Nordhagen. Councilmembers Kajewski and Lee were absent. Mayor Nordhagen chaired the meeting.

APPROVAL OF AGENDA

Councilmember Cullen motioned, being seconded by Councilmember Erickson, to approve the agenda with an additional three items. On vote being taken, the motion was unanimously approved and the agenda adopted.

SCOUTING ANNIVERSARY WEEK PROCLAMATION

A proclamation declaring the week of February 3-9, 2008 at Scouting Anniversary Week was presented and signed by Mayor Nordhagen.

Mayor Nordhagen presented the Council with a Minnesota Twins flag autographed by several of the Twins baseball team. The flag will be displayed in the Council Chambers.

RESOLUTION NO. 1-16-08: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-16-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve the January 3, 2008 Adjourned Council Proceedings and the January 8, 2008 Council Proceedings as amended.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-17-08: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-17-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$864,973.30. A printout of the approved disbursements is attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-18-08: APPROVAL OF RENEWAL OF LAWFUL GAMBLING LICENSE FOR THE VFW POST 2793

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-19-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to 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 at their location, effective June 1, 2008 through May 31, 2010.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-19-08: APPROVAL OF RENEWAL OF LAWFUL GAMBLING LICENSE FOR THE EAGLES AERIE 2368 CLUB

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-19-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve a Gambling License Renewal Application, License No. 92, being submitted to the State of Minnesota Gambling Control Board by the Eagles Aerie 2368 Club, 305 Red Lake Boulevard, Thief River Falls, MN 56701, to allow for gambling activities at their location, effective June 1, 2008 through May 31, 2010.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-20-08: APPROVAL OF RENEWAL OF LAWFUL GAMBLING LICENSE FOR THE ELKS LODGE 1308

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-20-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve a Gambling License Renewal Application, License No. 358, being submitted to the State of Minnesota Gambling Control Board by the Elks Lodge 1308, PO Box 148, Thief River Falls, MN 56701, to allow for gambling activities at the following locations, effective June 1, 2008 through May 31, 2010:

Elks Lodge, 123 3rd Street E, Thief River Falls, MN 56701; and,
Best Western, 1060 Hwy 32 S, Thief River Falls, MN 56701

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-21-08: APPROVAL OF RENEWAL OF LAWFUL GAMBLING LICENSE FOR THE AMERICAN LEGION POST 117

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-21-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve a Gambling License Renewal Application, License No. 794, being submitted to the State of Minnesota Gambling Control Board by the American Legion Post 117, PO Box 7, Thief River Falls, MN 56701, to allow for gambling activities the following locations:

American Legion Club, 324 Brooks Avenue North, Thief River Falls, MN 56701; Evergreen Eating Emporium, 700 Hwy 32 South, Thief River Falls MN 56701; and, Black Cat Sports Bar & Grill, 1080 Highway 32 South, Thief River Falls MN 56701

This renewal shall be effective April 1, 2008 through March 31, 2010.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-22-08: APPROVAL OF PROGRESSION RAISE FOR LYNN SKIBICKI, CAD OPERATOR

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 1-22-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to grant Lynn Skibicki, CAD Operator, a progression raise. Mr. Skibicki shall progress to Step 4 of the CAD Operator salary schedule, effective January 24, 2008.

On vote being taken, the resolution was unanimously approved.

PUBLIC HEARING: SMALL CITIES HOUSING REHABILITATION PROGRAM

Pursuant to public notice, the City Council conducted a public hearing with regard to the Small Cities Housing Rehabilitation program. Joan Abercrombie and Robin Brieland were present to explain the Small Cities Housing Rehabilitation program grant proposal for owner-occupied housing. The targeted area for the program is between Barzen and Main Avenues and 6th and 13th Streets. The goal is to rehabilitate approximately 15 homes. The program will be made available city-wide if qualified applicants are not found in the target area.

There being no further discussion, the public hearing was closed.

RESOLUTION NO. 1-23-08: APPROVAL OF SMALL CITIES HOUSING REHABILITATION PROGRAM COMMITMENT LETTER

Following information received during the public hearing held on the Small Cities Housing Rehabilitation Program, Councilmember Bendickson introduced Resolution No. 1-23-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize the Mayor to sign a commitment letter to the Minnesota Department of Employment and Economic Development indicating the City's commitment of \$75,000.00 for the 2008 Owner-Occupied Housing Rehabilitation Small Cities Development Grant Program. These funds will come from the CDAB revolving loan fund.

On vote being taken, the resolution was unanimously approved.

**RESOLUTION NO. 1-24-08: APPROVAL OF VARIANCE FOR MMCDC,
ELEMENTARY FIRST ADDITION**

A Board of Adjustments and Appeals recommendation was presented to the City Council. Following discussion, Councilmember Bendickson introduced Resolution No. 1-24-08, being seconded by Councilmember Holten, that:

WHEREAS, the Board of Adjustments and Appeals conducted a public hearing on Monday, January 14, 2008 to consider a variance request submitted by the Midwest Minnesota Community Development Corporation (MMCDC) to subdivide a parcel of property located in Rocksbury Township (Elementary First Addition) into less than five acres. Purpose of the variance is to allow snow plows and emergency vehicles on Washington Avenue and Northrop Avenue to turn around.

WHEREAS, the Board of Adjustments and Appeals recommends that the City Council approve the request, noting that the request meets all six of the criteria for granting variances. The Board of Adjustments and Appeals also noted that the situation is temporary and will be rectified when the balance of the development is platted.

THEREFORE, BE IT RESOLVED, to accept the Board of Adjustments and Appeals and grant Midwest Minnesota Community Development Corporation (MMCDC) a variance to the Zoning code which governs the Performance Standards for Subdivision Requirements on property legally described as:

That part of the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) 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:

Commencing at the Northwest corner of the said Northwest Quarter of the Northwest Quarter (NW1/4NW1/4); thence North 89 degrees 41 minutes 40 seconds East, assumed bearing, along the north line of the said Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), a distance of 1,304.39 feet to the northeast corner of the said Northwest Quarter of the Northwest Quarter (NW1/4NW1/4); thence South 0 degrees 31 minutes 27 seconds West, along the East line of the said Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), a distance of 1,106.21 feet to the point of intersection of the

said east line and 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, being the point of beginning; thence North 89 degrees 17 minutes 10 seconds West along the said easterly extension to the point of intersection with the west line of said Northwest Quarter of the Northwest Quarter (NW1/4NW1/4); thence South 00 degrees 42 minutes 50 seconds West a distance of 100 feet; thence South 89 degrees 17 minutes 10 seconds East to the point of intersection with the East line of said Northwest Quarter of the Northwest Quarter (NW1/4NW1/4); thence North 00 degrees 31 minutes 27 seconds East a distance of 100 feet to the point of beginning.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-25-08: APPROVAL OF THE 2008-2013 CAPITAL IMPROVEMENTS PLAN

A Planning Commission recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 1-25-08, being seconded by Councilmember Schmalz, that:

WHEREAS, the Planning Commission has voted to recommend approval of the 2008-2013 Capital Improvements Plan with the following exception: Removal of the \$3,200,000.00 line item under the Water Department for the project entitled: "Sludge Management System" until further review and analysis has been conducted on the need and feasibility of the project.

THEREFORE, BE IT RESOLVED, that the City Council hereby approves the 2008-2013 Capital Improvements Plan and accepts the Planning Commission's recommendation to remove the "Sludge Management System" from the Plan.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-26-08: APPROVAL OF GOPHER STATE ONE CALL MEMORANDUM OF UNDERSTANDING

Director of Utilities Rude presented a request for change of service notification with regard to Gopher State One Call locates. Following discussion, Councilmember Bendickson introduced Resolution No. 1-26-08, being seconded by Councilmember Erickson, that:

WHEREAS, the City has been received notification of underground locates from Gopher State One Call by fax to the Electric Department; and,

WHEREAS, Gopher State One Call is increasing the cost per locate by \$.025 to transmit by fax and has requested that they be authorized to notify the City

(CAD Operator) by email, who shall notify departments individually of the results. Notification by email shall reduce the cost of notification to \$.025 per locate surcharge.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a Memorandum of Understanding and Release from Liability authorizing Gopher State One Call to notify the City's CAD Operator by email of Gopher State One locate results.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 1-27-08: APPROVAL TO DECLARE PORTABLE BASKETBALL FLOOR AS SURPLUS PROPERTY

Parks and Recreation Director Vigen indicated that the Parks and Recreation Department would no longer have a need for the used portable basketball floor at the REA if the purchase of a new basketball floor were authorized. It was further noted that the used floor could be used for a trade-in allowance toward the new floor. Following discussion, Councilmember Cullen introduced Resolution No. 1-27-08, seconded by Councilmember Erickson, that,

RESOLVED, by the City Council, to declare the portable basketball floor used at the Ralph Engelstad Arena as surplus property and used as a trade-in toward the purchase of a new portable basketball floor.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-28-08: ACCEPTANCE OF LOW BID FROM CONNOR SPORTS FLOORING FOR THE PURCHASE OF A PORTABLE BASKETBALL FLOOR

Parks and Recreation Director Vigen presented the bids received for a new portable basketball floor. Following discussion, Councilmember Erickson introduced Resolution No. 1-28-08, seconded by Councilmember Cullen, that,

WHEREAS, the following quotes were opened on January 14, 2008 for a new portable basketball floor:

BIDDER	BASE BID
Connor Sports Flooring	\$ 87,360.00
Horner Flooring	\$ 89,000.00
Team-Up Surface	\$ 89,900.00
Anderson-Ladd	\$108,322.00

WHEREAS, Connor Sports Flooring was the low bidder with a base bid of \$87,360.00

WHEREAS, the City has received donations toward the purchase and the bid is within the budget of the donated funds. No City funds will be used for the purchase.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the quote submitted by Connor Sports Flooring for a portable basketball floor as follows:

Base Bid	\$87,360.00
Transitional Ramping	\$ 4,752.00
Less Trade-In	- \$ 9,000.00
Tax	<u>\$ 5,402.28</u>
TOTAL	\$88,514.28

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-29-08: APPROVAL OF PURCHASE OF USED PORTABLE BASKETBALL GOALS

Parks and Recreation Director Vigen presented a proposal to the City Council to purchase portable basketball goals. Following discussion, Councilmember Cullen introduced Resolution No. 1-29-08, seconded by Councilmember Erickson, that:

WHEREAS, the City of Thief River Falls does not own its own portable basketball goals and borrows goals from the University of North Dakota each year for the boys and girls basketball tournaments,

WHEREAS, a pair of used portable basketball goals used only for one season is available from the Bismarck Civic Center at a substantial savings.

THEREFORE, BE IT RESOLVED, that the City purchase the used portable basketball goals from the Bismarck Civic Center for \$7,000 and the City Administrator be authorized to execute any documents necessary to complete this purchase.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-30-08: APPROVAL OF RENEWAL OF FACILITY USE AGREEMENT WITH SCHOOL DISTRICT #564

City Administrator Torkelson presented a lease for approval that had been negotiated with the school district. Following discussion, Councilmember Erickson introduced Resolution No. 1-30-08, seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a Facility Use Lease with Independent School District No. 564, whereby School District #564 shall lease the Ralph Engelstad Arena,

Huck Olson Memorial Civic Center, Multi-Events Center Softball and Baseball Complex, and the Engelstad Park Tennis Courts, at agreed upon times, for a fee of \$98,395 for the 2007/2008 school year, \$101,347 for the 2008/2009 school year, and \$104,387 for the 2009/2010 school year. The lease shall expire on August 31, 2010.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-31-08: AUTHORIZING SUBMITTAL OF 2007 PAY EQUITY REPORT

City Administrator Torkelson presented the Pay Equity Report to the City Council. Following discussion, Councilmember Schmalz introduced Resolution No. 1-31-08, seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve and authorize the submittal of the City's Pay Equity Compliance Report for the year ending December 31, 2007. Said report indicates that the City of Thief River Falls is in pay equity compliance with State of Minnesota regulations. The State of Minnesota Department of Employee Relations will review the report and notify the City of its acceptance.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-32-08: APPROVAL OF REVISIONS TO MUNICIPAL STATE AID STREET SYSTEM

Ron Lindberg, Public Works Director, presented a proposed revision to the Municipal State Aid Street System. Following discussion, Councilmember Bendickson introduced Resolution No. 1-32-08, seconded by Councilmember Cullen, that:

WHEREAS, the City has an additional 0.29 miles of local roadways that it can designate as Municipal State Aid;

WHEREAS, it is in the best interest of the City to maximize the use of State Aid funds to construct and maintain public roadways.

RESOLVED, by the City Council, to designate 0.27 miles between Nora Street and County Road 62 on Tindolph Avenue to the Municipal State Aid Street System.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-33-08: APPROVAL OF EMPLOYMENT OF JOHN CERVANTES AS PUBLIC WORKS MAINTENANCE (STREETS/SANITATION) EMPLOYEE

A resolution was presented by Public Works Director Lindberg proposing the hire of John Cervantes for the Public Works Maintenance (STREETS/SANITATION) vacant position. Following discussion, Councilmember Holten introduced Resolution No. 1-33-08, seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the employment of John Cervantes as a Public Works Maintenance (Streets/Sanitation) employee, effective February 4, 2008. Mr. Cervantes shall be hired at Step 3 of the Public Works Maintenance (Streets/Sanitation) salary schedule.

Employment is contingent upon the successful completion of all required pre-employment requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-34-08: ACCEPTANCE OF QUOTE FROM CYSTEEL TRUCK EQUIPMENT FOR "LIVE BOTTOM SANDER" FOR STREET DEPARTMENT

Public Works Director Lindberg requested authorization to purchase a live bottom sander even though the price is over the approved budget amount. Following discussion, Councilmember Erickson introduced Resolution No. 1-34-08, seconded by Councilmember Cullen, that:

WHEREAS, the 2008 budget includes \$7,500.00 for the purchase of a new live bottom sander for use in the Street Department;

WHEREAS, the City can purchase a new live bottom sander through the State bid process in the amount of \$8,441.71.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize the State bid quote for a Monroe 10' Vee box sander and chassis mount ("live bottom sander") from Crysteel Truck Equipment in the amount of \$8,441.71 (tax included), plus a delivery charge of \$2.10 per loaded mile.

It should be noted that the additional \$943.00 required for the purchase and installation, plus an additional \$600 delivery charge, shall be funded from the State Department's Revolving Capital Equipment Account. Revenue from the sale of the existing sander and truck chassis will be used to offset the additional \$1,500.00.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 1-35-08: ACCEPTANCE OF QUOTE FROM THIEF RIVER FORD FOR A VAN FOR THE WATER DEPARTMENT

Utilities Director Rude presented quotes for the purchase of one ton Savanna GMC 3500 Cargo or equal van. Following discussion, Councilmember Schmalz introduced Resolution No. 1-35-08, seconded by Councilmember Cullen, that:

WHEREAS, the 2008 budget includes \$26,000.00 for the purchase of a new van for use in the Water Department to replace the 1993 GMC one ton van,

WHEREAS, the following quotes were received (quotes to do include taxes and licensing):

COMPANY	QUOTE
Thief River Ford	\$20,975.00
Nelson Dodge-GMC	\$24,223.12
Northern Motors	\$26,125.85

THEREFORE BE IT RESOLVED, by the City Council, to purchase the van from Thief River Ford for the amount of \$20,975.00 plus taxes and licensing.

On vote being taken, the resolution was passed with 5 yes (Cullen, Erickson, Holten, Nordhagen, Schmalz), 1 no (Bendickson) votes.

RESOLUTION NO. 1-36-08: RESOLUTION OF JURISDICTIONAL APPROVAL FOR HOMESPUN OUTFITTERS & OSE'S GALAPAGOS

Community Development Director Moore presented a resolution as required by the Northwest Regional Development Commission as part of its application process for those seeing financing from their Northwest Regional Enterprise Fund, Inc. on behalf of Homespun Outfitters & Ose's Galapagos. Following discussion, Councilmember Bendickson introduced Resolution No. 1-36-08, seconded by Councilmember Cullen that;

BE IT RESOLVED, that the City of Thief River Falls is the unit of government in which the project titled Homespun Outfitters & Ose's Galapagos is to be located and Gail Ose will be applying for a loan from the Northwest Regional Enterprise Fund, Inc. of the Northwest Regional Development Commission.

FURTHER BE IT RESOLVED, that Gail Ose is hereby authorized to apply to the Northwest Regional Enterprise Fund, Inc. of the Northwest Regional Development Commission for financing with the approval of the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSION REPORTS – There were no reports.

COUNCIL COMMITTEE REPORTS

Capital Acquisitions Committee – City Administrator Torkelson reported in the absence of Committee Chair Lee that the Capital Acquisitions Committee discussed several potential acquisitions and reviewed the Capital Improvement Plan for 2008-2013.

Budget/Finance Committee – Chair Holten informed the rest of the Council that the Budget/Finance Committee decided on the budget process and timetable for the 2009 budget and developed recommendations for divisions in preparing their budgets.

Long Range Planning/Annexation Committee – Mayor Nordhagen reported on the activities of this Committee since Chair Schmalz was unable to be at the first committee meeting. This committee discussed potential annexation of areas surrounding the city and instructed staff to do further analysis for their next meeting.

Personnel/Labor Committee – Councilmember Bendickson reported in the absence of Chair Kajewski that the Personnel/Labor Committee will be looking at a city-wide personnel policy manual, reinstating performance evaluations, and also reviewed the pay equity report that will be submitted to the State.

UPCOMING MEETINGS

- A regional briefing will be held at the REA on Tuesday, January 29, 2008 from 9:00 a.m. – 10:30 a.m. by DEED Commissioner McElroy on the governor's proposed Strategic Entrepreneurial Economic Development (SEED) initiative.
- LMNC Safety and Loss Control Workshop will be held March 25, 2008 in Crookston.
- The February 5th council meeting will need to adjourn by 6:00 p.m. to comply with Minnesota State Statutes requiring no public meetings to conflict with major political parties holding their precinct caucuses.
- Sesquicentennial planning meeting will be held Tuesday, January 29, 2008 at 7:00 p.m. at the Northwest Service Cooperative offices.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Schmalz, to adjourn the meeting at 6:40 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