

COUNCIL PROCEEDINGS

May 19, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on May 19, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Kajewski, Lee, Schmalz and Mayor Nordhagen. Councilmember Holten was absent. Mayor Nordhagen chaired the meeting.

APPROVAL OF AGENDA

Councilmember Kajewski motioned, being seconded by Councilmember Schmalz, to approve the agenda with the addition of five items and the removal of the Temporary 3.2% Malt Liquor License to the Chamber of Commerce to be referred to the Parks and Recreation/Public Safety Committee. On vote being taken, the motion was unanimously approved and the agenda adopted.

RESOLUTION NO. 5-106-09: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-106-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve the May 5, 2009 Council Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-107-09: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-107-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$1,650,479.95. 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. 5-108-09: APPROVAL OF PROGRESSION RAISE FOR LYNETTE LANE, BILLING CLERK

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-108-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to grant Lynette Lane, Billing Clerk a progression raise to Step 3 of the Grade Level 4 Non-Union salary schedule (post 2006 hire), effective June 5, 2009.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-109-09: APPROVAL OF TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE EXTENSION TO OUTSIDE AREA FOR EAGLES AERIE CLUB

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-109-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve a temporary extension of the Eagles Club On-Sale Intoxicating Liquor License to an outside designated area effective on June 6, 2009 from 2:00 p.m. until 9:00 p.m.

Approval is based upon the City receiving the required Certificate of Insurance specifically adding the designated outdoor area.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-110-09: APPROVAL OF BEER IN THE PARK PERMIT FOR VFW 2793

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-110-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve a Beer in the Park Permit for the VFW Post 2793 at Oakland Park on Sunday, July 26, 2009 from Noon until 6:00 p.m.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-111-09: ADOPTION OF MOSQUITO CONTROL PLAN

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-111-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to adopt the 2009 Mosquito Control Plan as follows:

Larviciding: Larviciding will start in late May or early June depending upon the weather. Target areas will be identified and appropriate larvicides will be used. Most larvicides will have a 30-day residual. The dates will be recorded for these areas. This procedure will continue all summer with concentrated efforts after a rain of one inch or more.

Monitoring: Three New Jersey light traps and one CO2 trap will be set out in Northrup Park, Lion's Park and the Tourist Park in early June. Counts will start at this time and each trap will be emptied every morning. Only female mosquitoes will be counted. The numbers in each trap will be averaged to see if threshold numbers have been reached (approximately 100 mosquitoes per trap).

Adulticiding (Fogging): If threshold levels have been found in City traps, fogging operations will begin. The City usually will start fogging some time after 8:00 p.m. if weather conditions are right. The wind needs to be less than 10 m.p.h. and the temperature 55 degrees or above. Two ULV foggers will be used with one on each side of the river. Fogging time will be approximately four hours for alleys only. If the trap counts are high, the City may fog the avenues along with the alleys. This will take around five hours to cover the entire corporate city limits using two machines.

West Nile and other Mosquito Borne Diseases: City Staff will identify the Culex Tarsalis mosquito, the primary vector of West Nile in Minnesota. If the average number of Culex Tarsalis mosquitoes in the City traps is greater than 10, the City will conduct a city-wide fogging at the next window of opportunity, weather and temperature permitting.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-112-09: APPROVAL OF TEMPORARY 3.2% MALT LIQUOR LICENSE TO PENNINGTON COUNTY FAIR ASSOCIATION

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 5-112-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to approve the issuance of 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. 5-113-09: APPROVAL OF RESIDENTIAL UTILITY BILL CREDIT CARD PAYMENT FLAT FEE

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 5-113-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the City of Thief River Falls provides to customers the convenience of paying utility bills online; and,

WHEREAS, the cost of this convenience has been passed along to the users via a 3% fee on the credit card transaction; and,

WHEREAS, the City has been notified that the VISA credit card company will no longer allow the City to charge a percentage fee on credit card transactions. THEREFORE BE IT RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation that the City shall accept credit card payments for utility bills from residential customers only and shall charge a \$4.00 flat fee effective May 19, 2009.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-114-09: ACCEPTANCE OF HDR ENGINEERING QUOTE FOR SHOO-FLY TRACK – GREENWOOD STREET RAILROAD UNDERPASS PROJECT

A Public Works Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 5-114-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the following two quotes were reviewed by the Public Works Committee for engineering service of the design of a shoo-fly track for the Greenwood Street railroad underpass project:

TKDA Engineers	\$28,300.00
HDR Engineering, Inc.	\$20,000.00

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Works Committee recommendation to accept the quote submitted by HDR Engineering, Inc. in the amount not to exceed \$20,000.00 for engineering services relating to the design of a shoo-fly track for the Greenwood Street railroad underpass project.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-115-09: ACCEPTANCE OF HOUGH, INC. OF DETROIT LAKES BID FOR 2009 UTILITIES IMPROVEMENT PROJECT (SCHEDULE A)

A Public Works Committee recommendation was presented. Following discussion, Councilmember Cullen, introduced Resolution No. 5-115-09, being seconded by Councilmember Erickson, that:

WHEREAS, pursuant to an advertisement for bids for the 2009 Utilities Improvement Project (Schedule A), improvements described as:

- 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

Bids were received, opened, and tabulated according to law and the following bids were received complying with the advertisement:

Hough, Inc. of Detroit Lakes	\$563,338.00
Spruce Valley Corporation	\$592,412.00
Davidson Construction, Inc.	\$604,047.90

Christiansen Industrial Developers	\$605,467.00
Sellin Brothers, Inc.	\$637,426.75
Wagner Construction, Inc.	\$648,742.90
Northdale Construction Company	\$672,007.56
Gladen Construction, Inc.	\$705,554.45
Quam Construction Company	\$787,508.15
Duininck, Inc.	\$886,115.80

WHEREAS, Hough, Inc. of Detroit Lakes appears to be the lowest responsible bidder.

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 Hough, Inc. of Detroit Lakes for the 2009 Utilities Improvement Project (Schedule A), according to the Plans and Specifications approved by the City Council and on file in the Office of the City Administrator. The award is subject to the City's receipt of a utility easement executed by St. Francis Health Care Services for the property required for utilities installation.
- 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. 5-116-09: RESOLUTION ORDERING COUNTY ROAD #62 (SOUTH ELEVENTH STREET) RELOCATION AND PREPARATION OF PLANS AND SPECIFICATIONS – 2009 IMPROVEMENT PROJECT (SCHEDULE B)

A Public Works Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 5-116-09, being seconded by Councilmember Lee, that:

WHEREAS, during the 2009 Improvement Project public hearing conducted on February 26, 2009 the proposed St. Francis Care Center Site utilities extension and County Road 62 relocation were presented; and,

WHEREAS, Resolution No. 3-47-09, adopted on March 3, 2009, authorized the utilities extension portion of the project to be included, but did not include the relocation of County Road 62.

THEREFORE, BE IT RESOLVED, that the City Council, to order the relocation of County Road 62 (South Eleventh Street) – Schedule B of the 2009 Improvement Project and order the preparation of plans and specifications by Widseth Smith Nolt-

ing. The City Council declares its official intent to provide funds for the improvement through the use of Municipal State Aid Street Construction Funds and direct invoicing to adjacent benefitted properties.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-117-09: AUTHORIZATION FOR WIDSETH SMITH NOLTING TO PROCEED WITH PLATTING OF PORTION OF GOVERNMENT LOT 2, SECTION 2 IN TOWNSHIP 153 NORTH, RANGE 43 WEST (FORMER LYLE PAULSON PROPERTY)

A Public Works Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 5-117-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to accept a Public Works Committee recommendation to authorize and direct the engineering firm of Widseth Smith Nolting (WSN) to proceed with the platting of City-owned property legally described as:

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 SW1/4NW1/4 of said Section 2; thence North 89 degrees 45 minutes 50 seconds East, assumed bearing, along the north line of said SW1/4NW1/4 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.

WSN shall prepare a boundary survey and preliminary/final plat of the property for a fee of \$6,800.00.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-118-09: ACCEPTANCE OF LES COTA PROPOSAL FOR 2009 GRASS MOWING SERVICE

Following discussion, Councilmember Kajewski introduced Resolution No. 5-118-09, being seconded by Councilmember Schmalz, that:

WHEREAS, the City requested proposals to provide grass mowing services for the 2009 season and the proposals were opened on Monday, May 18, 2009; and,

WHEREAS, the City received one proposal submitted by Les Cota.

THEREFORE, BE IT RESOLVED, by the City Council, to approve an Independent Service Contract with Leslie Cota to perform grass mowing services for the City of Thief River Falls, effective May 20, 2009 through December 15, 2009. The City shall pay Mr. Cota \$33.00 per lot for grass mowing and for other mowing services the City shall pay \$35.00 per hour for mowing by lawnmower or \$43.00 per hour for mowing by tractor.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-119-09: APPROVAL OF JUSTIFICATION AND NEED FOR IMPROVEMENTS TO THE AIRPORT RUNWAY/TAXIWAY

Following discussion, Councilmember Bendickson introduced Resolution No. 5-119-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the recently completed Airport Master Plan for the Thief River Falls Regional Airport called for a 1,000 foot extension to Runway 13-31; and,

WHEREAS, a study is required to determine the condition of Runway 13-31 (PCI 69-2003) and whether rehabilitation or reconstruction of the pavement is recommended.

THEREFORE, BE IT RESOLVED, by the City Council, to complete a study to justify a 1,000 foot extension for Runway 13-31 as well as to provide a recommendation for either pavement rehabilitation or reconstruction. The total estimated project cost of \$34,200.00 is eligible for 95% FAA funding and 5% City responsibility.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-120-09 APPROVAL TO REBID THREE WATER TREATMENT PLANT CHEMICALS

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 5-120-09, being seconded by Councilmember Lee, that:

WHEREAS, Resolution No. 5-104-09 accepted the bids for several chemicals used by the Water Treatment; and,

WHEREAS, the same resolution rejected the bids received for Powered Activated Carbon and Anionic Polyacrylamide Flocculant; and the resolution noted that the City did not receive any bids for Pebbled Quicklime.

THEREFORE, BE IT RESOLVED, to call for bids for the purchase of the following chemicals used by the Water Treatment Plant: Powered Activated Carbon, Anionic Polyacrylamide Flocculant, and Pebbled Quicklime. Bids shall be opened at 2:00 p.m. on June 12, 2009 at the City Council Chambers.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-121-09: APPROVAL OF SUBORDINATION AGREEMENT FOR PAUL AND JACKIE GONSOROWSKI REGARDING SLOW SECOND MORTGAGE

A Subordination Agreement was presented. Following discussion, Councilmember Lee introduced Resolution No. 5-121-09, 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 Paul and Jackie Gonsorowski and CitiMortgage, Inc., on property legally described as Lot One (1), Block Two (2), Zeh's Third Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-122-09: APPROVAL OF SUBORDINATION AGREEMENT FOR PAUL AND JACKIE GONSOROWSKI REGARDING HEAT PUMP LOAN

A Subordination Agreement was presented. Following discussion, Councilmember Lee introduced Resolution No. 5-122-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, that the City hereby agrees to subordinate its position on a Heat Pump Loan with Paul and Jackie Gonsorowski and CitiMortgage, Inc., on property legally described as Lot One (1), Block Two (2), Zeh's Third Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 5-123-09: FIRST READING OF ORDINANCE TO AMEND CITY CODE EMPLOYMENT BACKGROUND CHECKS AND LICENSE BACKGROUND CHECKS

An ordinance was presented to the City Council for consideration. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Schmalz, to introduce Resolution No. 5-123-09, to call for the first reading of an ordinance amending the requirements for conducting background checks. On vote being taken, the Chair declared the motion unanimously carried and the resolution approved.

City Attorney Ihle presented the first reading of an ordinance amending City Code Chapter 32.63, which among other things, requires the City Police Department to conduct criminal

history background investigations on applicants for City employment and applicants for liquor licenses.

The proposed ordinance shall be presented again at the June 2, 2009 Council Meeting.

CITY COUNCIL COMMITTEE REPORTS

- Public Utilities Committee – Odette Bendickson, Chair
- Parks & Recreation/Public Safety Committee – Steve Nordhagen, Chair
- Public Works Committee – Floyd Erickson, Chair

UPCOMING MEETINGS

- Planning Commission Meeting – May 18, 2009 at 7:00 p.m.
- Census 2010 Town Hall Meeting – May 19, 2009 at 6:30 p.m.
- City Council/County Commissioner Meeting – June 1, 2009 at 7:00 a.m. at Dee's Kitchen
- City Council Meeting – June 2, 2009 at 5:00 p.m.

ITEMS FOR INFORMATION

- Thief River Falls Police Department 2008 Annual Report.

ADJOURNMENT

There being no further discussion, Councilmember Erickson moved, being seconded by Councilmember Schmalz, to adjourn the meeting to June 1, 2009 for the City/County Meeting at 7:00 a.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