

COUNCIL PROCEEDINGS

July 21, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on July 21, 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 Cullen motioned, being seconded by Councilmember Kajewski, 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. 7-160-09: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-160-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve the July 7, 2009 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-161-09: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-161-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$2,072,035.09. 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. 7-162-09: APPROVAL OF PROGRESSION RAISES FOR PATROL OFFICERS SETH VETTLESON, MARISSA ADAM, RYAN BASSETT, AND ANDREW HART

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-162-09, being seconded by Councilmember Kajewski, that:

BE IT RESOLVED, by the City Council, to approve the following progression raises for the following patrol officers:

Seth Vettleson – Progress to Step 3 of 4, Grade 6 (Schedule B) of the LELS salary schedule effective August 13, 2009;

Marissa Adam – Progress to Step 3 of 4, Grade 6 (Schedule B) of the

LELS salary schedule effective August 6, 2009;

Ryan Bassett – Progress to Step 7 of 7, Grade 6 (Schedule A) of the
LELS salary schedule effective August 1, 2009; and,

Andrew Hart – Progress to Step 4 of 4, Grade 6 (Schedule B) of the
LELS salary schedule effective July 31, 2009;

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-163-09: APPROVAL OF V.F.W. POST 2793 TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE EXTENSION TO OUTDOOR PATIO AREA

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-163-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve a temporary extension of the V.F.W. Post 2793 On-Sale Intoxicating Liquor License to a defined outdoor patio area on Sunday, August 23, 2009 from Noon until 9:00 p.m.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-164-09: APPROVAL OF BEER IN THE PARK PERMIT FOR PHILLIPS FAMILY REUNION

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-164-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize a Beer in the Park Permit for the Phillips Family Reunion (Marlene Rodriguez) at Oakland Park on August 8, 2009 from Noon to 11:00 p.m. and August 9, 2009 from 10 a.m. until 2 p.m.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-165-09: APPROVAL OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF THIEF RIVER FALLS AND THE THIEF RIVER FALLS AMATEUR HOCKEY ASSOCIATION

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-165-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to enter into a reimbursement agreement with the Thief River Falls Amateur Hockey Association (TRFAHA) whereby the City will reimburse TRFAHA for concession stand services at the Ralph Engelstad Arena and the Huck Olson Memorial Civic Center. Reimbursement for the services provided shall be at a rate of 13% of

gross sales, net of sales tax, during the events staffed by TRFAHA members.
Term of the agreement shall be from August 1, 2009 through July 31, 2010.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-166-09: APPROVAL OF CHINA KING, INC. COMMERCIAL ENERGY RENOVATION LOAN

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 7-166-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept a Community Development Advisory Board recommendation to grant China King, Inc. 304 Third Street East, a \$14,545.22 Commercial Energy Renovation Loan for financing of replacement of the existing heating and cooling systems. The loan shall be payable over seven years at zero percent interest.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-167-09: ADOPTION OF RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN SMALL CITIES DEVELOPMENT PROGRAM

A resolution required to enable the City to participate in the Minnesota Small Cities Development Program was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 7-167-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the City of Thief River Falls anticipates participating in the Minnesota Small Cities Development Program. Through this participation, rehabilitation of owner and renter occupied properties will occur. The consequence of the proposed activities is that the potential for displacement exists, although it is not anticipated. The purpose of the Residential Anti-Displacement and Relocation Assistance Plan is to describe the steps the City shall take to mitigate the adverse effects of displacement on low and moderate-income persons; and,

WHEREAS, the City of Thief River Falls will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974. All replacement housing will be provided within three years after the commencement of the demolition or conversion; and,

WHEREAS, the City of Thief River Falls will provide relocation assistance, as described in 24 CFR, Part 570.488(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity; and,

WHEREAS, consistent with the goals and objectives of activities assisted under the Act, the City of Thief River Falls will take steps to minimize the displacement of persons from their homes.

THEREFORE, BE IT RESOLVED, by the City Council, that the City of Thief River Falls hereby adopts the Residential Anti-Displacement and Relocation Assistance Plan for the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-168-09: ADOPTION OF EXCESS FORCE POLICY

A resolution required to enable the City to participate in the Minnesota Small Cities Development Program was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 7-168-09, being seconded by Councilmember Cullen, that:

WHEREAS, the Minnesota Department of Employment & Economic Development has awarded funds to the City of Thief River Falls for the activity of owner-occupied and renter-occupied housing rehabilitation located within the City of Thief River Falls; and,

WHEREAS, the Minnesota Department of Employment & Economic Development requires grantees to adopt a policy prohibiting the use of excessive force by law enforcement personnel against individuals engaged in non-violent civil rights demonstrations.

THEREFORE, BE IT RESOLVED, that the City of Thief River Falls adopt a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against individuals in non-violent civil rights demonstrations.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-169-09: ADOPTION OF FAIR HOUSING PLAN OF ACTION AND POLICY

A resolution required to enable the City to participate in the Minnesota Small Cities Development Program was presented. Following discussion, Councilmember Bendickson introduced Resolution No. 7-169-09, being seconded by Councilmember Lee, that:

WHEREAS, the City of Thief River Falls understands, acknowledges, and affirms its obligation to further Fair Housing practices under the Housing & Community Development Act and other legislation and implementing regulations; and,

WHEREAS, the City of Thief River Falls Housing Rehabilitation Program has been designed with several Fair Housing considerations incorporated: a) compliance with applicable regulations and requirements pertaining to Fair Housing and Equal Op-

portunity; and b) execution of a contract between the City and any contractor shall include Fair Housing & Equal Opportunity language and requirements which will be binding upon contractors; and,

THEREFORE, BE IT RESOLVED, by the City Council, that beyond the specifics of the Rehabilitation Program, the City will undertake the following additional Fair Housing activities:

The City hereby adopts a Fair Housing Policy, a copy of which is on file in the Office of the City Administrator; and,

Forms shall be developed for the program which will incorporate and prominently display Fair Housing logos; and,

Distribute Fair Housing information to all program participants – including area bank officials who serve the City of Thief River Falls, to area realtors, and to other parties such as landlords and tenants; and,

HRA staff and its subcontractors will, on behalf of the City, attend Fair Housing & Equal Opportunity workshops expected to be sponsored by the MN Department of Employment & Economic Development; and,

HRA staff and its subcontractors will, on behalf of the City, work closely with MN Department of Employment & Economic Development Fair Housing/Equal Opportunity staff in order to develop and undertake other appropriate Fair Housing activities.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-170-09: ADOPTION OF PROGRAM INCOME/GENERATED INCOME PLAN FOR SMALL CITIES DEVELOPMENT PROGRAM

A resolution required to enable the City to participate in the Minnesota Small Cities Development Program was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 7-170-09, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to adopt the Small Cities Development Program Income/Generated Income Plan as follows:

The program income will be generated as deferred loans that are triggered by the sale of properties within the seven year mortgage period from an LMI contract holder to Non-LMI buyers of the specific property rehabbed, and when repayments of the three percent interest loans are made. Loan payments will be made directly to NW MN Multi-County HRA. As program income accumulates, it will be reinvested in the program by reducing the next draw request to the Department of Employment & Economic Development (DEED) by the amount of

program income collected. The HRA will submit semi-annual reports to the City regarding the status of the loan payments. If any are in default, the City will be responsible for collecting the past due amount.

After the Small Cities Development Program (SCDP) has been closed out and all records have been turned over to the City, the City will establish a revolving loan fund to be used to continue its Housing Rehabilitation Program in accordance with the Department of Employment & Economic Development approved Program Income Plan. Any generated income that is not used within two years from the reporting year received must be returned to the State of Minnesota Small Cities Development Program.

The City will be responsible for maintaining all records and reporting. The City Council has indicated at the time of application for DEED funds that the City will have NW MN Multi-County HRA administer the above funds and continue the process that is stated.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-171-09: ADOPTION OF POLICY AND PROCEDURAL GUIDE FOR THE 2009 SMALL CITIES DEVELOPMENT PROGRAM OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 7-171-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to adopt the Policy and Procedural Guide for 2009 Small Cities Development Program Grant #CDAP-08-0038-O-FY09 for the Owner-Occupied Housing Rehabilitation Program.

Said guide, in its entirety, is on file in the Office of the City Administrator.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-172-09: ADOPTION OF POLICY AND PROCEDURAL GUIDE FOR THE 2009 SMALL CITIES DEVELOPMENT PROGRAM RENTER-OCCUPIED HOUSING REHABILITATION PROGRAM

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 7-172-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to adopt the Policy and Procedural Guide for 2009 Small Cities Development Program Grant #CDAP-08-0038-O-FY09 for the Renter-Occupied Housing Rehabilitation Program.

Said guide, in its entirety, is on file in the Office of the City Administrator.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-173-09: ACCEPTANCE OF MIDWEST TRENCHLESS TECHNOLOGIES, INC. QUOTE FOR STORM SEWER CLEANING AND TELEVISIONING

A recommendation was presented by Engineering Services Director Borseth. Following discussion, Councilmember Lee introduced Resolution No. 7-173-09, being seconded by Councilmember Erickson, that:

WHEREAS, Resolution No. 6-144-09 authorized the Engineering Services Director to obtain quotes for storm sewer cleaning and televising and proceeding with awarding the quote if under \$27,000; and,

WHEREAS, the following six quotes were received and opened on July 15, 2009:

| | |
|---------------------------------------|----------|
| Midwest Trenchless Technologies, Inc. | \$28,965 |
| Roto-Rooter Plumbing & Drain | \$29,170 |
| Pipe Services Corporation | \$33,450 |
| Viet Company, Inc. | \$33,570 |
| Hydro-Klean, Inc. | \$40,630 |
| Visu-Sewer, Inc. | \$40,950 |

THEREFORE, BE IT RESOLVED, by the City Council, to accept the quote submitted by Midwest Trenchless Technologies, Inc. in the amount of \$28,965 for storm sewer cleaning and televising.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-174-09: APPROVAL OF VARIANCE FOR JESSE GEORGE, 1124 DULUTH AVENUE NORTH

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 7-174-09, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to proper notice, a public hearing was held on July 20, 2009 on a variance request submitted by Jesse George to allow for the construction of a 4' x 12' addition onto the backside of the existing home located at 1124 Duluth Avenue North; and,

WHEREAS, the Board of Adjustments and Appeals recommends approval by the City Council based on the fact that the request meets all six of the criteria for granting variances and that there are several extenuating circumstances that were not caused by the action of the applicant such as the age of the property, line of sight in relation to the traffic patterns, and the fact that the home is being brought up to code.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals to grant Jesse George a two-foot variance to the Corner Side Yard Setback requirement as regulated by City Code, Section 152.025(E)(1) on property legally described as Lots 89 and 90 of Fairfax Addition, to allow for the construction of the addition to his residence.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 7-175-09: APPROVAL OF A CONDITIONAL USE PERMIT TO THE EVANGELICAL FREE CHURCH, 211 ARNOLD AVENUE NORTH

A Planning Commission recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 7-175-09, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to proper notice, a public hearing was held on July 20, 2009 on a Conditional Use Permit request submitted by the Evangelical Free Church, 211 Arnold Ave North, to allow for the construction of a 30' x 30' garage and a 16' x 24' picnic shelter on the property; and,

WHEREAS, the property is currently zoned General Residential District (R-2) where churches are permitted as a Conditional Use; and,

WHEREAS, the Planning Commission recommends approval by the City Council based upon the fact that the request meets all eight of the criteria for granting Conditional Use Permits.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation to grant the Evangelical Free Church a Conditional Use Permit to allow for the construction of a garage and picnic shelter on property legally described as Lots 1-24 in Block 40 of Original Townsite.

BE IT FURTHER RESOLVED, that the City Council also supports the Planning Commission's recommendation that the Evangelical Free Church pursue the creation of signage indicating off-street parking areas and the eventual paving of the existing off-street parking area.

On vote being taken, the resolution was unanimously passed.

CITY COUNCIL COMMITTEE REPORTS

- Capital Acquisitions Committee – Emery Lee, Chair
- Budget/Finance Committee Meeting – Conrad Holten, Chair
- Long Range Planning/Annexation Committee – Ken Schmalz, Chair
- Personnel/Labor Committee – Glen Kajewski, Chair

UPCOMING MEETINGS

- City Council Meeting – August 4, 2009 at 4:30 p.m. at Pioneer village Asphalt Church
- Public Meeting on the Thief River as a drinking water source – August 17, 2009 at 5:00 p.m. at City Hall

ITEMS FOR INFORMATION

- Senator Franken's Staff to be in Thief River Falls on July 21, 2009 at 8:00 a.m. in Conference Room 101 at City Hall
- Movie in the Park – Thursday, July 30, 2009
- Stop signs on Oakland Park Road at Greenwood Street intersection. Traffic on Oakland Park Road will stop to traffic on Greenwood Street.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 5:30 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned until 4:30 p.m. on August 4, 2009.

Steve Nordhagen, Mayor

Attest: _____
Jodie R. Torkelson, City Administrator