

COUNCIL PROCEEDINGS

April 7, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on April 7, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Cullen, Erickson, Holten, Kajewski, Lee, Schmalz and Mayor Nordhagen. Councilmember Bendickson was absent. Mayor Nordhagen chaired the meeting.

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

Jolene Bradley of the Thief River Falls Library presented information with regard to the Thief River Falls Public Library's activities and events available to the public and the increasing circulation at the Library.

APPROVAL OF AGENDA

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

RESOLUTION NO. 4-59-09: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-59-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve the March 17, 2009 Council Proceedings and the March 30, 2009 Adjourned Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-60-09: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-60-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$997,794.19. 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. 4-61-09: ACCEPTANCE OF RESIGNATION/RETIREMENT OF IRVIN SCHMITKE, PUBLIC WORKS MAINTENANCE/AIRPORT EMPLOYEE

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-61-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept the resignation/retirement of Irvin Schmitke, Public Works Maintenance/Airport employee, effective April 30, 2009.

The City Council wishes to thank Mr. Schmitke for his 15 years of service to the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-62-09: APPROVAL OF JADCORE, INC. AND DYNA-PAK, CORP. QUOTES FOR PLASTIC REFUSE BAGS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-62-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept the low quote submitted by Jadcore, Inc. for the purchase of plastic refuse bags in the total amount of \$24,588.00. Other quotes received were from DYNA-PAK, Corp. in the amount of \$25,822.80 and from Dacotah Paper Co. in the total amount of \$35,074.80.

BE IT FURTHER RESOLVED, to approve the quote from DYNA-PAK, Corp. in the amount of \$1,026.00 for 4,000 1.8 mil thick bags in 50-bag rolls. The quote received from Dacotah Paper Co. in the amount of \$1,002.57 did not meet specifications.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-63-09: APPROVAL OF SUBORDINATION AGREEMENT FOR TODD AND DEANNA WOODS REGARDING SLOW SECOND MORTGAGE

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-63-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, that the City hereby agrees to subordinate its position on a slow second mortgage with Todd and Deanna Woods and Border State Bank on property legally described as Lot Seven (7) of Block Four (4) in Allwood Acres Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-64-09: APPROVAL OF EMPLOYEE ASSISTANCE SERVICE CONTRACT WITH MERITCARE THIEF RIVER FALLS NORTHWEST MEDICAL CENTER

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-64-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to enter into an Employee Assistance contract with MeritCare

Thief River Falls Northwest Medical Center, whereby MeritCare will provide, for a fee, the City of Thief River Falls with a confidential employee assistance program and supervisor training and consultation services. Term of the contract shall be effective April 1, 2009 through March 31, 2010.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-65-09: APPROVAL TO CALL FOR BIDS FOR WATER TREATMENT PLANT CHEMICALS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-65-09, being seconded by Councilmember Schmalz, that:

BE IT RESOLVED, by the City Council, to authorize calling for bids for water treatment plant chemicals, with bids to be opened on April 24, 2009 at 11:00 a.m. in the City Council Chambers of City Hall.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-66-09: APPROVAL OF ISSUANCE OF ON-SALE INTOXICATING LIQUOR LICENSE TO MELODY'S RESTAURANT AND BAR, INC.

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-66-09, being seconded by Councilmember Schmalz, that:

BE IT RESOLVED, by the City Council, to grant Melody's Restaurant & Bar, Inc., d.b.a. Melody's Restaurant & Bar, 1907 Highway 59 SE, Thief River Falls, MN an On-Sale Intoxicating Liquor License and a Sunday Liquor License, effective May 1, 2009 through December 31, 2009.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-67-09: APPROVAL OF 2009 STREET, SIDEWALK, AND UTILITIES IMPROVEMENT (SCHEDULE A) PROJECT PLANS AND SPECIFICATIONS AND CALLING FOR BIDS

Public Works Director Lindberg presented information with regard to the 2009 Street, Sidewalk, and Utilities Improvement Project. Following discussion, Councilmember Lee introduced Resolution No. 4-67-09, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to Resolution No. 3-47-09, Widseth, Smith, and Nolting and the City's Engineering Technical Services Department have prepared plans and specifications for the following improvements (Schedule A):

- 1) Sanitary sewer extension - South Eastwood Addition;

- 2) Utilities extensions – Highway 59 SE (Care Center property);
- 3) Watermain replacements on Crocker Avenue; Taft Street from Kendall Avenue to Merriam Avenue; and,
- 4) Watermain replacement – Maple Avenue from 1st Street to Hughes Street.

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 May 7, 2009 at 11:00 a.m. by the City Administrator and Public Works Director. They shall present their recommendation to the City Council on May 19, 2009 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.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-68-09: APPROVAL OF LEASE WITH SCHOOL DISTRICT #564 FOR PAVED PARKING LOT EAST OF DISTRICT SERVICE CENTER

The City Council reviewed a proposed lease with School District #564. Following discussion, Councilmember Schmalz introduced Resolution No. 4-68-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a lease with School District #564, whereby the School District shall lease from the City property identified as the paved parking lot located immediately east of the School District Service Center (230 LaBree Avenue South), effective April 1, 2009 through March 31, 2010.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-69-09: APPROVAL OF TRANSFER OF PORTION OF COUNTY ROAD 62 TO CITY'S MSA SYSTEM

Public Works Director Lindberg presented a proposed designation of a portion of County Road 62 as part of the Municipal State Aid Street program. Following discussion, Councilmember Lee introduced Resolution No. 4-69-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council of Thief River Falls, that said Council hereby approves of the Pennington County Board's revocation of a segment of County Road 62 (Eleventh Street) from Highway 59 SE to a point of 0.25 miles west.

BE IT FURTHER RESOLVED, that the above County Road segment be accepted and redesigned as Municipal State Aid Street 124 of Thief River Falls, contingent upon the completion of right-of-way annexation presently in progress.

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized and directed to forward two certified copies of this resolution to the Minnesota Department of Transportation Commissioner for the Commissioner's consideration, and that upon the Commissioner's approval of the designation of said street, that same be constructed, improved, and maintained as a Municipal State Aid Street.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-70-09: APPROVAL OF STOREFRONT RENOVATION PROGRAM LOAN FOR MELODY NOVAK, D.B.A. MELODY'S RESTAURANT AND BAR

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 4-70-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the Community Development Advisory Board met on April 3, 2009 to consider a loan application submitted by Melody Novak, d.b.a. Melody's Restaurant and Bar, to assist in the financing of renovations to her business located at 1907 Highway 59 South. Ms. Novak proposes to renovate the facility to meet code and provide needed updates.

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 to grant Melody Novak a Storefront Renovation Loan in the amount of \$15,000.00 payable over five (5) years at three percent (3%) interest.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 4-71-09: APPROVAL OF COMMUNITY DEVELOPMENT
REVOLVING LOAN TO ROBERT AUDETTE – H & S CONSTRUCTION**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 4-71-09, being seconded by Councilmember Cullen, that:

WHEREAS, the Community Development Advisory Board met on April 3, 2009 to consider approval of a loan application to the CDAB from Robert Audette, d.b.a. H & S Construction for Community Development Revolving Loan funds.

THEREFORE, BE IT RESOLVED, by the City Council, to grant Robert Audette, d.b.a. H & S Construction a \$75,000 Community Development Revolving Loan. Said loan shall be amortized at three and one-half (3.5%) percent interest over a seven year (7) period. Requested collateral shall be the mortgage on the equipment and building, and a personal guarantee.

It should be noted that the loan approval is contingent upon approval of the Border State Bank financing.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 4-72-09: APPROVAL OF COMMUNITY DEVELOPMENT
REVOLVING LOAN TO TODD BOTTEM, D.B.A. LABEL-MARK IT**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 4-72-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the Community Development Advisory Board met on April 3, 2009 to consider approval of a loan application to the CDAB from Todd Bottem, d.b.a. Label-Mark It for Community Development Revolving Loan funds.

THEREFORE, BE IT RESOLVED, by the City Council, to grant Todd Bottem, d.b.a. Label-Mark a \$188,312.22 Community Development Revolving Loan. Said loan shall be amortized at three and one-half (3.5%) percent interest over a nine year (9) period. Requested collateral shall be the mortgage on the equipment, personal land, and a personal guarantee.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-73-09: APPROVAL OF ORDINANCE NO. 41, 3RD SERIES, AN ORDINANCE AMENDING ALL TERRAIN VEHICLES REGULATIONS WITHIN THE CITY LIMITS

A proposed amendment to City Code Chapter 74 was presented. Following discussion, Councilmember Lee moved, being seconded by Councilmember Erickson, to have the first reading of Ordinance No. 41, 3rd Series. On vote being taken, the Chairman declared the motion unanimously carried.

Following the reading of the ordinance by City Attorney Ihle, Councilmember Erickson introduced Resolution No. 4-73-09, being seconded by Councilmember Schmalz, that:

BE IT RESOLVED, by the City Council, to adopt Ordinance No. 41, 3rd Series, an ordinance amending City Code Chapter 74, regulating the use of all-terrain vehicles within the City limits.

Said ordinance shall be published in The Times newspaper and on file in the Office of the City Administrator.

On vote being taken, the resolution was unanimously passed.

CITY COUNCIL COMMITTEE REPORTS

- Public Works Committee – 2009 Budgets

UPCOMING MEETINGS

- Capital Acquisitions Committee Meeting – April 13, 2009 at 4:30 p.m.
- Budget/Finance Committee Meeting - April 14, 2009 at 4:30 p.m.
- Long Range Planning/Annexation Committee – April 15, 2009 at 4:30 p.m.
- Personnel/Labor Committee Meeting – April 16, 2009 at 4:30 p.m.
- City/County Meeting on Ditch #1 – April 16, 2009 at 5:00 p.m.
- Board of Equalization and Appeals Meeting – April 20, 2009 at 9:00 a.m.
- Planning Commission Meeting – April 20, 2009 at 7:00 p.m.
- City Council Meeting – April 21, 2009 at 5:00 p.m.

ADJOURNMENT

There being no further discussion, Councilmember Kajewski moved, being seconded by Councilmember Cullen, to adjourn the meeting at 5:55 p.m. until April 16, 2009 at 5:00 p.m. at City Hall. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned.

Steve Nordhagen, Mayor

Attest:

Jodie R. Torkelson, City Administrator