

## COUNCIL PROCEEDINGS

September 16, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on September 16, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Councilmembers Bendickson, Cullen, Erickson, Holten, Kajewski, Lee, Schmalz, and Mayor Nordhagen. No Councilmembers were absent. Mayor Nordhagen chaired the meeting.

### **PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION/ ANNOUNCEMENTS**

Bradley Peterson and J.D. Burton of the Coalition of Greater MN Cities presented the City Council with a presentation with the Coalition's 2009 legislative outlook. This was for information only and no action was taken.

### **APPROVAL OF AGENDA**

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

### **RESOLUTION NO. 9-229-08: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 9-229-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve the September 2, 2008 Council Proceedings and the September 12, 2008 Adjourned Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 9-230-08: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 9-230-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$1,043,997.98. 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. 9-231-08: APPROVAL OF PROGRESSION RAISE FOR JENNIFER LUNDEEN, PARKING MAINTENANCE/SECRETARY**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 9-231-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve a Public Safety Committee recommendation and grant Jennifer Lundeen, Parking Maintenance/Secretary a progression raise. Ms. Lundeen shall progress to Step 2 of the Non-Union Grade Level 3/Pay Range 3 salary schedule retroactive to September 3, 2008.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-232-08: APPROVAL TO SURPLUS A 1982 FORD PICKUP**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 9-232-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to accept a Parks and Recreation Committee recommendation to surplus a 1982 Ford pickup, Serial No. FTEF15E0CPA68714.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-233-08: RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL FOR THE 2008 STREET, SIDEWALK, AND UTILITIES IMPROVEMENT PROJECT**

Public Works Director Lindberg presented the City Council with information with regard to the 2008 Street, Sidewalk, and Utilities Improvement Project. Following discussion, Councilmember Kajewski introduced Resolution No. 9-233-08, being seconded by Councilmember Schmalz, that:

WHEREAS, contracts have been let for the 2008 Street, Sidewalk, and Utilities Improvement Project and the contract price for such improvements is \$449,716.50 and the expenses incurred or to be incurred in the making of such improvements amount to \$178,283.50 so that the total cost of the improvements will be \$628,000.00.

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

- 1) The portion of the cost of such improvements to be paid by the City is hereby declared to be \$567,400.00 and the portion of the cost to be assessed or invoiced against benefited property owners is declared to be \$60,600.00.
- 2) Assessments shall be payable in equal annual installments extending over a period of 12 years, the first of the installments to be payable on or before the first Monday in January, 2009, and shall bear an interest rate of 5.5% per annum from the date of the adoption of the assessment roll;
- 3) The City Administrator, with the assistance of the Public Works Director, shall forthwith calculate the proper amount to be specially assessed for such

improvement against every assessable lot, piece, or parcel of land within the area affected, without regard to cash valuation as provided by law, and the City Administrator shall file a copy of such proposed assessment in the Office of the City Administrator for public inspection; and,

- 4) The City Administrator shall, upon the completion of such proposed assessments, notify the City Council of its completion.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-234-08: RESOLUTION ESTABLISHING A PUBLIC HEARING WITH REGARD TO PROPOSED ASSESSMENTS ON THE 2008 STREET, SIDEWALK, AND UTILITIES IMPROVEMENT PROJECT**

Public Works Director Lindberg presented the City Council with information with regard to the 2008 Street, Sidewalk, and Utilities Improvement Project. Following discussion, Councilmember Lee introduced Resolution No. 9-234-08, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to Resolution No. 9-233-08, the City Administrator and Public Works Director were directed to prepare the proposed assessments of the 2008 Street, Sidewalk, and Utilities Improvement Project; and,

WHEREAS, the City Administrator has notified the City Council that such proposed assessment has been completed and filed in the Office of the City Administrator for public inspection.

THEREFORE, BE IT RESOLVED, by the City Council of Thief River Falls, that:

- 1) A hearing shall be held on the 21st day of October, 2008 in the Council Chambers of City Hall at 6:30 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment;
- 2) The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and the City Administrator shall state in the notice the total cost of the improvement, The City Administrator shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing; and,
- 3) The owner of any property so assessed may, at any time prior to certification of the assessment to the Pennington County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if

the entire assessment is paid within 30 days from the adoption of the assessment. The property owner may at any time thereafter, pay to the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31<sup>st</sup> of the year in which such payment is made. Such payment must be made before November 15<sup>th</sup> or interest will be charged through December 31<sup>st</sup> of the succeeding year.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-235-08: ADOPTION OF ORDINANCE NO. 40, 3<sup>RD</sup> SERIES, ANNEXING LAND LOCATED IN NORTH TOWNSHIP**

The City Council reviewed a annexation request by property owners. Following discussion, Councilmember Schmalz moved, being seconded by Councilmember Kajewski, to have the first reading of Ordinance No. 40, 3<sup>rd</sup> 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. 9-235-08, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to adopt Ordinance No. 40, 3<sup>rd</sup> Series, an ordinance annexing the following described 27 acres of land into the City limits of Thief River Falls:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Two (2); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Block Three (3) in Nelson's First Addition to Thief River Falls, Minnesota, according to the official plat thereof on record; and,

A tract of land which consists of Lots One (1) and Two (2) of Block Four (4) in Nelson's First Addition to Thief River Falls, Minnesota, and an unplatted parcel which is Part of Government Lot Eight (8) and Government Lot Nine (9), Section Thirty-five (35), Township One Hundred Fifty-four (154) North, Range Forty-three (43) West of the Fifth Principal Meridian bounded as follows:

Beginning at the Southwest Corner of Lot One (1), Block Four (4) in Nelson's First Addition to Thief River Falls, Minnesota; thence North 86 degrees 31 minutes 55 seconds West along the North line of Greenwood Street a distance of 744.8 feet; thence North 24 degrees 54 minutes 49 seconds East a distance of 613.5 feet to the Southerly boundary of Nelson Drive; thence Southeasterly along said Southerly line to the Northwest Corner of Lot Two (2) of said Block Four (4); thence South 3 degrees 28 minutes 5 seconds West a distance of 233.555 feet to the point of beginning; and,

Lots One (1), Two (2), and Three (3) of Block One (1) in Nelson's First Addition to Thief River Falls, Minnesota, including the West Half (W<sup>1</sup>/<sub>2</sub>) of the abutting Red Lake River; and,

All that part of Nelson Drive abutting the West line of Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block One (1) and the East line of Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block Two (2) Nelson's Addition to Thief River Falls, Minnesota; and,

All that part of platted 56 feet wide Greenwood Street lying South of and adjacent to the above described properties; and,

All those areas designated for public use in the property described herein, including Rider Court and Nadine Street.

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. 9-236-08: APPROVAL OF EASEMENT AND USE OF EASEMENT BY DIGI-KEY CORPORATION**

The City Council reviewed a request by Digi-Key Corporation. Following discussion, Councilmember Bendickson introduced Resolution No. 9-236-08, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve an easement and use of an easement to Digi-Key Corporation located along a ditch line from County Road 62, adjacent to property owned by the City of Thief River Falls, for ditch drainage improvement purposes.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-237-08: APPROVAL OF COMMERCIAL ENERGY CONSERVATION RENOVATION LOAN FOR RODNEY KNUTSON, D.B.A SEARS**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 9-237-08, being seconded by Councilmember Erickson, that:

WHEREAS, the Community Development Advisory Board met on September 15, 2008 to consider a loan application submitted by Rodney Knutson, owner of property located at 303 Main Avenue North, d.b.a. Sears, to assist in the financing of replacement of the heating system and installment of a new energy efficient side entrance and loading door; and,

WHEREAS, the Community Development Advisory Board has recommended that the City Council approve the loan as requested.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Community Development Advisory Board recommendation and grant Rodney Knutson a \$15,000.00 Commercial Energy Renovation Loan for renovations at 303 Main Avenue North. The loan will be payable over five years at zero percent interest.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-238-08: APPROVAL OF CONDITIONAL USE PERMIT FOR TERRY NELSON ON BEHALF OF ANITA HOFFMAN TO OPERATE A PET STORE AT 1306 MAIN AVENUE NORTH**

A Planning Commission recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 9-238-08, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on September 15, 2008 on a request submitted by Terry Nelson on behalf of Anita Hoffman for a Conditional Use Permit. Such permit would allow Anita Hoffman to operate a pet store on property located at 1306 Main Avenue North, property zoned as General Business District (C-2) where pet related stores are permitted as a Conditional Use. Ms. Hoffman proposes to rent the property, which is currently owned by Terry Nelson.

WHEREAS, the Planning Commission recommends that the City Council approve the request as submitted, noting that the request meets all eight of the criteria for granting Conditional Use Permits as required by City Code Section 152.148.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation and grant Terry Nelson, on behalf of Anita Hoffman, a Conditional Use Permit under City Code Chapter 152.032(C)(5) to operate a pet store on property located at 1306 Main Avenue North, legally described as the South 130 feet of Lot 17 in Fairfield Addition to the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-239-08: APPROVAL OF SOUTH EASTWOOD ADDITION FINAL PLAT**

A Planning Commission recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 9-239-08, being seconded by Councilmember Cullen, that:

WHEREAS, Resolution No. 9-223-08 approved the preliminary plat of South Eastwood Addition to the City of Thief River Falls; and,

WHEREAS, all corrections and additions have been made to the plat; and,

WHEREAS, the Planning Commission met on September 15, 2008 at which time they recommended that the City Council adopt the final plat of South Eastwood Addition.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation and approve the South Eastwood Additional final plat, property legally described as that part of Government Lot 1 and Government Lot 2, Section 4, Township 153 North, Range 43 West of the fifth Principal Meridian described as follows:

Commencing at the northeast corner of said Government Lot 1, thence South 00 degrees 40 minutes 32 seconds East along the east line of said Government Lot 1, assumed bearing, a distance of 1208.42 feet to the point of beginning; thence continuing South 00 degrees 40 minutes 32 seconds East, along said east line, a distance of 190.00 feet to the intersection with the easterly extension of the north line of Thyren's First Addition to the City of Thief River Falls, Minnesota, according to the Official Plat thereof, in the Office of the County Recorder, in and for the County of Pennington, and the State of Minnesota; thence South 89 degrees 10 minutes 35 seconds West, along the said easterly extension and said north line, a distance of 1340.41 feet to the Northwest corner of said Thyren's First Addition to the City of Thief River Falls, Minnesota, thence North 00 degrees 40 minutes 32 seconds West, parallel to said east line, a distance of 190.00 feet; thence North 89 degrees 10 minutes 35 seconds East, parallel to said north line, a distance of 1340.41 feet to the point of beginning, containing 5.76 acres, more or less, and being subject to any and all easements, reservations, restrictions and conveyances of record.

BE IT FURTHER RESOLVED, that the approval is subject to a thirty-day review period by the Pennington County Soil and Water Conservation District

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-240-08: APPROVAL OF VARIANCE FOR TIM ANTTILA, 1123 HORACE AVENUE NORTH**

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Kajewski, introduced Resolution No. 9-240-08, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on September 15, 2008 on a variance request

submitted by Tim Anttila, 1123 Horace Avenue North, to allow for the construction of a 30' x 24' detached garage on the south side of their property.

WHEREAS, the Board of Adjustments and Appeals recommends that the City Council approve the variance as requested, based upon the fact that the request meets all six of the criteria for granting variances as required by City Code Section 152.149. The Planning Commission also noted that there are several extenuating circumstances that support a variance (none of which were caused by actions of the applicant) such as the uniqueness of the property – its shape, location, drainage ditch, and utility easement; the current front yard setback of the residence, the fact that there is no issue regarding traffic patterns, the line of sight or maintenance, and the fact that the project will remove a non-conforming structure from City right-of-way.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals recommendation and grant Tim Anttila an 18 foot variance to the 25 foot Front Yard Setback requirement as it pertains to City Code, Section 152.025(E)(1), General Yard Requirements for the General Residential District (R-3) for property located at 1123 Horace Avenue North, property legally described as: the East 125 feet of the South 50 feet of Lot 32 and the East 125 feet of Lot 39 of Fairfield Addition to the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-241-08: APPROVAL OF ABATEMENT OF TAXES FOR GORDON AND TAMRA DALE, 920 SPRUCE AVE, AND RONALD AND MARIE ENGEN. 914 ALICE DRIVE**

The City Council considered information presented at a public hearing conducted for two tax abatement requests. Following discussion, Councilmember Lee introduced Resolution No. 9-241-08, being seconded by Councilmember Kajewski, that:

WHEREAS, Gordon and Tamra Dale, 920 Spruce Ave South, and Ronald and Marie Engen, 914 Alice Drive, have constructed new homes in a tax abatement district and have applied to the City for a tax abatement; and,

WHEREAS, a public hearing was conducted on September 16, 2008 at 4:45 p.m. with regard to the request and it has been determined that the requests meet the eligibility requirements of the City's Tax Abatement Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council to approve the following tax abatements:

Gordon and Tamra Dale: Parcel No. 25.064.038.40 – 920 Spruce Avenue South (Lot 6 of Block 4 in Allwood Acres Addition): Total three-year allowable abatement is \$1,674.00.

Ronald and Marie Engen: Parcel No. 25.103.010.20 – 914 Alice Drive (South 54' of North 58' of Lot 5 of Block 2 in Rohl's Addition): Total three-year allowable abatement is \$1,566.00.

On vote being taken, the resolution was unanimously passed.

### **CITY COUNCIL COMMITTEE REPORTS**

- Administrative Services Committee – Odette Bendickson, Chair
- Parks and Recreation Committee – Elvera Cullen, Chair
- Public Works Committee – Steve Nordhagen, Chair
- Public Utilities Committee – Floyd Erickson, Chair

### **UPCOMING MEETINGS**

- City Council/School District Meeting on September 29, 2008 at 5:00 p.m.
- Council Meeting on October 7, 2008 at 5:00 p.m.

### **ADJOURNMENT**

There being no further discussion, Councilmember Schmalz moved, being seconded by Councilmember Cullen, to adjourn the meeting at 5:00 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned at 6:00 p.m.

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Steve Nordhagen, Mayor

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