

## COUNCIL PROCEEDINGS

June 2, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on June 2, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Lee, Schmalz and Mayor Nordhagen. Councilmembers Holten and Kajewski were absent. Mayor Nordhagen chaired the meeting.

### **APPROVAL OF AGENDA**

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

### **PROCLAMATION**

Mayor Nordhagen was presented with a Ride to Work Day Proclamation. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Lee, to support the Mayor in designating June 15, 2009 as "Ride to Work Day". On vote being taken, the Chair declared the motion unanimously carried.

### **RESOLUTION NO. 6-124-09: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-124-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to approve the May 19, 2009 Council Proceedings, as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 6-125-09: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-125-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$679,880.55. 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. 6-126-09: APPROVAL OF TEMPORARY 3.2% MALT LIQUOR LICENSE TO CHAMBER OF COMMERCE**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-126-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to authorize the issuance of a Temporary 3.2% Malt Liquor License to the Chamber of Commerce effective Saturday, August 1, 2009 at LaFave Park from 11:00 a.m. until 2:00 p.m.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-127-09: APPROVAL TO SUBMIT ANNEXATION AND COMPENSATION AGREEMENT WITH RED LAKE ELECTRIC TO THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-127-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to submit a copy of the Annexation and Compensation Agreement, dated May 5, 2009, between the City of Thief River Falls and Red Lake Electric Cooperative, Inc. to the Minnesota Public Utilities Commission.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-128-09: APPROVAL OF SUBORDINATION AGREEMENT FOR SETH AND LISA ANDERSON REGARDING SLOW SECOND MORTGAGE**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 6-128-09, 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 Seth and Lisa Anderson and Community Bank of the Red River Valley, 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. 6-129-09: ADOPTION OF ORDINANCE NO. 43, 3<sup>RD</sup> SERIES, AN ORDINANCE AMENDING THE REQUIREMENT FOR BACKGROUND CHECKS ON EMPLOYMENT AND LIQUOR LICENSE APPLICANTS**

Ordinance No. 43, 3<sup>rd</sup> Series was presented to the City Council. Councilmember Schmalz introduced Resolution No. 6-129-09, being seconded by Councilmember Lee, that:

WHEREAS, the first reading of an ordinance amending City Code Chapter 32.63, regulating background and motor vehicle record checks on certain applicants for employment and liquor licenses, was accomplished by Resolution No. 5-123-09.

THEREFORE, BE IT RESOLVED, by the City Council, to adopt Ordinance No. 43, 3<sup>rd</sup> Series, an ordinance amending City Code 32.63, that shall, among other

things, require the City Police Department to conduct criminal history background checks and motor vehicle record checks on certain applicants for employment and applicants for liquor licenses. 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.

**RESOLUTION NO. 6-130-09: APPROVAL OF 2009-2011 NON-UNION SALARY AND BENEFITS PACKAGE**

A Personnel and Labor Committee recommendation was presented to the City Council. Following discussion, Councilmember Bendickson introduced Resolution No. 6-130-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the Personnel and Labor Committee recommendation and approve the 2009-2011 Non-Union Salary and Benefits package as presented by the Committee.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-131-09: APPROVAL OF 2009 IMPROVEMENT PROJECT SCHEDULE B PROJECT PLANS AND SPECIFICATIONS AND CALLING FOR BIDS**

Information was presented with regard to the 2009 Improvement Project. Following discussion, Councilmember Schmalz introduced Resolution No. 6-131-09, being seconded by Councilmember Lee, that:

WHEREAS, pursuant to Resolution No. 5-116-09, Widseth Smith and Nolting and the City's Engineering Technical Services Department have prepared plans and specifications for Schedule B of the 2009 Improvement Project, consisting of relocation of County Road 62; 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 July 9, 2009 at

11:00 a.m. by the City Administrator and Assistant Public Works Director. They shall present their recommendation to the City Council on July 21, 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. 6-132-09: APPROVAL OF ISAAK'S TREE SERVICE QUOTE FOR BOULEVARD/PARK STUMP REMOVAL**

The City Council reviewed quotes received for boulevard/park stump removal. Following discussion, Councilmember Lee introduced Resolution No. 6-132-09, being seconded by Councilmember Erickson, that:

WHEREAS, the following three quotes were received for boulevard/park stump removal services:

Isaak's Tree Service:

Stump Grinding Only	\$1.00 per stump diameter inch
With Cleanup	\$1.25 per stump diameter inch
With Cleanup & Fill	\$1.50 per stump diameter inch

B&K Stump Removal:

Stump Grinding Only	\$1.50 per stump diameter inch
With Cleanup	\$2.00 per stump diameter inch
With Cleanup & Fill	\$2.80 per stump diameter inch

Wayne's Lawn Service:

Stump Grinding Only	\$1.50 per stump diameter inch
With Cleanup	\$2.50 per stump diameter inch
With Cleanup & Fill	\$4.50 per stump diameter inch

THEREFORE, BE IT RESOLVED, by the City Council, to accept the quote submitted by Isaak's Tree Service for boulevard/park stump removal services effective July 1, 2009 through June 30, 2010. The rate structure quoted and accepted is:

Stump Grinding Only	\$1.00 per stump diameter inch
With Cleanup	\$1.25 per stump diameter inch
With Cleanup & Fill	\$1.50 per stump diameter inch

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-133-09: APPROVAL OF QUOTE FROM DAVIDSON WELL COMPANY FOR REMOVAL OF PUMPS AND SEALING OF WELLS AT OAKLAND PARK**

The City Council reviewed quotes received for removal of pumps and sealing of wells at Oakland Park. Following discussion, Councilmember Lee introduced Resolution No. 6-133-09, being seconded by Councilmember Erickson, that:

WHEREAS, the following two quotes were received for removal of submersible pumps and sealing of two wells at Oakland Park:

Davidson Well Company	\$4,600.00
Larry Roisland Well & Pump	\$5,000.00

THEREFORE, BE IT RESOLVED, by the City Council, to accept the low quote submitted by Davidson Well Company in the amount of \$4,600.00 to remove the submersible pumps and to seal two wells located in Oakland Park.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-134-09: JOINT RESOLUTION ESTABLISHING AN ORDERLY ANNEXATION AGREEMENT BETWEEN NORTH TOWNSHIP AND THE CITY OF THIEF RIVER FALLS**

The City Council reviewed a proposed annexation into the City limits. Following discussion, Councilmember Bendickson introduced Resolution No. 6-134-09, being seconded by Councilmember Cullen, that:

WHEREAS, The City of Thief River Falls, Minnesota, (hereafter "City"), did receive two separate Petitions for Annexation of Real Property into the City due to the need of utilities and other services provided by the City, and

WHEREAS, All of the owners of the Real Property to be annexed pursuant to this Agreement did sign the Petitions for Annexation, and

WHEREAS, The respective governing bodies of North Township (hereafter "Town") and City had expressed their desire to encourage future development of Real Property near the City so as to promote the development of municipal services and urban growth as much as is practical, while respecting the existing rural residential life styles of other areas within the Town, and

WHEREAS, The Petition for Annexation concerns that Real Property located within the Township of North, County of Pennington, and State of Minnesota described as follows:

A parcel of land which is part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Thirty-two (32), Township One Hundred Fifty-four (154) North of Range Forty-three (43) West, bounded as follows:

Beginning at a point on the East line of said Section Thirty-two (32) which point lies 1,240 feet South of the intersection of the South line of First Street and the said East line of Section Thirty-two (32); thence in a westerly direction along a line parallel to the said South line of First Street a distance of 845 feet; thence in a southerly direction along a line parallel to the East line of said Section Thirty-two (32) a distance of 2,078.7 feet to the south line of said Section Thirty-two (32); thence in an easterly direction along the said South line of Section Thirty-two (32) a distance of 845.16 feet to the Southeast corner of said Section Thirty-two (32); thence in a northerly direction along the East line of said Section Thirty-two (32) a distance of 2,057 feet to the point of beginning, less the Southerly 595 feet thereof.

AND

A parcel of land which is a part of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty two (32), Township One Hundred Fifty-four (154) North of Range Forty-three (43) West of the Fifth Principal Meridian, bounded as follows:

Commencing at a point on the East line of said Section Thirty-two (32) lying 1,240 feet South of the South line of First Street in Thief River Falls, Minnesota; thence West at right angles to said East line a distance of 845 feet to the point of beginning; thence continuing West to the West line of said SE $\frac{1}{4}$ ; thence southerly along said West line to the Southwest corner of said SE $\frac{1}{4}$ ; thence Easterly along the South line of said SE $\frac{1}{4}$  to a point lying 1,585.16 feet Westerly of the Southeast corner of said Section 32; thence North along a line parallel with the East line of said Section 32 a distance of 610 feet; thence Easterly along a line parallel with the South line of said Section 32 a distance of 740 feet; thence North along a line parallel with the said East line, to the point of beginning;

TOGETHER WITH

That part of abandoned Barzen Avenue in the City of Thief River Falls extending from its intersection with Greenwood Street on the South and thence running Northerly for 1250 feet; excepting any utility easements.  
(Digi-Key Property)

AND

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 ( $W\frac{1}{2}$ ) 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. (Greenwood Property)

WHEREAS, The City and Town desire to accommodate the Petitions for Annexation to encourage growth in a cooperative, planned, and orderly fashion, and

WHEREAS, This Joint Resolution creating an Orderly Annexation Agreement (hereafter "Agreement") is beneficial to both parties to promote orderly planning, the orderly transition of government within the Real Property proposed to be annexed, promote continuity of city boundaries, and establish the condition under which such annexation shall take place,

WHEREAS, The Town and City jointly request the immediate annexation of the Real Property described herein into the City, and

WHEREAS, The notice requirements of Minnesota Statutes, Section 414.0325, Subd. 1(b) is not applicable as all of the Real Property owners have petitioned for the immediate annexation of their real property,

NOW, THEREFORE, BE IT RESOLVED, In consideration of the mutual terms and conditions contained herein, Town and City hereby enter into this Agreement to provide for the orderly annexation of the Real Property herein described into the City upon the following terms and conditions:

1. Real Property Designated For Annexation. The unincorporated Real Property designated for orderly annexation is located in the Township of North, County of Pennington and State of Minnesota and is described as follows:

The Real Property is shown on the map attached hereto and made a part hereof as Exhibit "A".

2. Acreage and population. The Digi-Key Real Property consists of approximately \_\_\_\_\_ acres, the population of the Real Property is currently 0. The Greenwood Real Property consists of approximately 27 acres; the population of the Real Property is currently 9.

3. Jurisdiction. Upon approval by the Town Board and City Council, this Agreement shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, Section 414.011 (Subd. 12) (hereafter "Chief Judge"), to accomplish said annexation in accordance with the terms of this Agreement.

4. Review and Comment by Chief Judge. The Town and City mutually agree and state that this Agreement sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary for annexation to occur within the Real Property in accordance with this Agreement. Additionally, no alteration of the boundaries by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within thirty days, order the annexation in accordance with the terms of this Agreement.

5. Effective Date. This Agreement is effective on the date it is last adopted by the Town and City. The annexation provided for by this Agreement shall be effective upon the issuance of the Order by the Chief Judge. The provisions of this Agreement shall be binding unless otherwise modified by a joint resolution of both the Town and City. This Agreement is only meant to apply to the Real Property described herein and not to any other area within the Town.

6. Reasons for Annexation. The reasons for the annexation of the Real Property described herein include the Town's and City's collective determination that: The Real Property is now, or is about to become, urban or suburban in character; that the Real Property is in need of utilities such as sanitary sewer, storm sewer, and water; the type of development proposed for the Real Property is more consistent with development within the City; and at this time the annexation would be in the best interest of the Petitioners, the City, and the Town.

7. Timing of Tax Levy. Pursuant to Minnesota Statutes, Section 414.0325, Subd. 4b, because the annexation provided for in this Agreement will be effective prior to August 1, 2009, the City may levy on the annexed area beginning with the same levy year.

8. Property Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the reimbursement from the City to the Town shall be as follows:

First Year	90%
Second Year	70%
Third Year	50%
Fourth Year	30%
Fifth Year	10%

9. Authorization. The appropriate officers of the Town and City are hereby authorized to carry out the terms of this Agreement.

10. Entire Agreement. The terms, covenants, conditions, and provisions of this Agreement, including Exhibit "A", which is attached hereto and incorporated herein by reference, shall constitute the entire Agreement between the Town and City, unless amended by joint resolution of Town and City.

11. Governing Law. This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.

On vote being taken, the resolution was unanimously passed.

### **UPCOMING MEETINGS**

- Public Utilities Committee Meeting – June 8, 2009 at 4:30 p.m.

- Parks and Recreation/Public Safety Committee Meeting – June 9, 2009 at 4:30 p.m.
- Public Works Committee Meeting – June 10, 2009 at 4:30 p.m.
- Administrative Services Committee Meeting – June 11, 2009 at 4:30 p.m.
- Planning Commission Meeting – June 15, 2009 at 7:00 p.m.
- City Council Meeting – June 16, 2009 at 5:00 p.m.

**ADJOURNMENT**

There being no further discussion, Councilmember Schmalz moved, being seconded by Councilmember Erickson, to adjourn the meeting at 5:15 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