

COUNCIL PROCEEDINGS

June 17, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on June 17, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, and Schmalz. Absent were Councilmembers Kajewski, Lee, and Mayor Nordhagen. Acting Mayor Schmalz chaired the meeting.

APPROVAL OF AGENDA

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

RESOLUTION NO. 6-152-08: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-152-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the May 22, 2008 Adjourned Council Proceedings, the June 2, 2008 Adjourned Council Proceedings, and the June 3, 2008 Council Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-153-08: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-153-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$487,187.51. 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. 6-154-08: ACCEPTANCE OF DAVIDSON CONSTRUCTION, INC. BID FOR 2008 STREET, SIDEWALK, AND UTILITIES IMPROVEMENT PROJECT

A Public Works Committee recommendation was presented. Following discussion, Councilmember Erickson introduced Resolution No. 6-154-08, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to an advertisement for bids for the 2008 Street, Sidewalk, and Utilities Improvement Project, bids were received, opened, and tabulated according to law and the following bids were received complying with the advertisement:

Davidson Construction, Inc.	\$ 467,396.50
Christianson Industrial Developers, Inc.	\$ 509,012.75
R.J. Zavoral & Sons, Inc.	\$ 526,977.15
Spruce Valley Corporation	\$ 546,159.45

WHEREAS, Davidson Construction, Inc., is the lowest responsible bidder; and,

WHEREAS, the City wishes to reduce the amount of bituminous wear by 260 tons to further reduce the cost of the project.

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

- 1) The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Davidson Construction, Inc., of Newfolden, Minnesota, for the 2008 Street, Sidewalk and Utilities Improvement Project, according to the Plans and Specifications approved by the City Council and on file in the Office of the City Administrator. The contract price of \$467,396.50 shall be reduced by 260 tons of bituminous wear.
- 2) The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-155-08: ACCEPTANCE OF GREENWOOD STREET BRIDGE
BID SUBMITTED BY ROBERT R. SCHROEDER CONSTRUCTION**

A Public Works Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 6-155-08, being seconded by Councilmember Erickson, that:

WHEREAS, Resolution No. 5-123-08 called for bids for the construction of the Greenwood Street Bridge and approach roadways, and,

WHEREAS, the following bids were opened and tabulated on June 5, 2008:

Robert R. Schroeder Construction	\$3,162,450.46
Redstone Construction Company	\$3,518,584.20
Swingen Construction Company	\$3,609,513.78

WHEREAS, Robert R. Schroeder Construction appears to have submitted the lowest qualified bid.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the bid in the amount of \$3,162,450.46 submitted by Robert R. Schroeder Construction for the construction of the Greenwood Street Bridge and approach roadways.

It should be noted that the acceptance is contingent upon contract completion and execution of all required paperwork and documentation.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-156-08: APPROVAL OF PARKS AND RECREATION RATE INCREASES

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 6-156-08, being seconded by Councilmember Cullen, that:

RESOLVED, to accept a Parks and Recreation Committee recommendation and approve the following rate increases, as attached, in the Parks and Recreation Department.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-157-08: APPROVAL OF AIRPORT OPERATING AGREEMENT AND TERMINAL BUILDING LEASE WITH NORTHWEST AIRLINES

A Public Works Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 6-157-08, being seconded by Councilmember Cullen, that:

WHEREAS, the City of Thief River Falls recognizes commercial air service is critical to the local community and economic development of Thief River Falls and its surrounding communities and will encourage increased air service and growth in the region; and,

WHEREAS, the City of Thief River Falls is the owner of the Airport located in the City of Thief River Falls and County of Pennington in the State of Minnesota and has the right to lease portions of the Airport and to grant operating privileges thereon subject to the terms and conditions as set forth; and,

WHEREAS, Northwest Airlines is a corporation primarily engaged in the business of providing air transportation of persons, property, cargo, and mail; and,

WHEREAS, Northwest Airlines desires to lease certain premises within the Terminal Building area, use certain facilities at the Airport, and acquire certain rights and privileges from the City of Thief River Falls in connection with its use of the Airport and the City of Thief River Falls is willing to lease and grant same

to Northwest Airlines under specified terms and conditions as described in the "Scheduled Airline Operating Agreement and Terminal Building Lease and Ground Support Equipment Agreement".

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Works Committee recommendation to authorize and direct the Mayor and City Administrator to execute a three-year Scheduled Airline Operating Agreement and Terminal Building Lease and a three-year Ground Support Equipment Agreement with Northwest Airlines, subject to successful negotiations.

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On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-158-08: APPROVAL OF ISSUANCE OF ON-SALE INTOXICATING LIQUOR LICENSE TO WILLIAM S. FRASER, D.B.A FRASER'S SPORTS CAFE

The City Council reviewed an On-Sale Intoxicating Liquor License application. Following discussion, Councilmember Cullen introduced Resolution No. 6-158-08, being seconded by Councilmember Bendickson, that:

BE IT RESOLVED, by the City Council, to grant William S. Fraser, d.b.a Fraser's Sports Café, 1582 Highway 59 SE, Thief River Falls, MN an On-Sale Intoxicating Liquor License and a Sunday Liquor License, effective July 1, 2008 through December 31, 2008.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-159-08: APPROVAL OF ISAAK'S TREE SERVICE QUOTE FOR BOULEVARD/PARK STUMP REMOVAL

The City Council reviewed the only quote received for boulevard/park stump removal services. Following discussion, Councilmember Bendickson introduced Resolution No. 6-159-08, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the quote submitted by Isaak Tree Service for boulevard/park stump removal services effective July 1, 2008 through June 30, 2009. The rate structure quoted and accepted is:

Stump Grinding Only	\$1.50 per stump diameter inch
With Cleanup	\$1.75 per stump diameter inch
With Cleanup & Fill	\$2.00 per stump diameter inch

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-160-08: APPROVAL OF OAKLAND PARK NURSING HOME
CONDITIONAL USE PERMIT, JIM BIRCHEM, OWNER**

A Planning Commission recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 6-160-08, being seconded by Councilmember Holten, that:

WHEREAS, pursuant to public notice, the Planning Commission conducted a public hearing on June 16, 2008, to review a Conditional Use Permit request submitted by Jim Birchem, owner of Oakland Park Nursing Home. Mr. Birchem has proposed to construct an addition to the current nursing home facility located at 123 Baken Street to expand the elder care services being provided; and,

WHEREAS, the Planning Commission recommends approval of the Conditional Use Permit based on the fact that the request meets all eight of the Criteria For Granting Conditional Use Permits as outlined in City Code Section 152.148. Further, approval is recommended based upon the demonstration of public need via the 2005 Housing Study.

THEREFORE, BE IT RESOLVED, that the City Council accepts the Planning Commission recommendation and grants a Conditional Use Permit to Jim Birchem, owner of Oakland Park Nursing Home, to allow for the construction of an addition onto the current facility located on property legally described as Section Four (4), Township 154, Range 43 in Government Lot Five (5).

BE IT FURTHER RESOLVED, that the owner of the property shall create a Storm Water Retention Pond (including mosquito control and meeting all safety requirements) if required by the City of Thief River Falls and the Minnesota Pollution Control Agency.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-161-08: APPROVAL OF CONDITIONAL USE PERMIT FOR
T.R. MINI-STORAGE, TOM GREELIS, OWNER**

A Planning Commission recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 6-161-08, being seconded by Councilmember Erickson, that:

WHEREAS, pursuant to public notice, the Planning Commission conducted a public hearing on June 16, 2008, to review a Conditional Use Permit request submitted by Tom Greelis, owner of T.R. Mini-Storage located at 608 Greenwood Street West. Mr. Greelis has proposed to construct and operate a mini-storage facility on the property; and,

WHEREAS, the Planning Commission recommends approval of the Conditional Use Permit based on the fact that the request meets all eight of the Criteria For Granting Conditional Use Permits as outlined in City Code Section 152.148.

THEREFORE, BE IT RESOLVED, that the City Council accepts the Planning Commission recommendation and grants a Conditional Use Permit to Tom Greelis, owner of property legally described as Lot Three (3) of Block One (1) of Raedel's First Addition, to allow for the construction and operation a mini-storage facility upon the property.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-162-08: ADOPTION OF ORDINANCE NO. 39, 3RD SERIES, AN ORDINANCE REZONING A PORTION OF ELEMENTARY FIRST ADDITION

A Planning Commission recommendation was presented. Following discussion, Councilmember Cullen moved being seconded, by Councilmember Holten, to have the first reading of Ordinance No. 39, 3rd Series. On vote being taken, the Chair declared the motion unanimously carried. Following the reading of the ordinance by City Attorney Ihle, Councilmember Cullen introduced Resolution No. 6-162-08, being seconded by Councilmember Holten, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a hearing on June 16, 2008 on a zoning amendment request submitted by Midwest Minnesota Community Development Corporation for rezoning of property located in Elementary First Addition from Agricultural to General Residential District (R-2); and,

WHEREAS, the Planning Commission recommends that the City Council adopt an ordinance approving the zoning amendment request, based upon the fact that the request meets all eight of the Criteria for Granting Rezoning Amendments as regulated by City Code Section 152.147.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and adopt Ordinance No. 39, 3rd Series, an ordinance rezoning Lots 1-3 of Block 1; Lots 1-3 of Block 2; Lots 1-7 of Block 3; Lots 1-14 of Block 4; Lots 1-11 of Block 5, all in Elementary First Addition from Agricultural to General Residential District (R-2). 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 passed.

RESOLUTION NO. 6-163-08: APPROVAL OF VARIANCE AT 110 PARKVIEW STREET, GREG AND JENNY TILLET, OWNERS

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Holten introduced Resolution No. 6-163-08, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on a front yard setback variance request submitted by Greg and Jenny Tillett, 110 Parkview Street, to allow for the construction of an addition to their existing home; and,

WHEREAS, the Board of Appeals and Adjustments recommends that the variance be granted as requested, based upon the fact that the request meets all six of the Criteria for Granting Variances as regulated by City Code Section 152.149 and the fact that the property is in an older neighborhood with all adjacent properties facing a similar front yard setback.

THEREFORE, BE IT RESOLVED, that the City Council, to accept the Board of Adjustments and Appeals recommendation and grant Greg and Jenny Tillett a 11.9 foot variance to the Front Yard Setback Requirement of City Code 152.025(E)(1), to allow for the construction of an addition to their existing home on property legally described as Lot Nine (9), less the east 25 feet, Block Three (3), of Zeh's Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 6-164-08: APPROVAL OF VARIANCE AT 521 LABREE AVENUE NORTH, JEFFREY AND VALARIE JOHNSON, OWNERS

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Erickson introduced Resolution No. 6-164-08, being seconded by Councilmember Bendickson, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on a rear yard setback variance request submitted by Jeffrey and Valarie Johnson, 521 LaBree Avenue North, to allow for the construction of garage on the north side of their property; and,

WHEREAS, the Board of Appeals and Adjustments recommends that the variance be granted as requested, based upon the fact that the request meets all six of the Criteria for Granting Variances as regulated by City Code Section 152.149 and the fact that the property is located in an older neighborhood, the lot is odd shaped and small, and that the garage will be built with the same house line.

THEREFORE, BE IT RESOLVED, that the City Council, to accept the Board of Adjustments and Appeals recommendation and grant Jeffrey and Valarie Johnson a

21-foot 9-inch variance to the Rear Yard Setback Requirement of City Code 152.033(E)(1), to allow for the construction of a 24' x 28' garage on the north side of the property; property legally described as the East 100 feet of Lots Nine (9) through Twelve (12) in Block Thirteen (13) of Original Townsite.

On vote being taken, the resolution was unanimously passed.

CITY COUNCIL COMMITTEE REPORTS

- Administrative Services Committee – Odette Bendickson
- Parks and Recreation/Public Safety Committee – Elvera Cullen
- Public Works Committee – Jodie Torkelson
- Public Utilities Committee – Floyd Erickson

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Bendickson, to adjourn the meeting at 5:47 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