

## COUNCIL PROCEEDINGS

May 5, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on May 5, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Kajewski, Lee, Schmalz and Mayor Nordhagen. No Councilmember were absent. Mayor Nordhagen chaired the meeting.

### **APPROVAL OF AGENDA**

Councilmember Lee motioned, being seconded by Councilmember Kajewski, to approve the agenda with the addition of two items and the removal of the proposed 2009-2011 Non-Union Salary and Benefits Package. On vote being taken, the motion was unanimously approved and the agenda adopted.

### **RESOLUTION NO. 5-89-09: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-89-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve the April 16, 2009 Adjourned Council Proceedings, the April 21, 2009 Council Proceedings, and the April 23, 2009 Adjourned Council Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 5-90-09: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-90-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$1,733,622.07. 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. 5-91-09: APPROVAL OF A BEER IN THE PARK PERMIT FOR KELLY SAUCK**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-91-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to grant Kelly Sauck a Beer in the Park Permit, effective June 5, 2009 at Hartz Park to allow for the consumption of 3.2% malt liquor in the park.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-92-09: APPROVAL OF PENNINGTON COUNTY FAIR ASSOCIATION TEMPORARY 3.2% MALT LIQUOR LICENSE**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-92-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to grant a Temporary 3.2% Malt Liquor License to the Pennington County Fair Association, effective July 15, 2009 through July 19, 2009 at the Pennington County Fairgrounds.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-93-09: APPROVAL OF AMERICAN LEGION POST 117 PREMISES PERMIT APPLICATION TO CONDUCT LAWFUL GAMBLING ACTIVITIES AT MELODY'S RESTAURANT & BAR**

The City Council reviewed a gambling application submitted by the American Legion Post 117. Following discussion, Councilmember Cullen introduced Resolution No. 5-93-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve a Premises Permit Application for the American Legion Post 117 to conduct lawful gambling activities at Melody's Restaurant & Bar, located at 1907 Highway 59 Southeast in Thief River Falls. Said application shall be submitted by the American Legion Post 117 to the State of Minnesota for their consideration.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-94-09: APPROVAL OF BEER IN THE PARK PERMIT FOR MENS' SOFTBALL ASSOCIATION**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-94-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to grant the Mens' Softball Association a Beer in the Park Permit at the Multi-Events Center Softball Complex to allow for the consumption of 3.2% malt liquor during the 2009 softball season.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-95-09: APPROVAL OF BEER IN THE PARK PERMIT FOR WOMENS' SOFTBALL ASSOCIATION**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-95-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to grant the Womens' Softball Association a Beer in the Park Permit at the Multi-Events Center Softball Complex to allow for the consumption of 3.2% malt liquor during the 2009 softball season.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-96-09: ACCEPTANCE OF PENNINGTON COUNTY ASSESSOR RECOMMENDATIONS TO NOT AMEND APPEALED 2009 ESTIMATED MARKET VALUES FOR DONARSKI, MAGNER/HARTMAN, VILLAGE OF THE NORTHLAND, HART/HART, ELKS LODGE BUILDING, PINECONE A PARTNERSHIP, AND SCHMITKE**

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Cullen introduced Resolution No. 5-96-09, being seconded by Councilmember Bendickson, that:

WHEREAS, the Board of Appeal and Equalization conducted a public meeting on April 20, 2009 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2009 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council accepts the following recommendations presented by Pennington County Assessor Olson and not adjust the proposed 2009 estimated market values for the following appealed properties:

Wendell Donarski, 1301 LaBree Avenue North – Parcel No. 25-022-017-00. No change to the 2009 estimated market value of \$19,200;

Darrell Magner and Fred Hartman, 2020 Greenwood Street East and 2017 Highway 59 SE – Parcel No.'s 25-045-001-10, 25-045-003-10, 25-045-004-10, 25-045-006-10, and 25-045-006-11. No change to the 2009 estimated market values of: 25-045-001-10 = \$29,900; 25-045-003-10 = \$413,900; 25-045-004-10 = \$55,600; 25-045-006-10 = \$292,200; and 25-045-006-11 = \$72,600.

Village of the Northland, Highway 1 East – Parcel No. 25-047-020-00. No change to the 2009 estimated market value of \$2,081,200;

James Hart and Andrew Hart, 1126 Greenhill Drive – Parcel No. 25-055-006-10. No change to the 2009 estimated market value of \$131,200;

Elks Lodge Building, 115 – 119 3<sup>rd</sup> Street East – Parcel No. 25-003-229-90. No change to the 2009 estimated market value of \$199,000;

Pinecone A Partnership, 700 Highway 32 West – Parcel No. 25-001-040-30. No change to the 2009 estimated market value of \$212,800; and,

Irvin Schmitke, 139 Belleville Court – Parcel No. 25-040-001-14. No change to the 2009 estimated market value of \$103,300.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-97-09: APPROVAL TO REDUCE 2009 ESTIMATED MARKET VALUE OF 1845 HIGHWAY 59 SE, DANKS AND LUND, LCC OWNERS**

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Nordhagen introduced Resolution No. 5-97-09, being seconded by Councilmember Schmalz, that:

WHEREAS, The Board of Appeal and Equalization conducted a public meeting on April 20, 2009 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2009 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council not accept the recommendation of the Pennington County Assessor with regard to the \$862,200 2009 estimated market value of 1845 Highway 59 SE, property owned by Danks and Lund, LLC and to recommend reducing the 2009 estimated market value to \$750,000.

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

**RESOLUTION NO. 5-98-09: APPROVAL TO REDUCE THE 2009 ESTIMATED MARKET VALUE AND CLASSIFICATION OF CERTAIN ALLWOOD ACRES ADDITION VACANT LOTS OWNED BY KEITH AND KEN SCHMALZ**

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Bendickson introduced Resolution No. 5-98-09, being seconded by Councilmember Kajewski, that:

WHEREAS, The Board of Appeal and Equalization conducted a public meeting on April 20, 2009 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2009 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council accept the recommendation of Pennington County Assessor Olson to change the classification of Lots 1-6,

Block 5 and Lots 1-9 Block 3 of Allwood Acres Addition (Parcel No.'s 25-064-021-30 through 25-064-032-30 and 25-064-041-50 through 25-064-046-50) to wetland and 2009 estimated market value changed to the wetland value per acre value.

On vote being taken, the resolution was passed by a seven-yes vote, with Councilmember Schmalz abstaining.

**RESOLUTION NO. 5-99-09: APPROVAL OF PROTECTIVE COVENANTS**

The City Council reviewed a proposed Protective Covenants agreement with regard to City-owned property located in South Eastwood Addition. Following discussion, Councilmember Lee introduced Resolution No. 5-99-09, being seconded by Councilmember Schmalz, that:

WHEREAS, the City of Thief River Falls is the owner of real property located in portions of Block 1 and Block 2 of South Eastwood Addition; and,

WHEREAS, protective covenants are desired to restrict the uses to which such property may be used in order to protect the fair and adequate property values and to insure a desirable place to reside.

THEREFORE, BE IT RESOLVED, that the City Council authorizes and directs the Mayor and City Administrator to execute a Protective Covenants with regard to real property owned by the City of Thief River Falls, legally described as Lots 1, 2, 3, 4, 5, 6, 7, and 8 of Block 1 and Lot 1 of Block 2 and Outlots A and B of South Eastwood Addition.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-100-09: APPROVAL OF WATER SYSTEMS SUPERVISOR AND WATER SYSTEMS SUPERINTENDENT JOB DESCRIPTIONS**

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 5-100-09, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to accept a Personnel and Labor Committee recommendation to approve the job descriptions for a Water Systems Supervisor and a Water Systems Superintendent.

BE IT FURTHER RESOLVED, to authorize the Public Utilities Committee to pursue interviews of current Water and Wastewater Department supervisory personnel for filling of these positions.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-101-09: APPROVAL OF 2009 CITY ADMINISTRATOR AND FINANCE DIRECTOR SALARY AND BENEFITS PACKAGE**

A Personnel and Labor Committee recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 5-101-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to accept the Personnel and Labor Committee recommendation and approve the 2009 Salary and Benefits Memorandum of Understanding for the City Administrator and Finance Director as presented by the Committee.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-102-09: APPROVAL OF ANNEXATION AND COMPENSATION AGREEMENT WITH RED LAKE ELECTRIC COOPERATIVE, INC.**

The City Council reviewed a proposed Annexation and Compensation Agreement with Red Lake Electric Cooperative. Following discussion, Councilmember Cullen introduced Resolution No. 5-102-09, being seconded by Councilmember Kajewski, that:

WHEREAS, Cooperative and City did enter into an Agreement dated September 2, 2008, regarding City compensating Cooperative for annexation of real property containing Cooperative Service Territory ("Agreement") and

WHEREAS, City has annexed the following real property located within the County of Pennington and State of Minnesota:

**Tract 1**

Government Lot Two (2), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, excepting therefrom:

That part of Government Lot 2, Section 2, in Township 153 North of Range 43 West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the north line of said Government Lot 2 a distance of 1412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the north line of said Government Lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning (St. Francis Real Property);

**Tract 2**

The East 400 feet of the North 550 feet of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, (Pamela Pals Real Property );

**Tract 3**

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 866 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence from this point of beginning, running North a distance of 169 feet to a point; thence Southeasterly in a straight line to a point on the South line of Government Lot 1 which is 936 feet East of the center line of County Ditch No. 1; thence running West upon the South line of said Government Lot 1 a distance of 70 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 936 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence running Northwesterly along and upon a line parallel to and 936 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence running East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence running Southeasterly along a line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning, (Lois Peterson Real Property);

That part of Government Lot One (1), Section Two (2), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian, lying East of the Center line of present County Ditch No. 1, described as follows: Beginning at a point on the South line of Government Lot 1 a distance of 1,040 feet East of a point where the South line of said Government Lot 1 intersects with the center line of County Ditch No. 1; thence Northwesterly along and upon a line parallel to and 1,040 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point; thence East along a line parallel to the South line of said Government Lot 1 a distance of 104 feet to a point; thence Southeasterly along a line parallel to and 1,144 feet East of the center line of said County Ditch No. 1 a distance of 209 feet to a point on the South line of said Government Lot 1; thence West along the South line of said Government Lot 1 a distance of 104 feet to the point of beginning, (Lois Peterson Real Property);

**Tract 4**

That part of Government Lot Two (2), Section Two (2), in Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian described as follows: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the north line of said Government Lot 2 a distance of 1,412.74 feet to the point of beginning of the tract to be described; thence continuing North 89 degrees 45 minutes 40 seconds East along the North line of said Government lot 2 a distance of 779.12 feet to an iron pipe monument at the intersection with the westerly right of way line of Trunk Highway No. 59; thence South 39 degrees 50 minutes 14 seconds East along said right of way line 366.40 feet; thence South 86 degrees 24 minutes 51 seconds West 625.99 feet; thence North 50 degrees 48 minutes 23 seconds West 502.02 feet to the point of beginning (Lyle Paulson and Colleen M. Paulson Real Property).

WHEREAS, City desires to provide electric service to the Real Property and to include the Real Property in City's Service Territory, and

NOW, THEREFORE, In consideration of the conditions and covenants expressed herein, the parties hereto, their successors and assigns, agree as follows:

1. ANNEXATION. Pursuant to said Agreement, Cooperative does consent to City annexing Cooperative Service Territory contained within the Real Property and to City providing electric service to the Real Property.

2. SERVICE BY THE CITY. The City shall provide electric service to the Real Property starting on the date of annexation.

3. COMPENSATION. As compensation for the annexation of Cooperative's Service Territory within the Real Property, City shall pay to Cooperative compensation of \$0.013 per kilowatt hour for existing electric accounts and \$0.013 per kilowatt hour for new electric accounts within the Cooperative's Service Territory that was located in the Real Property.

4. PAYMENT. The City will pay the Cooperative the compensation due within 45 days of the end of each calendar year. Partial year compensation shall also be paid within 45 days of the end of each calendar year.

5. PERIOD OF COMPENSATION. The period of compensation shall be as set forth in Paragraph 2.2 of the Agreement.

6. ADDITIONAL ACCOUNTS. For a period of 10 years following Date of Start of Compensation (as defined in the Agreement), City will notify Cooperative in writing of any additional electric accounts established within the Cooperative's Service Territory that was located in the Real Property prior to December 31<sup>st</sup> of each year. City shall compensate Cooperative for those electric accounts as set forth in this Agreement.

7. SERVICE TERRITORY MAP. Both parties will request that the service territory map be amended by the appropriate state agencies in recognition of this Agreement.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-103-09 APPROVAL OF ADMINISTRATION CONTRACT WITH NORTHWEST MINNESOTA MULTI-COUNTY HOUSING AND REDEVELOPMENT AUTHORITY**

The City Council reviewed a proposed contract with Northwest Minnesota Multi-County Housing and Redevelopment Authority. Following discussion, Councilmember Cullen introduced Resolution No. 5-103-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve a contract with Northwest Minnesota Multi-County HRA to administer the City of Thief River Falls' 2009 Small Cities Development Program Contract.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-104-09: APPROVAL OF WATER TREATMENT CHEMICAL BIDS**

The City Council reviewed bids received for Water Treatment Plant chemicals. Following discussion, Councilmember Kajewski introduced Resolution No. 5-104-09, being seconded by Councilmember Schmalz, that:

WHEREAS, Resolution No. 4-65-09 called for bids for the purchase of Water Treatment Plant chemicals; and,

WHEREAS, the following bids were opened and calculated at 11:00 a.m. on April 24, 2009 in the City Council Chambers:

Pebble Quicklime	No bids received.	
Ferric Sulfate	Hawkins, Inc.	\$753.60/ton
	Thatcher	\$753.80/ton
Sodium Tripolyphosphate	Hawkins, Inc.	\$3,660.00/ton
	Carcus Corp	\$2,840.00/ton
	Thatcher	\$3,019.80/ton
Chlorine	DPC Industries	\$1,340.00/ton
	Hawkins, Inc.	\$1,548.00/ton
C02	POET	\$135.00/ton
Hydrofluorosilicic Acid	DPC Industries	\$4.77/gallon
	Hawkins, Inc.	\$5.6320/gallon
Anhydrous Ammonia	DPC Industries	\$2.566/pound
	Hawkins, Inc.	\$2.54/pound
Anionic Polyacrylamide Flocculant	NALCO	\$1.74/pound
	SNF Polydyne	\$0.09/pound
Powdered Activated Carbon	Hawkins, Inc.	\$0.9239/pound
	Norit Americas	\$0.7500/pound
	Thatcher	\$0.8349/pound
Potassium Permanganate	DPC Industries	\$3.7500/pound
	Hawkins, Inc.	\$3.3000/pound
	Thatcher	\$2.9490/pound
	American Intl Chemical	\$2.5800/pound

THEREFORE, BE IT RESOLVED, by the City Council, to accept the following bids:

Ferric Sulfate – Hawkins, Inc. - \$753.60/ton  
Sodium Tripolyphosphate – Carus Corp - \$2,840.00/ton  
Chlorine – DPC Industries - \$1,340.00/ton  
CO<sub>2</sub> – POET - \$135.00/ton  
Hydrofluorosilicic Acid – DPC Industries - \$4.77/gallon  
Anhydrous Ammonia – Hawkins, Inc. - \$2.54/pound  
Potassium Permanganate – American Intl Chemical - \$2.5800/pound

BE IT FURTHER RESOLVED, that the City Council hereby rejects all bids received for the purchase of: Powered Activated Carbon and Anionic Polyacrylamide Flocculant.

It should be noted that no bids were received for the purchase of Pebble Quicklime.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 5-105-09: APPROVAL OF R & K PROPERTIES COMMERCIAL ENERGY RENOVATION LOAN**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 5-105-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the Community Development Advisory Board met on May 4, 2009 to consider a loan application submitted by Ron Winter and Michael Jorgenson, d.b.a. R & K Properties, owners of property located 119 – 121 2<sup>nd</sup> Street West, to assist in the financing for the installation of a new energy efficient heating and cooling system; 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 to grant Ron Winter and Michael Jorgenson, d.b.a. R & K Properties a \$7,684.00 Commercial Energy Renovation Loan for the installation of a new energy efficient heating and cooling system at 119 – 121 2<sup>nd</sup> Street West. The loan will be payable over five years at zero percent interest.

On vote being taken, the resolution was unanimously passed.

### **UPCOMING MEETINGS**

- Arbor Day Ceremony – May 6, 2009 at Oakland Park
- Public Utilities Committee Meeting – May 11, 2009 at 4:30 p.m.
- Parks and Recreation/Public Safety Committee Meeting – May 12, 2009 at 4:30 p.m.
- Public Works Committee Meeting – May 13, 2009 at 4:30 p.m.
- Groundbreaking Ceremony for Wheatland Estates – May 14, 2009
- Administrative Services Committee Meeting – May 14, 2009 at 4:30 p.m.
- City Council Meeting – May 19, 2009 at 5:00 p.m.
- Census 2010 and Complete County Committee Town Hall – May 19, 2009 at 6:30 p.m. in the City Council Chambers

### **ITEMS FOR INFORMATION**

- Presentation by Dave Kildahl – Design of Canadian Pacific Railroad Bypass Track at Greenwood Street
- Arbor Day – Tree City USA

### **ADJOURNMENT**

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 7:16 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned.

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Steve Nordhagen, Mayor

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