

## COUNCIL PROCEEDINGS

August 18, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on August 18, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Kajewski, Lee, Schmalz, and Mayor Nordhagen. No Councilmembers were absent. Mayor Nordhagen chaired the meeting.

### **APPROVAL OF AGENDA**

Councilmember Bendickson 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. 8-187-09: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 8-187-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve the August 4, 2009 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 8-188-09: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 8-188-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$1,556,618.10. 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. 8-189-09: APPROVAL TO DECLARE BICYCLES AS SURPLUS PROPERTY AND DESIGNATE THEIR USE TOWARD THE COMMUNITY BIKE PROGRAM**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 8-189-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to accept a Public Safety Committee recommendation and declare the following bicycles in possession of the Thief River Falls Police Department as surplus property and authorize their use in the Community Bike Program:

Ridgeway – 25", 15 speed, Red/Black, Serial #3666279161722H7861

Magna – 25", 21 speed, Red/Silver, Serial #38006324  
Huffy – 25" 15 speed, Orange, Serial #5000001447  
Next – 25", 26 speed, Green, Serial #DM6D22838  
Huffy – 25" 21 speed, Silver/Yellow/Blue, Serial #11000904691114400  
Murry – 26", 18 speed, Red  
Huffy – 25", 18 speed, Red, Serial #45649049414H6  
Ross – 26", 10 speed, Light Green  
Huffy – 25", 15 speed, Purple, Serial #2461998938121822  
Roadmaster – 25", 15 speed, Purple, Serial #5NFSD04H78080  
Huffy – 25", 15 speed, Orange, Serial #245829097212HC  
Roadmaster – 25", 18 speed, Silver, Serial #K2HK051149

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-190-09: APPROVAL TO DECLARE 1978 CASE PAYLOADER AS SURPLUS PROPERTY AND AUTHORIZE ITS SALE TO SCHOOL DISTRICT #564**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 8-190-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to accept a Public Safety Committee recommendation to declare the Airport's 1978 Case Payloader, Serial No. 9127614, as surplus property.

BE IT FURTHER RESOLVED, to authorize to sell the 1978 Case Payloader to School District #564 in the amount of \$15,000.00.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-191-09: APPROVAL OF EAGLES CLUB ON-SALE INTOXICATING LIQUOR LICENSE EXTENSION TO OUTDOOR AREA**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 8-191-09, being seconded by Councilmember Erickson, 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 August 24, 2009 through August 29, 2009 from 12 Noon until 10:00 p.m. each day.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-192-09: APPROVAL OF CELLTECH QUOTE FOR CITY CELLULAR TELEPHONE SERVICE**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 8-192-09, being seconded by Councilmember Erickson, that:

WHEREAS, the City of Thief River Falls requested quotes for cellular telephone service; and,

WHEREAS, the City received one quote from Celltech Communications.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the quote submitted Celltech Communications for providing cellular telephone service for the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-193-09: APPROVAL OF AGREEMENT WITH THYSSENKRUPP ELEVATOR FOR ELEVATOR MAINTENANCE**

A Public Works Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 8-193-09, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to accept a Public Works Committee recommendation to authorize and direct the Mayor and City Administrator to execute a maintenance agreement with ThyssenKrupp Elevator for maintenance of the elevators located at the Ralph Engelstad Arena, City Hall, and the Water Treatment Plant. Agreement shall be commencing November 15, 2009 for a five-year period, with automatic renewal for additional five year periods unless written notice for termination is provided by either party.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-194-09: APPROVAL OF AGREEMENT WITH THE PENNINGTON COUNTY HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES**

A Public Safety Committee recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 8-194-09, being seconded by Councilmember Kajewski, that:

WHEREAS, the City desires to provide animal control services in the community to protect the community's health and welfare, save animals' lives, prevent animal suffering, and reduce animal abandonment; and,

WHEREAS, the City recognizes the Humane Society as having the necessary qualifications and capabilities to provide a full range of animal control services to the community.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety Committee recommendation to authorize and direct the Mayor and City Administrator to execute an agreement whereby the City shall compensate the Pennington County Humane Society \$625 per month, effective September 1, 2009 through December 31, 2010 for animal control services as outlined in the agreement.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-195-09: APPROVAL OF CONTRACT WITH THIEF RIVER FALLS AMATEUR HOCKEY ASSOCIATION FOR USE OF THE HUCK OLSON MEMORIAL CIVIC CENTER**

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 8-195-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, by the City Council, to accept the Parks and Recreation Committee recommendation to authorize and direct the Mayor and City Administrator to execute a contract with the Thief River Falls Amateur Hockey Association (TRFAHA), whereby TRFAHA shall operate the Huck Olson Memorial Civic Center (HOMCC) from mid May through the end of June annually starting in 2010 and ending in 2017. TRFAHA shall be responsible for all costs associated with the utilities during the designated time, shall provide all labor necessary to administrate the operations of the HOMCC including building cleaning and other maintenance, shall provide their own zamboni to do the ice resurfacing, shall hire a qualified individual as a consultant to monitor the compressor performance, and shall receive any income during the established rental period.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-196-09: RESOLUTION RELATING TO THE ISSUANCE OF GENERAL OBLIGATION WATER REVENUE BONDS, SERIES 2009A; COVENANTING AND OBLIGATING THE CITY TO BE BOUND BY AND TO USE THE PROVISIONS OF MINNESOTA STATUTES, SECTION 446A.086 TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE BONDS**

The City Council reviewed information as it related to General Obligation Water Revenue Bonds. Following discussion, Councilmember Lee introduced Resolution No. 8-196-09, being seconded by Councilmember Schmalz, that:

RESOLVED by the City Council of the City of Thief River Falls, State of Minnesota (herein, the "City"), as follows:

1. The City Council hereby finds and declares that it is necessary and expedient for the City to sell and issue its fully registered general obligation water revenue bonds in the total aggregate principal amount of approximately \$640,000 (herein, the "Bonds"). The proceeds of the Bonds will be used, together with any additional funds of the City which might be required, to finance watermain replacement improvements in the City; and (ii) to pay the costs associated with issuing the Series 2009A Bonds.

2. Minnesota Public Facilities Authority Credit Enhancement Program: The following documents have been submitted to the Council and are on file in the Office of the Administrator:

- A. Form of Minnesota Public Facilities Authority (the "PFA") Credit Enhancement Program Agreement (the "Agreement"); and
- B. Application for Participation in the PFA Credit Enhancement Program (the "Application").

The Agreement and the Application are authorized and approved in substantially the forms presented to the Council. Submission of the Application to the PFA and payment of related fees are approved. The Agreement shall be prepared for execution in accordance with the approved forms and shall be signed by the manual signature of the Mayor and attested by the manual signature of the Administrator.

The City hereby covenants and obligates itself to be bound by the provisions of Minnesota Statutes, Section 446A.086, as it may be amended from time to time (the "Credit Enhancement Act"). The City understands that as a result of its covenant to be bound by the provisions of the Credit Enhancement Act, the provisions of the Credit Enhancement Act shall be binding as long as any Bonds of this issue remain outstanding.

The City further covenants to comply with all procedures now or hereafter established pursuant to the Credit Enhancement Act by the PFA and otherwise to take such actions as necessary to comply with the Credit Enhancement Act. The Mayor or Administrator is authorized to execute any applicable PFA forms and to provide for the payment of the City's application fee of \$500.00 payable to the Authority, which fee is required to be submitted with the executed forms.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-197-09: APPROVAL OF FARMERS UNION OIL COMPANY COMMERCIAL ENERGY RENOVATION LOAN**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Erickson introduced Resolution No. 8-197-09, being seconded by Councilmember Schmalz, that:

RESOLVED, by the City Council, to accept the Community Development Advisory Board recommendation to grant Farmers Union Oil Company a \$27,560.00 Commercial Energy Renovation Loan, payable over seven years at zero percent interest.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 8-198-09: APPROVAL OF CONDITIONAL USE PERMIT ISSUED TO ZION LUTHERAN CHURCH, 505 MAIN AVENUE NORTH AND 524 KNIGHT AVENUE NORTH**

A Planning Commission Board recommendation was presented. Following discussion, Councilmember Erickson introduced Resolution No. 8-198-09, being seconded by Councilmember Schmalz, that:

WHEREAS, due to proper notice, the Planning Commission conducted a public hearing on August 17, 2009, on a Conditional Use Permit request submitted by Zion Lutheran Church to allow for the construction of a parking lot at 524 Knight Avenue North and canopies onto the entrances on the north side of the church located at 505 Main Avenue North; and,

WHEREAS, the Planning Commission recommends that the Conditional Use Permit be granted to Zion Lutheran Church with the stipulation the newly constructed parking lot be buffered along the south property line.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation and grant Zion Lutheran Church a Conditional Use Permit to construct a parking lot on property legally described as the West 90' of Lots 13-15 of Block 12 in Original Townsite Addition and to install canopies onto the north entrances of the building located on Lots 5, 6, and 7 of Block 12 in Original Townsite Addition.

BE IT FURTHER RESOLVED, that the approval is based upon the stipulation that Zion Lutheran Church construct a buffer within the five foot berm area between the parking lot area and the south property line adjacent to 518 Knight Avenue, with the buffer being constructed from either trees/shrubbery or a fence.

It should be noted that the request meets all eight of the criteria for granting Conditional Use Permits.

On vote being taken, the resolution was unanimously passed.

**CITY COUNCIL COMMITTEE REPORTS**

- Public Utilities Committee – Odette Bendickson, Chair
- Parks and Recreation Committee – Jodie Torkelson, City Administrator
- Public Works Committee – Floyd Erickson, Chair
- Administrative Services Committee – Elvera Cullen, Chair

**UPCOMING MEETINGS**

- City Council Meeting – September 1, 2009 at 5:00 p.m.

**ITEMS FOR INFORMATION**

- Greenwood Street Bridge Ribbon Cutting Ceremony – August 26, 2009 at 10:00 a.m.
- New area open for grass clippings and brush disposal at the Street Department, 1100 Horace Avenue North.

**ADJOURNMENT**

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 5:27 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