

## COUNCIL PROCEEDINGS

May 20, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on May 20, 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.

### **APPROVAL OF AGENDA**

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

### **RESOLUTION NO. 5-126-08: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 5-126-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve the May 6, 2008 Council Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 5-127-08: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 5-127-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$1,336,272.02. 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. 5-128-08: APPROVAL TO RESCIND RESOLUTION NO. 4-92-08 AND TO CERTIFY DELINQUENT MOBILE HOME UTILITY BILLS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 5-128-08, being seconded by Councilmember Kajewski, that:

WHEREAS, Resolution No. 4-92-08, adopted by the City Council on April 15, 2008, certified that a list of delinquent mobile home utility bills be certified to Pennington County for collection as part of the owner's property tax; and,

WHEREAS, since the date of the resolution adoption changes have occurred to those and other accounts.

THEREFORE, BE IT RESOLVED, that the City Council, rescind Resolution No. 4-92-08 and hereby approve that the following delinquent mobile home utility bills be certified to the Pennington County Auditor for collection as part of the owner's property tax:

Parcel No. M25-091-440-01	\$ 477.35
Parcel No. M25-091-438-01	\$1,335.69

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-129-08: APPROVAL OF APPOINTMENT OF ARLO RUDE AS DIRECTOR AND BARRY FROILAND AS ADVISOR TO THE NORTHERN MUNICIPAL POWER AGENCY**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 5-129-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to appoint Arlo Rude as Director and Barry Froiland as Advisor to the Northern Municipal Power Agency, with terms effective June 1, 2008 through May 31, 2009.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-130-08: APPROVAL OF BEER IN THE PARK PERMIT FOR TRF CHAPTER OF MINNESOTA DEER HUNTERS ASSOCIATION**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 5-130-08, being seconded by Councilmember Kajewski, that:

BE IT RESOLVED, that the City Council, approves a Beer in the Park Permit for the Thief River Falls Chapter of Minnesota Deer Hunters Association on June 25, 2008 at Oakland Park from 5:00 p.m. until 9:00 p.m.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-131-08: APPROVAL OF EXTENSION OF FAMILY BOWL ON-SALE LIQUOR LICENSE TO OUTDOOR DECK AREA**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 5-131-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve the extension of the Family Bowl On-Sale Intoxicating Liquor license to include the outdoor deck area, effective immediately.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-132-08: APPROVAL TO ACCEPT AMENDED ANNEXATION PETITION – NELSON’S FIRST ADDITION**

The City Council reviewed a request for an amendment to a resolution that approved the annexation of property into the City limits. Following discussion, Councilmember Lee introduced Resolution No. 5-132-08, being seconded by Councilmember Kajewski, that:

WHEREAS, Resolution No. 10-258-07, adopted October 2, 2007, accepted a petition submitted by George and Gretchen Beito, Everett Ault, William and Henrietta Ness, Michael and Barbara Konickson, and Wayne Konickson for annexation into the City limits of Thief River Falls; and,

WHEREAS, an adjacent property owner has requested to be included in the petition for annexation.

THEREFORE, BE IT RESOLVED, by the City Council, to amend Resolution 10-258-07 to include the annexation petition request of property owned by Margaret Gosfield for annexation of Lot Three (3) of Block One (1) of Nelson’s First Addition to Thief River Falls, Minnesota, according to the official plat hereof on record, including the West One Half of the abutting Red Lake River and to make any necessary adjustments to the legal description.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-133-08: APPROVAL TO RENEW APPOINTMENT OF DAVE KILDAHL OF WIDSETH SMITH NOLTING AS CITY ENGINEER**

A Public Works Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 5-133-08, being seconded by Councilmember Bendickson, that:

WHEREAS, the City of Thief River Falls solicited Requests for Qualifications from three local engineering firms to provide City Engineer services, and

WHEREAS, the Public Works Committee conducted interviews with Houston Engineering, HDR Engineering, and Widseth Smith Nolting and found that all three firms were qualified; and,

WHEREAS, the Committee decided that at this time continuity in the City Engineer position was of paramount importance.

THEREFORE, BE IT RESOLVED, by the City Council to accept the Public Works Committee recommendation to renew appointment of Dave Kildahl, of Widseth Smith Nolting as the City Engineer.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-134-08: PROCEEDING WITH PLATTING OF EASTWOOD DRIVE LOTS BY WIDSETH, SMITH, NOLTING**

Discussion was held with regard to proceeding the platting of a portion Eastwood Drive. Following discussion, Councilmember Lee introduced Resolution No. 5-134-08, being seconded by Councilmember Schmalz, a resolution approving the platting of Eastwood Drive by Widseth, Smith, Nolting; approving that a wetland delineation service be provided by Larson Environmental Consulting; and, that the current homeowners along the newly platted area be given first chance to purchase the lots.

Following discussion, Councilmember Kajewski moved, being seconded by Councilmember Cullen, to amend the resolution by removing the condition that current homeowners along the newly platted lots be given first option to purchase the lots. On vote being taken on the amendment, the Chair declared the motion carried by a six-yes, two-no (Schmalz and Nordhagen) vote. Following discussion, the City Council proceeded to vote on the following:

WHEREAS, Resolution No. 2-55-08 reaffirmed the City's plan to plat lots along north side of Eastwood Drive.

THEREFORE, BE IT RESOLVED, that wetland delineation service shall be provided by Dave Larson of Larson Environmental Consulting of Bemidji, Minnesota at an estimated cost of \$1,000.

BE IT FURTHER RESOLVED, to authorize and direct Widseth, Smith, Nolting to begin the platting of the area at an estimated cost of \$6,400.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-135-08: APPROVAL TO FILL FULL-TIME OFF-SALE LIQUOR CLERK POSITION THROUGH TEAMSTER INTERNAL POSTING**

A request from the Liquor Store Manager was presented. Following discussion, Councilmember Cullen introduced Resolution No. 5-135-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve hire of a full-time Off-Sale Liquor Clerk through the Teamsters Union #320 internal positing process. If the City receives no qualified Teamster applicants, the City will publicly advertise to fill the position.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-136-08: APPROVAL OF APPOINTMENT OF LYNETTE LANE, BILLING CLERK**

A recommendation was presented by the Utilities Billing Manager/MIS Director. Following discussion, Councilmember Bendickson introduced Resolution No. 5-136-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve the employment of Lynette Lane as a full-time Billing Clerk. Ms. Lane shall begin employment at Step 1 of the Grade Level 4 Non-Union salary schedule. Employment is contingent upon successful passage of all required pre-employment testing.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-137-08: APPROVAL OF CONTRACT WITH SPRINGSTED FOR WATER AND ELECTRIC UTILITIES STUDY**

The City Council reviewed an item that was referred from the May 6, 2008 Council meeting to a Public Utilities Committee meeting. Following discussion, Councilmember Lee introduced Resolution No. 5-137-08, being seconded by Councilmember Kajewski, that:

WHEREAS, the City of Thief River Falls wishes to review and analyze the City's water and electric utilities to determine the appropriate rate structures, fees, and other charges needed for these operations over a ten-year planning period and to determine the effectiveness and efficiency of their operations.

THEREFORE, BE IT RESOLVED, by the City Council, to approve a contract with Springsted, whereby Springsted shall: 1) Review background information; 2) Develop recommendations for improving operations; 3) Conduct a rate study; and, 4) Present and review utility rate recommendations. Cost of the study is \$18,750, exclusive of out-of-pocket expenses such as travel and photocopying. Completion of the study is expected to be within 10 to 12 weeks.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-138-08: APPROVAL OF 2008 MOSQUITO CONTROL PLAN**

City Forester Olson presented the 2008 Mosquito Control Plan. Following discussion, Councilmember Lee introduced Resolution No. 5-138-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to adopt the 2008 Mosquito Control Plan as follows:

Larviciding: Larviciding will start in late May or early June depending upon the weather. Target areas will be identified and appropriate larvicides will be used. Most larvicides will have a 30-day residual. The dates will be recorded for these areas. This procedure will continue all summer with concentrated efforts after a rain of 1" or more.

Monitoring: Three New Jersey light traps and one CO2 trap will be set out in different areas of the city in early June. Counts will start at this time and each trap will be emptied every morning. Only female mosquitoes will be counted. The numbers in each trap will be averaged to see if threshold numbers have been reached (approximately 100 mosquitoes per trap).

Adulticiding (Fogging): If threshold levels have been found in City traps, fogging operations will begin. The City usually will start fogging some time after 8:00 p.m. if weather conditions are right. The wind needs to be less than 10 m.p.h. and the temperature 58 degrees or above. Two ULV foggers will be used with one on each side of the river. Fogging time will be approximately four hours for alleys only. If the trap counts are high, the City may fog the avenues along with the alleys. This will take around five hours to cover the entire corporate city limits using two machines.

West Nile and other Mosquito Borne Diseases: City Staff will identify the Culex Tarsalis mosquito, the primary vector of West Nile in Minnesota. If the average number of Culex Tarsalis mosquitoes in the City traps is greater than 10, the City will conduct a city-wide fogging at the next window of opportunity, weather and temperature permitting.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-139-08: APPROVAL OF RALPH ENGELSTAD ARENA RENTAL REQUEST FORM AND IMPERIAL ROOM RENTAL REQUEST FORM**

The City Council reviewed forms for use for rental of the Ralph Engelstad Arena and Imperial Room. Following discussion, Councilmember Schmalz introduced Resolution No. 5-139-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept a Parks and Recreation Committee recommendation and approve the form for leasing of the Ralph Engelstad Arena facilities.

BE IT FURTHER RESOLVED, to approve the rental agreement form for leasing of the Ralph Engelstad Arena Imperial Room.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-140-08: RESOLUTION ADOPTING ORDINANCE NO. 38, 3<sup>RD</sup> SERIES, REPEALING SECTIONS 31.115 and 31.116 OF THE CITY CODE TO ABOLISH THE POLICE CIVIL SERVICE COMMISSION**

The City Council reviewed a proposed ordinance. Councilmember Lee moved, being seconded by Councilmember Cullen, to have the first reading of Ordinance No. 38, 3<sup>rd</sup> Series. On vote being taken the Chair declared the motion unanimously carried.

Following the reading of the ordinance, Councilmember Lee introduced Resolution No. 5-140-08, being seconded by Councilmember Bendickson, that:

WHEREAS, the Police Civil Service Commission was established under the authority of Minnesota Statute 419 and is charged with advising the Council on the employment, promotion, discharge and suspension of all officers and employees of the Police Division as well as grading and classifying all of the employees of the Police Division and preparing a service register for that purpose; and

WHEREAS, the city's personnel policies, bargaining agreements, and Federal and state employment laws currently provide the necessary policies, procedures, and oversight that was originally intended when the Police Civil Service Commission was formed; and

WHEREAS, the collective bargaining agreements through grievances, mediation and arbitration dictate discipline and discharge processes and State law dictates compensation and classification policies; and

WHEREAS, the City Council has always retained the sole authority to employ, promote, discharge and suspend employees of all departments; and

WHEREAS, the original purpose for a Civil Service Commission is now satisfied by the various personnel policies, bargaining agreements, and federal and state laws.

THEREFORE BE IT RESOLVED, to adopt Ordinance No. 38, 3<sup>RD</sup> Series, approving that Section 31.115 and Section 31.116 of the City Code be repealed. Said ordinance shall be published in The Times newspaper and on file in the Office of the City Administrator.

FURTHER BE IT RESOLVED, that the City thanks the members of the Civil Service Commission for their dedicated service to the City.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-141-08: APPROVAL OF RALPH ENGELSTAD ARENA NON-PROFIT SLIDING RATE SCALE**

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 5-141-08, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept a Parks and Recreation Committee recommendation and adopt the following sliding scale rate, effective immediately, for rental of the Ralph Engelstad Arena for non-profit organizations:

\$1,000 per day for the first 10 days  
\$ 750 per day for the following 10 days  
\$ 500 per day for the following 10 days

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-142-08: RESOLUTION ACCEPTING LEASE FOR PENNINGTON COUNTY LAW ENFORCEMENT**

The City Council reviewed a proposed resolution in relation to the Pennington County Law Enforcement lease. Councilmember Bendickson moved, being seconded by Councilmember Kajewski, to amend the proposed resolution by removing the provision that the City will pay for 50% of the cost of salaries and benefits for dispatch personnel. On vote being taken, the Chair declared the motion unanimously carried and the amendment made. Following further discussion, Councilmember Lee introduced Resolution No. 5-142-08, being seconded by Councilmember Bendickson, that:

WHEREAS, Resolution No. 5-125-08, voiced the City's response to a proposed lease of the Pennington County Law Enforcement Center; and,

WHEREAS, the sheriff and county commissioners have made it clear that \$14.25 per square foot is non-negotiable.

THEREFORE, BE IT RESOLVED, that the City of TRF accepts a lease for space in the Law Enforcement Center for \$14.25 per square foot.

BE IT FURTHER RESOLVED, to authorize and direct the Mayor and City Administrator to execute the documents as necessary.

On vote being taken, the resolution was passed by a seven-yes vote and one-no (Cullen) vote.

**CITY COUNCIL COMMITTEE REPORTS**

- Parks and Recreation Committee
- Administrative Services Committee
- Northwest Regional Library

**UPCOMING MEETINGS**

- City/County Breakfast – June 2, 2008 at 7:00 a.m.
- City Council Meeting – June 3, 2008 at 5:00 p.m.
- Visioning Meeting – May 29, 2008 at 6:00 p.m. at the Swenson House

**INFORMATIONAL ITEMS**

- Police Department Annual Report

**ADJOURNMENT**

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 6:20 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned until 6:00 p.m. on May 29, 2008.

---

Steve Nordhagen, Mayor

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