

COUNCIL PROCEEDINGS

May 6, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on May 6, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Kajewski, Lee, Schmalz, and Nordhagen. No Councilmembers were absent. Mayor Nordhagen chaired the meeting.

PROCLAMATIONS

- A "Poppy Proclamation" was presented to the Mayor for signature from the American Legion Auxiliary. The wearing of a "buddy poppy" is evidence of gratitude for the men and women who have risked their life in defense of the freedom of our country.

APPROVAL OF AGENDA

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

RESOLUTION NO. 5-113-08: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 5-113-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve the April 15, 2008 Council Proceedings, the April 15, 2008 Hearing Proceedings, and the April 22, 2008 Special Council Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-114-08: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 5-114-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$1,631,432.79. 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. 5-115-08: APPROVAL OF EXTENSION OF FRATERNAL ORDER OF EAGLES CLUB ON-SALE LIQUOR LICENSE TO OUTDOOR DECK AREA

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 5-115-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve the extension of the Fraternal Order of Eagles Club On-Sale Intoxicating Liquor license to include the outdoor deck area, effective immediately.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-116-08: APPROVAL OF PROGRESSION RAISE FOR KEVIN BERG, PATROL OFFICER

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 5-116-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to grant Kevin Berg, Patrol Officer, a progression raise. Officer Berg shall progress to Step 7 (top) of the Grade Level 6 Patrol Officer salary schedule, effective May 27, 2008.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-117-08: APPROVAL OF PROGRESSION RAISE FOR CHRIS HOGLIN, PATROL OFFICER

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 5-117-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to grant Chris Hoglin, Patrol Officer, a progression raise. Officer Hoglin shall progress to Step 7 (top) of the Grade Level 6 Patrol Officer salary schedule, effective May 27, 2008.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-118-08: APPROVAL OF BEER IN THE PARK PERMIT FOR GALEN CLOW

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 5-118-08, being seconded by Councilmember Erickson, that:

BE IT RESOLVED, that the City Council, approves a Beer in the Park Permit for Galen Clow on June 13, 2008 at Oakland Park from 2:00 p.m. until close.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-119-08: APPROVAL OF SUBMITTAL OF REVISED SERVICE TERRITORY MAP TO THE PUBLIC UTILITIES COMMISSION

Public Utilities Director Rude presented a recommendation to the City Council. Following discussion, Councilmember Lee introduced Resolution No. 5-119-08, being seconded by Councilmember Schmalz, that:

WHEREAS, the State of Minnesota Public Utilities Commission is in the process of transferring all utility service territory maps onto a GIS system; and,

WHEREAS, in order to conform to the Minnesota State GIS system, the City of Thief River Falls conducted field measurements to confirm locations and update boundaries of the former map which was drawn in 1974; and,

WHEREAS, the City of Thief River Falls found that revisions to the territory map needed to be accomplished and the City has received agreement from Red Lake Electric Coop for the revisions.

THEREFORE, BE IT RESOLVED, to approve submittal to the Public Utilities Commission of a revised Public Utilities Service Territory Map.

On vote being taken, the resolution was unanimously passed.

CONTRACT WITH SPRINGSTEAD FOR WATER AND ELECTRIC UTILITIES STUDY REFERRED BACK TO COMMITTEE

A proposed contract with Springstead for a Water and Electric Utilities Study was discussed by the City Council. Following discussion, Councilmember Bendickson moved, being seconded by Councilmember Cullen, to refer the matter back to the Public Utilities Committee for further discussion. On vote being taken, the Chair declared the motion unanimously carried.

RESOLUTION NO. 5-120-08: ADOPTION OF WATER EMERGENCY AND CONSERVATION PLAN

Public Utilities Director Rude presented a recommendation to the City Council. Following discussion, Councilmember Cullen introduced Resolution No. 5-120-08, being seconded by Councilmember Kajewski, that:

WHEREAS, as required by the Minnesota State Statute 103G.291, the Minnesota Department of Natural Resources requires that the City must prepare and submit a Water Emergency and Conservation Plan every ten years to the Department of Natural Resources; and,

WHEREAS, the City last submitted said plan in 1997; and,

WHEREAS, the City has completed updates to the 1997 plan and the Department of Natural Resources has reviewed and approved the updates.

THEREFORE, BE IT RESOLVED, by the City Council, to adopt the revised Water Emergency and Conservation Plan and authorize the Mayor to sign a Certification of Adoption and submit it to the Department of Natural Resources.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-121-08: APPROVAL OF CONDITIONAL USE PERMIT FOR GREENLEAF ASSISTED LIVING CENTER (REGAN ROHL)

A Planning Commission recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 5-121-08, being seconded by Councilmember Erickson, that:

WHEREAS, the Planning Commission conducted a public hearing on April 21, 2008, to review a Conditional Use Permit request submitted by Regan Rohl with regard to the Greenleaf Assisted Living Center property located at 1006 Greenwood Street East to allow for the construction of a 37.5' addition to the facility; and,

WHEREAS, while a retirement home is a permitted use in the R-3 District, because of the height of the proposed addition, a Conditional Use Permit is required to proceed with the construction.

WHEREAS, following the public hearing, the Planning Commission recommends that the City Council grant the Conditional Use Permit as requested, noting that the request meets all eight of the criteria for granting Conditional Use Permits.

THEREFORE, BE IT RESOLVED, that the City Council hereby approves to grant Regan Rohl a Conditional Use Permit to construct a 37.5' addition to the Greenleaf Assisted Living Center, property legally described as Lot 2, Block 1 in Rohl's Addition.

It should be noted that the City's Building Official and Fire Chief have given their approval to the proposed construction. The project also meets the "Maximum Density Guidelines" for Multi-Purpose dwellings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-122-08: ACCEPTANCE OF RESIGNATION OF KEVIN BERG, PATROL OFFICER

The City Council reviewed information presented by Police Chief Murphy. Following discussion, Councilmember Lee introduced Resolution No. 5-122-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept the resignation of Kevin Berg, Patrol Officer, effective May 30, 2008. The City of Thief River Falls wishes to thank Officer Berg for his years of service.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-123-08: CALLING FOR BIDS FOR CONSTRUCTION OF THE GREENWOOD STREET BRIDGE AND APPROACH ROADWAYS

A recommendation was presented from Public Works Director Lindberg. Following discussion, Councilmember Lee introduced Resolution No. 5-123-08, being seconded by Councilmember Bendickson, that:

BE IT RESOLVED, by the City Council, to call for sealed bids for the construction of the Greenwood Street Bridge and approach roadways. Bids shall be accepted at City Hall until 1:00 p.m. on June 5, 2008, at which time they will be opened in the City Council Chambers.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-124-08: APPROVAL OF 2008 STREET, SIDEWALK, AND UTILITIES IMPROVEMENT PROJECT PLANS AND SPECIFICATIONS AND CALLING FOR BIDS

A recommendation was presented from Public Works Director Lindberg. Following discussion, Councilmember Lee introduced Resolution No. 5-124-08, being seconded by Councilmember Bendickson, that:

WHEREAS, pursuant to Resolution No. 4-95-08, Widseth, Smith, and Nolting and the City's Engineering Technical Services Department have prepared plans and specifications for the following improvements:

- 1) Willow Court Street Construction;
- 2) LaBree Avenue and 12th Street Construction – 11th Street to 12th Street and East of Main Avenue;
- 3) Kneale Avenue Water Main Replacement and Street Improvements from 1st Street to Nora Street;
- 4) Miscellaneous Sidewalk Repairs;
- 5) Greenwood Street Bridge Approach Construction and Utilities Improvements – Oakland Park Road to Pennington Avenue; and,
- 6) Nora Street Watermain Replacement from Crocker Avenue to Kneale Avenue.

AND WHEREAS, they have presented such plans and specifications to the City Council for approval.

THEREFORE, BE IT RESOLVED, by the City Council, that:

- 1) Such plans and specifications, a copy of which is on file in the Office of the City Administrator, are hereby approved; and,
- 2) The City Administrator shall prepare and cause to be published in The Times newspaper and in the Construction Bulletin an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be publicly opened, tabulated, and the responsibility of the bidders will be considered in the Council Chambers of City Hall on June 5, 2008 at 11:00 a.m. by the City Administrator and Public Works Director. They shall present their recommendation to the City Council on June 17, 2008 at 5:00 p.m. in the Council Chambers of City Hall, at which time the City Council may act upon the recommendation. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the City Administrator for five percent of the amount of such bid.

It should be noted that the following proposed improvements were removed from the proposed project during the presentation of the Feasibility Report presented to the City Council on March 18, 2008:

- 1) South 10th Street Utilities and Street Construction from Alice Drive to Tindolph Avenue;
- 2) Brooks Avenue Bituminous Reclaim and Paving from 3rd Street to 6th Street; and,
- 3) Eastwood Drive Excavation and Aggregate Backfill.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-125-08: REQUEST TO APPROVE LAW ENFORCEMENT CENTER AGREEMENT

The City Council reviewed a proposed response to a letter received from the Pennington County Sheriff with regard to the proposed Law Enforcement Center Agreement. Following discussion, Councilmember Bendickson introduced Resolution No. 5-125-08, being seconded by Councilmember Kajewski, that:

WHEREAS, the Pennington County Sheriff has recommended that the City agree to a lease for space in the Law Enforcement Center for \$14.25 per square foot.

AND WHEREAS, the lease proposed by the Sheriff would include, but not be limited to, janitorial services and supplies, utilities, telephone, radio, copy machine, recorder, garbage, repairs & maintenance, computer support, training of dispatch/records, office supplies for dispatch/records, etc.

AND WHEREAS, the Sheriff recommended a 3% budget increase per year for three years with a 120-day "out clause" in the event of unforeseen changes and a review of the terms of the agreement after the first year.

AND WHEREAS, in addition to the cost per square foot lease being proposed, the City currently pays for 50% of all salaries and benefits for Dispatch personnel and as part of any future agreement has stated that it must be equally involved in any decisions pertaining to Dispatch costs.

AND WHEREAS, the Sheriff has stated in his April 25, 2008 letter "that there will be no future discussions concerning Dispatch".

THEREFORE BE IT RESOLVED, that the City requests that the Sheriff attend an upcoming City Council meeting to discuss public safety services with the City.

On vote being taken, the resolution was unanimously passed.

UPCOMING MEETINGS

- Administrative Services Committee Meeting – May 12, 2008 at 4:30 p.m.
- Parks and Recreation/Public Safety Committee Meeting – May 19, 2008 at 4:30 p.m.
- Public Works Committee Meeting – May 14, 2008 at 4:30 p.m.
- Public Utilities Committee Meeting – May 15, 2008 at 4:30 p.m.
- City Council Meeting – May 20, 2008 at 5:00 p.m.

INFORMATIONAL ITEMS

- Capital for a Day – May 13, 2008

ADJOURNMENT

There being no further discussion, Councilmember Kajewski moved, being seconded by Councilmember Cullen, to adjourn the meeting at 5:31 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