

COUNCIL PROCEEDINGS

November 18, 2008

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on November 18, 2008 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Lee, Schmalz, and Mayor Nordhagen. Councilmember Kajewski was absent. Mayor Nordhagen chaired the meeting.

APPROVAL OF AGENDA

Councilmember Bendickson motioned, being seconded by Councilmember Lee, 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. 11-265-08: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 11-265-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve the November 4, 2008 Council Proceedings and the November 10, 2008 Adjourned Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-266-08: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 11-266-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize payment of the bills and disbursements in the total amount of \$1,375,819.11. 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. 11-267-08: APPROVAL OF PROGRESSION RAISE FOR LYNETTE LANE, BILLING CLERK

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 11-267-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve a Public Utilities Committee recommendation and grant Lynette Lane, Billing Clerk, a progression raise. Ms. Lane shall progress to Step 2 of the Non-Union Grade Level 4/Pay Range 4 salary schedule (post 2006 hire) effective December 5, 2008.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-268-08: APPROVAL OF OFF-SITE GAMBLING APPLICATION FOR THIEF RIVER FALLS AMATEUR HOCKEY ASSOCIATION (TRFAHA) TO CONDUCT RAFFLE AT THE RALPH ENGELSTAD ARENA

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 11-268-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize the Thief River Falls Amateur Hockey Association to conduct a raffle at the Ralph Engelstad Arena, 525 Brooks Avenue North, Thief River Falls; property located in the City limits of Thief River Falls, on April 17, 2009.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-269-08: APPROVAL OF ESTABLISHING A HEARING DATE FOR A STATE OF MINNESOTA SMALL CITIES DEVELOPMENT PROGRAM

Community Development Director Moore presented a request to the City Council. Following discussion, Councilmember Cullen introduced Resolution No. 11-269-08, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to establish the date of Tuesday, December 2, 2008 at 4:45 p.m. as the date and time for a State of Minnesota Small Cities Development Program hearing.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-270-08: ACCEPTANCE OF QUOTE FROM JERRY UNRUH FOR SIDEWALK SNOW REMOVAL SERVICES DURING 2008/2009 WINTER SEASON

Public Works Director Lindberg presented quotes received for sidewalk snow removal. Following discussion, Councilmember Cullen introduced Resolution No. 11-270-08, being seconded by Councilmember Lee, that:

WHEREAS, by City Code, property owners in the City of Thief River Falls are responsible to remove snow from the public sidewalk abutting their property within 24 hours of a snowfall or the City will remove the snow at the cost of the property owner; and,

WHEREAS, the City desires to contract out the snow removal services as it relates to compliance of this section of the City Code; and,

WHEREAS, two businesses submitted quotes to provide snow removal services for the City of Thief River Falls: Jerry Unruh - \$24.00 per unit and Marty Reiersen - \$25.00 per unit.

THEREFORE, BE IT RESOLVED, by the City Council to accept the Public Works Committee to approve the low quote submitted by Jerry Unruh to private sidewalk snow removal services during the 2008/2009 winter season.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-270-08: REAFFIRMING THE CITY OF THIEF RIVER FALLS SNOW PLOWING POLICY

A Public Works Committee recommendation was presented to the City Council. Following discussion, Councilmember Schmalz introduced Resolution No. 11-270-08, being seconded by Councilmember Lee, that:

BE IT RESOLVED, by the City Council to accept the Public Works Committee recommendation to reaffirm the City's Snow Plowing Policy, adopted by Resolution No. 11-292-07, which outlines the procedure to be followed by City crews after a snowfall:

The scheduled starting time after a snowfall of approximately two inches is 2:30 a.m.

Central Business Area – This area includes Fourth Street on the north, Knight Avenue on the west, First Street on the south, and the Canadian Pacific Railroad on the east (including LaBree Avenue east to the hospital emergency entrance).

The motor graders will plow the Central Business Area roadways first and then proceed to clean the following main arteries.

Atlantic Avenue, First Street, Brooks Avenue, Barzen Avenue, Pennington Avenue (Urban Section), Evergreen Street to Challenger Elementary School entrance road, Nora Street, Spruce Avenue, Greenwood Street, Arnold Avenue South of Third Street, Sixth Street, Davis Avenue and Highway 59 Southeast frontage roads.

When the motor graders are clearing the Central Business Area streets and avenues, one loader and four trucks will clear and remove snow from the alleys and alternate municipal parking lots as per calendar parking ordinance. Removal of snow piles from private and public businesses will be on a time available basis, in accordance with executed Snow Removal Agreements.

At approximately 6 a.m., after the Central Business Area and main arteries are cleared, the two motor graders will separate and clear the streets and avenues on either side of town (the east and the west side of the river) based on the following schedules:

Monday, Wednesday and Friday: Avenues, including Red Lake Boulevard

Tuesday, Thursday and Saturday: Streets, Courts, Cul-de-sacs, Drives or Lanes

At the same time the Parks and Recreation Department snow blower will begin clearing most of the snow from sidewalks along the north side of First Street from Main Avenue to Crocker Avenue and the south side of First Street from Crocker Avenue to Highway 59; also, the east side of Spruce Avenue from First Street to Gulf Street; also, the north side of Highway 59 from First Street to Tindolph Avenue and both sides of Highway 59 to Davis Avenue; also, the north side of Eighth Street from Main Avenue to east of the Red Lake River. Residents are obligated to clear the balance of remaining snow from the above sidewalks adjacent to their properties within 24 hours of the snowfall, according to City ordinance.

Once the streets and/or avenues have been cleared of snow, all roads on the outskirts of town are then plowed, (including township or county force accounts).

After an unusually heavy snowfall, the 10-yard truck with a one way plow will assist the two motor patrols to open up all City streets and avenues as soon as possible.

The night that previously plowed snow is removed from the Central Business Area, one loader with a snow blower and four trucks will start at 12 midnight. This operation will occur approximately 48 hours after initial snow plowing to allow business owners time to shovel sidewalks and plow private parking lots. Once all Central Business Area streets and avenues are cleared they will remove piles of snow from private and public businesses on a time available basis in accordance with executed snow removal agreements.

The Sanitation Department plows snow from the residential alleys and is assisted by the Street Department in cases of unusually heavy snowfall.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-271-08: REAFFIRMING CITY'S DECISION NOT TO WAIVE THE MONETARY LIMIT OF MUNICIPAL TORT LIABILITY ESTABLISHED BY MN STATUTE

An Administrative Services Committee recommendation was presented to the City Council. Following discussion, Councilmember Bendickson introduced Resolution No. 11-271-08, being seconded by Councilmember Schmalz, that:

WHEREAS, because the City of Thief River Falls obtains its liability coverage from the League of Minnesota Cities Insurance Trust, the City must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased.

THEREFORE, BE IT RESOLVED, by the City Council to accept an Administrative Services Committee to reaffirm Resolution No. 10-211-06, and inform the League of Minnesota Cities Insurance Trust that the City of Thief River Falls does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 and authorizes the City Administrator to execute any and all documents relating to the action.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-272-08: REAFFIRMING ELECTED OFFICIALS ARE COVERED BY CITY OF THIEF RIVER FALLS WORKERS COMPENSATION PROGRAM

City Administrator Torkelson presented a recommendation from Thune Insurance to the City Council. Following discussion, Councilmember Lee introduced Resolution No. 11-272-08, being seconded by Councilmember Bendickson, that:

WHEREAS, the law enables elected or appointed officials of the City of Thief River Falls to be covered by workers compensation; and

WHEREAS, it has been a long standing policy to include the Mayor and City Councilmembers in the City's Workers' Compensation program.

NOW THEREFORE BE IT RESOLVED to reaffirm that the Mayor and Councilmembers of the City of Thief River Falls are covered by the Minnesota Workers' Compensation Law.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-273-08: APPROVAL OF A GAS FURNACE HEAT PUMP LOAN AND AN ELECTRIC HEATER LOAN TO DUFFY LAW OFFICE

A request was presented from Public Utilities Director Rude. Following discussion, Councilmember Lee introduced Resolution No. 11-273-08, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation to grant Duffy Law Office the following two loans:

Heat Pump – a \$5,233.00 loan at zero percent (0%) interest payable over five years.

Gas Furnace & 20 KW Electric Plenum Heater – a \$5,420.00 loan at five percent (5%) interest payable over five years.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-274-08: APPROVAL TO GRANT HAROLD JESH – WHEATLAND ESTATES APARTMENTS A COMMUNITY DEVELOPMENT REVOLVING LOAN

A Community Development Advisory Board recommendation was presented to the City Council. Following discussion, Councilmember Lee introduced Resolution No. 11-274-08, being seconded by Councilmember Schmalz, that:

WHEREAS, the Community Development Advisory Board has considered and recommended approval of a loan application from Harold Jesh, Wheatland Estate Apartments, for Community Development Revolving Loan funds.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Community Development Advisory Board's recommendation and grant Harold Jesh, Wheatland Estate Apartments, a \$200,000.00 Community Development Revolving Loan to assist in the financing of the construction of an apartment complex to be located on Cottonwood Avenue. Said loan shall be amortized at three (3%) percent interest for one year, and shall be paid back at the end of the one year or at the time that long term financing is put in place at the end of construction.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-275-08: APPROVAL OF CONDITIONAL USE PERMIT FOR PAUL AND TERESA OLSON, 1010 NORTH MAIN AVENUE

A Planning Commission recommendation was presented to the City Council. Following discussion, Councilmember Lee introduced Resolution No. 11-275-08, being seconded by Councilmember Schmalz, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on November 17, 2008 on a request submitted by Paul and Teresa Olson for a Conditional Use Permit to renovate and operate a beauty shop at 1010 Main Avenue North.

WHEREAS, the Planning Commission recommends that the City Council approve the request, noting that the request meets all eight of the criteria for granting Conditional Use Permits as required by City Code Section 152.025(c). The Planning Commission also recommended that the garbage area be screened.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation and grant Paul and Teresa Olson a Conditional Use Permit to renovate and operate a beauty shop (New Attractions) at 1010 Main Avenue North, property legally described as: Lot 58 of Fairfield Addition to the City of Thief River Falls.

BE IT FURTHER RESOLVED, that the Conditional Use Permit is approved with the stipulation that the garbage area be screened.

On vote being taken, the resolution passed by a six-yes, one-no (Nordhagen) vote.

COUNCIL BOARDS AND COMMISSIONS REPORTS

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

UPCOMING MEETINGS

- Council Hearing (Small Cities Development Program) – December 2, 2008 at 4:45 p.m.
- Council Meeting –December 2, 2008 at 5:00 p.m.

ITEMS FOR INFORMATION

- 2009 Federal Economic Stimulus Project Proposal - letter to Lou Tasa, State Aid and Planning Manager, dated November 4, 2008.

ADJOURNMENT

There being no further discussion, Councilmember Schmalz moved, being seconded by Councilmember Cullen, to adjourn the meeting at 5:30 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