

COUNCIL PROCEEDINGS

February 19, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m., on February 19, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Holten, Kajewski, Lee, Schmalz, and Nordhagen. Councilmember Erickson was absent. Mayor Nordhagen chaired the meeting.

PUBLIC FORUM

Dean Philipp appeared before the City Council to voice complaints with regard to a snow shoveling charge that he incurred. He also voiced a complaint about the high grass and trash along the railroad tracks.

APPROVAL OF AGENDA

Councilmember Bendickson motioned, being seconded by Councilmember Kajewski, to approve the agenda as presented. On vote being taken, the motion was unanimously approved and the agenda adopted.

RESOLUTION NO. 2-43-08: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 2-43-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve the Addendum to the January 22, 2008 Council Proceedings and the February 5, 2008 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 2-44-08: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 2-44-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$1,404,598.96. A printout of the approved payments and disbursements is attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 2-45-08: APPROVAL OF PROGRESSION RAISE FOR PATROL OFFICER, GINGER ALBY

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 2-45-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to grant Ginger Alby, Patrol Officer, a progression raise. Ms. Alby shall progress to Step 5 of the Grade Level 6 Patrol Officer Salary Schedule, effective February 15, 2008.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-46-08: APPROVAL OF PROGRESSION RAISE FOR PATROL OFFICER, VERN WITTENBERG

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 2-46-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to grant Vern Wittenberg, Patrol Officer, a progression raise. Mr. Wittenberg shall progress to Step 5 of the Grade Level 6 Patrol Officer Salary Schedule, effective February 22, 2008.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-47-08: ADOPTING ORDINANCE NO. 36, 3rd SERIES, AMENDING DEFINITION OF RESTAURANT

The City Council reviewed a proposed change to City Code Section 111.001 as it relates to liquor sales in the City of Thief River Falls. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Schmalz, to have the first reading of Ordinance No. 36, 3rd Series. On vote being taken, the Chairman declared the motion unanimously carried.

Following the reading of the ordinance by City Attorney Ihle, Councilmember Cullen introduced Resolution No. 2-47-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to adopt Ordinance No. 36, 3rd Series, an ordinance amending City Code Section 111.001 (V) to read:

(V) RESTAURANT. An establishment, other than a hotel, under the control of a single proprietor or manager having appropriate facilities for the serving of meals and where, in consideration of payment therefore, meals are regularly prepared on the premises and served at tables to the general public, which employs an adequate staff to provide the usual and suitable services to its guests, and which shall have seating facilities as follows: for 3.2 percent malt liquor licenses seating for not less than 25 guests at one time; for wine licenses seating for not less than 25 guests at one time; and for on-sale intoxicating liquor licenses seating for not less than 40 guests at one time.

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 approved.

**RESOLUTION NO. 2-48-08: APPROVAL OF AMERICAN LEGION POST 117
INTOXICATING LIQUOR LICENSE AND SUNDAY LIQUOR LICENSE**

An application for an on-sale intoxicating liquor license was reviewed. Following discussion, Councilmember Lee introduced Resolution No. 2-48-08, being seconded by Councilmember Kajewski, that:

WHEREAS, the American Legion Post 117 currently holds a 2008 Club Liquor License with the City of Thief River Falls and has submitted an application for an Intoxicating Liquor License and Sunday Liquor License.

THEREFORE, BE IT RESOLVED, by the City Council, to issue the American Legion Post 117 an Intoxicating Liquor License and a Sunday Liquor License, effective March 1, 2008 through December 31, 2008.

On vote being taken, the resolution was unanimously approved.

**RESOLUTION NO. 2-49-08: APPROVAL OF COMMUNITY CHARITIES OF
MINNESOTA GAMBLING LICENSE AT FAMILY BOWL**

A renewal application for a gambling license was reviewed. Following discussion, Councilmember Lee introduced Resolution No. 2-49-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve a Gambling License Renewal Application, License No. B-02650, being submitted to the State of Minnesota Gambling Control Board by Community Charities of Minnesota for gambling activities at the Family Bowl, Highway 32 S, Thief River Falls, MN 56701, effective April 1, 2008 through March 31, 2010.

On vote being taken, the resolution was unanimously approved.

RESOLUTION 2-50-08: CALLING FOR PLASTIC REFUSE BAG QUOTES

The City Council reviewed a request from the Public Works Director. Following discussion, Councilmember Cullen introduced Resolution No. 2-50-08, being seconded by Councilmember Lee, that:

BE IT RESOLVED, by the City Council, to call for quotes for the purchase of 412,000 plastic refuse bags inscribed with "TRF" and "MUST BE TIED". The quotes will be accepted until 1:00 p.m. on March 3, 2008 at which time all quotes will be opened.

BE IT FURTHER RESOLVED that the City of Thief River Falls is also requesting separate quotes for 6,000 1.8 mil thick bags in rolls of 75.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-51-08: APPROVAL OF CERTIFICATE OF SURVEY FOR DONALD JOPPRU, PROPERTY LOCATED AT 17369 130TH AVENUE NE

Community Development Director Moore presented a Planning Commission recommendation. Following discussion, Councilmember Lee introduced Resolution No. 2-51-08, being seconded by Councilmember Schmalz, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on February 11, 2008 to consider a Certificate of Survey as prepared by Widseth, Smith, Nolting Engineers, and submitted by Donald Joppru, owner of property located at 17369 130th Avenue NE, property legally described as:

DESCRIPTION (TRACT "A")

A tract of land in the Northwest Quarter of the Northeast Quarter of Section 29, Township 154 North, Range 43 West of the Fifth Principal Meridian described as follows:

Commencing at the southeast corner of Lot 3, Block 1 of JOPPRU'S FIFTH SUBDIVISION according to the Official Plat thereof on file in the office of the County Recorder, in and for the County of Pennington and the State of Minnesota; thence North 02 degrees 06 minutes 08 seconds West, along the east line of said Lot 3, a distance of 47.29 feet to the point of beginning, thence continuing North 02 degrees 06 minutes 08 seconds West, along the east line of said Lot 3, a distance of 264.00 feet to the most easterly and northerly point of said Lot 3; thence North 87 degrees 53 minutes 52 seconds East 18.50 feet; thence South 02 degrees 06 minutes 08 seconds East, parallel with the east line of said Lot 3, a distance of 264.00 feet; thence South 87 degrees 53 minutes 52 seconds West 18.50 feet to the point of beginning.

Said tract of land contains 0.11 acres, more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

DESCRIPTION (TRACT "B")

A tract of land the Northwest Quarter of the Northeast Quarter of Section 29, Township 154 North, Range 43 West of the fifth Principal Meridian described as follows:

Commencing at the southeast corner of Lot 3, Block 1 of JOPPRU'S FIFTH SUBDIVISION according to the Official Plat thereof on file in the office of the County Recorder, in and for the County of Pennington and the State of Minnesota; thence North 02 degrees 06 minutes 08 seconds West, along the east line of said Lot 3, a distance of 47.29 feet; thence North 87 degrees 53 minutes 52 seconds East 18.50 feet to the point of beginning; thence continuing North 87 degrees 53 minutes 52 seconds East 165.00 feet; thence North 02 degrees 06 minutes 08 seconds West, parallel with the east line of said Lot 3, a distance of 264.00 feet; thence South 87 degrees 53 minutes 52 seconds West 165.00 feet; thence South 02 degrees 06 minutes 08 seconds, East, parallel with the east line of said Lot 3, a distance of 264.00 feet to the point of beginning.

Said described tract contains 1.00 acre, more or less subject to any and all easements, reservations, restrictions and conveyances of record.

WHEREAS, the Planning Commission recommends that the City Council approve the Certificate of Survey, as submitted; and,

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and approve the Certificate of Survey for tracts in the Northwest Quarter of the Northeast Quarter of Section 29, Township 154 North, Range 43 West of the Fifth Principal Meridian.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-52-08: APPROVAL OF COLD WEATHER DISCONNECT MANUAL

The City Council reviewed a proposed updated Cold Weather Disconnect Manual in regard to the City of Thief River Falls municipal utilities. Following discussion, Councilmember Lee introduced Resolution No. 2-52-08, being seconded by Councilmember Kawewski, that:

RESOLVED, by the City Council, to adopt the Cold Weather Disconnect Manual as presented. Said manual outlines the Winter Disconnect Policy, Annual Notice to Residential Customers, Disconnection Letter, Customer Rights and Responsibilities, Application for Disconnect Protection, Income Eligibility Guidelines, Third Party Notification Form, and Appeals Procedures.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-53-08: DECLARING 2000 FORD CROWN VICTORIA POLICE SQUAD CAR AS SURPLUS PROPERTY

The City Council reviewed a request by Police Chief Murphy for one of the patrol vehicles to be decommissioned out of the current police vehicle fleet. Following discussion, Councilmember Schmalz introduced Resolution No. 2-53-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to declare a 2000 Ford Crown Victoria, VIN #2FAFP71W8YX133934, as surplus property. The vehicle shall be made available to another City Department if needed or sold to the general public.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-54-08: APPROVAL OF EMPLOYMENT OF JENNIFER LUNDEEN AS SECRETARY/ PARKING MAINTENANCE EMPLOYEE

Police Chief Murphy presented the City Council with a recommendation for the filling of the vacant full-time Secretary/Parking Maintenance position in the Police Department.

Following discussion, Councilmember Bendickson introduced Resolution No. 2-54-08, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to approve the employment of Jennifer Lundeen as a Secretary/Parking Maintenance employee in the Police Department. Ms. Lundeen shall begin employment on March 3, 2008 at Step 1 of the Grade Level 3/Pay Range 3 Salary Schedule.

On vote being taken, the resolution was unanimously approved.

RESOLUTION NO. 2-55-08: REAFFIRMING CITY'S PLAN TO PLAT LOTS ALONG NORTH SIDE OF EASTWOOD DRIVE

Public Works Director Lindberg presented the City Council with information in regard to lots adjacent to the Thief River Falls Greenwood Cemetery. Following discussion, Councilmember Lee introduced Resolution No. 2-55-08, being seconded by Councilmember Bendickson, that:

WHEREAS, Resolution No. 5-176-99 authorized a Public Works Committee recommendation to authorize the Greenwood Cemetery Commission to begin the process to plat lots along the north side of Eastwood Drive; and,

WHEREAS, the platting of the area was not completed.

THEREFORE, BE IT RESOLVED, by the City Council, that the City of Thief River Falls hereby affirms the authorized platting of lots along the north side of Eastwood Drive.

On vote being taken, the resolution was unanimously approved.

COUNCIL BOARDS AND COMMISSION REPORTS

Administrative Services:

- Liquor sales up 7% in February.
- Blighted areas discussed.

Parks and Recreation/Public Safety:

- Tournaments start this week.
- Overtime for Police Department down dramatically.
- Portable basketball floor for the REA will arrive on February 26, 2008.

Public Works:

- Request for Qualifications – City Engineer. Interviews in March. A recommendation may be presented at the first meeting in April.
- Request for Proposals – Outsourcing salting, sanding, etc.

Public Utilities:

- Water/Wastewater combination.
- Alternate energy sources (plasma burner – wind turbines).
- Cold Weather Rule.

UPCOMING MEETINGS

- City Council/Pennington County Commissioners - March 3rd at 7:00 a.m.
- Rural Fire Association Meeting – March 6th at Noon.

INFORMATION

A suggestion to move the committee meetings to the second and fourth weeks of each month, instead of having all of the meetings in the second week only, was made. No further discussion was held.

ADJOURNMENT

There being no further discussion, Councilmember Bendickson moved, being seconded by Councilmember Cullen, to adjourn the meeting at 5:39 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