

## COUNCIL PROCEEDINGS

April 1, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on April 1, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Kajewski, Lee, and Nordhagen. Councilmember Schmalz was absent. Mayor Nordhagen chaired the meeting.

### **APPROVAL OF AGENDA**

Councilmember Cullen motioned, being seconded by Councilmember Bendickson, to approve the agenda with the addition of two items. On vote being taken, the motion was unanimously approved and the agenda adopted.

### **RESOLUTION NO. 4-80-08: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-80-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the March 18, 2008 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 4-81-08: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-81-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$1,393,952.46. 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. 4-82-08: APPROVAL OF PROGRESSION RAISE FOR MICHAEL OLSON, PARKS/ARENAS MAINTENANCE EMPLOYEE**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-82-08, being seconded by Councilmember Cullen, that:

BE IT RESOLVED, by the City Council, to approve a progression raise for Michael Olson, Parks/Arenas Maintenance employee. Mr. Olson shall progress to Step 3 of the Grade Level 4 Parks/Arenas Maintenance salary schedule, effective April 4, 2008.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO: 4-83-08: APPROVAL OF PROGRESSION RAISE FOR ELAINE HALVORSON, BILLING CLERK**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-83-08, being seconded by Councilmember Cullen, that:

BE IT RESOLVED, by the City Council, to approve a progression raise for Elaine Halvorson, Billing Clerk. Ms. Halvorson shall progress to Step 2 of the Non-Union Grade Level 4 salary schedule, effective April 1, 2008.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 4-84-08: ADOPTION OF ORDINANCE NO. 37, 3<sup>rd</sup> SERIES, AN ORDINANCE PERTAINING TO OUTDOOR PATIOS AND DECKS AS IT RELATES TO ESTABLISHMENTS THAT HOLD LIQUOR LICENSES**

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Bendickson moved, being seconded by Councilmember Cullen, to call for the first reading of an ordinance relating to outdoor decks and patios at licensed liquor establishments. On vote being taken, the Chairman declared the motion unanimously carried.

Following the reading of the ordinance by City Attorney Ihle, Councilmember Lee introduced Resolution No. 4-84-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation and adopt Ordinance No. 37, 3<sup>rd</sup> Series, an ordinance adding City Code Section 111.082(C)(3), stating:

Section 1. City Code Sec. 111.082(C) entitled "Conditions of License" is hereby amended by adding subparagraph (3) to read:

(3) Outdoor Patios and Decks. Service and consumption of alcohol in outdoor patios and decks in conjunction with an intoxicating liquor on-sale license, an on-sale wine license, a special club license, a special license for Sunday sales, or a 3.2 percent malt liquor on-sale license, is allowed under the following conditions:

- (a) The outdoor patio or deck must be compact and contiguous to the licensed premises with a visibly defined boundary;
- (b) The outdoor patio or deck area must be included within the area defined in the license holder's license area and included in the required liquor liability insurance for the premises;
- (c) Music, televisions, bands, or any activity that would disturb the peace of the surrounding area and not be in compliance with §91.18, Public Nui-

sances Affecting Peace and Safety, is prohibited on or near outdoor patios or decks;

(d) Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, and any other type of refuse must be provided and the outdoor patio or deck, and surrounding area, must be kept free of such refuse;

(e) Lighting must be sufficient to promote public safety, shall be downward directional, and shall be compatible with the surrounding area;

(f) The licensee may allow smoking on the outdoor patio or deck, provided that the outdoor patio or deck is in compliance with M.S.A. §144.411, et. seq., the Minnesota Freedom to Breathe Act of 2007; and

(g) Signs shall be posted in accordance with Minnesota Rule 4620.0500 to advise persons of the existence of acceptable nonsmoking and smoking-permitted areas.

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

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 4-85-08: APPROVAL OF GILBERT INDUSTRIAL PARK TREE PLANTING**

Community Development Director Moore presented a proposal from Jobs, Inc. Following discussion, Councilmember Lee introduced Resolution No. 4-85-08, being seconded by Councilmember Bendickson, that:

WHEREAS, snow removal along a portion of a newly developed section of Greenwood Street East in the Gilbert Industrial District has become an issue from blowing and drifting snow; and,

WHEREAS, the Soil and Water Conservation District and City staff have developed a plan to plant four rows of trees along the north side of the Gilbert Industrial Park and two rows of trees along the west side of Gilbert Industrial Park to help reduce the effect of the wind, to make the lots more saleable, and to generally improve the area; and,

THEREFORE, BE IT RESOLVED, to approve the Gilbert Industrial Park Tree planting proposal at a proposed cost of \$7,337.50, contingent upon the following funding of the project:

|                          |            |
|--------------------------|------------|
| Grant Assistance         | \$5,665.00 |
| Local Share – Jobs, Inc. | \$1,672.50 |

On vote being taken, the resolution was passed by a six-yes vote, with Councilmember Kajewski abstaining.

**RESOLUTION NO. 4-86-08: APPROVAL OF EMPLOYEE ASSISTANCE SERVICE CONTRACT WITH MERITCARE**

The City Council reviewed the proposed renewal of the Confidential Employee Assistance Service contract. Following discussion, Councilmember Lee introduced Resolution No. 4-86-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to enter into an Employee Assistance contract with MeritCare, whereby MeritCare will provide, for a fee, the City of Thief River Falls with a confidential employee assistance program and supervisor training and consultation services.

On vote being taken, the resolution was unanimously passed.

**COUNCIL BOARDS AND COMMISSIONS REPORTS**

- Public Utilities Committee – Floyd Erickson reported.

**UPCOMING MEETINGS**

- Capital Acquisitions Meeting – April 7, 2008 at 4:30 p.m.
- Budget/Finance Meeting – April 8, 2008 at 4:30 p.m.
- Long Range Planning/Annexation Meeting – April 9, 2008 at 4:30 p.m.
- Board of Appeal and Equalization – April 10, 2008 at 9:00 a.m. at the Pennington County Courthouse.
- Personnel/Labor Meeting – April 10, 2008 at 4:30 p.m.

**ADJOURNMENT**

There being no further discussion, Councilmember Erickson moved, being seconded by Councilmember Lee, to adjourn the meeting at 5:16 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned.

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Steve Nordhagen, Mayor

Attest: \_\_\_\_\_  
Jodie R. Torkelson, City Administrator