

## COUNCIL PROCEEDINGS

September 15, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on September 15, 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 Schmalz motioned, being seconded by Councilmember Bendickson, to approve the agenda with the addition of seven items. On vote being taken, the motion was unanimously approved and the agenda adopted.

### **RESOLUTION NO. 9-211-09: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 9-211-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the September 1, 2009 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 9-212-09: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 9-212-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$996,854.61. 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. 9-213-09: APPROVAL OF PROGRESSION RAISE FOR ELAINE HALVORSON, BILLING CLERK**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 9-213-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to grant Elaine Halvorson, Billing Clerk, a progression raise, effective October 3, 2009. Ms. Halvorson shall progress to Step 4 of 5 of the Grade Level 4 Billing Clerk salary schedule.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-214-09: APPROVAL OF APPOINTMENT OF BRADY MARTZ TO CONDUCT THE CITY'S AUDIT FOR YEARS 2009, 2010, AND 2011**

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 9-214-09, being seconded by Councilmember Cullen, that:

WHEREAS, the City requested proposals for the 2009, 2010, and 2011 annual audit, with two firms responding; and,

WHEREAS, Brady Martz and Associates appeared to have the lowest cost proposal.

THEREFORE, BE IT RESOLVED, to accept the Administrative Services Committee's recommendation to appoint Brady Martz and Associates to conduct the City's audit for years 2009, 2010, and 2011.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-215-09: APPROVAL TO ACCEPT DONATIONS TOWARD CARNEGIE LIBRARY BUILDING FEASIBILITY STUDY**

The City Council reviewed a request to accept donations for use toward a feasibility study of the Carnegie Library building. Following discussion, Councilmember Bendickson introduced Resolution No. 9-215-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize the acceptance of donations for completion of a feasibility study, to be conducted by Michael J. Burns, for the restoration of the Carnegie Library building. Donations will be accepted up to the amount of the cost of the feasibility study.

It should be noted that the feasibility study is being conducted in preparation for application of a Minnesota Historical Society Legacy Grant.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-216-09: APPROVAL OF DECLARATION OF CITY SURPLUS PROPERTY**

The City Council reviewed a listing of proposed surplus property that has been submitted by several City departments. Following discussion, Councilmember Lee introduced Resolution No. 9-216-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to declare the following as surplus property and to authorize their sale either at public auction on Thursday, October 1, 2009 at the Huck Olson Memorial Civic Center or by other public sale venues:

### **STREET/SANITATION DEPARTMENT**

- 1991 Falls model V90 V-snow plow with JD mounts. (never been used – minimum bid of \$6,500)
- 1996 10 ft. gravel box with head lift hoist
- 1978 Ford 750 rubber-tyred backhoe/loader with 6,406 hours. (\$7,500 minimum bid). Serial No. C583389.
- 1992 Midwest 10 ft. gravel box with head lift hoist and Swenson SBD-9 tail-gate sand spreader attached.
- 1976 Chevrolet two-ton truck – no box. Serial No. CCE616V100021.
- 1998 Hydra Mac Big Mac skidsteer loader. (\$2,500 minimum bid). Serial No. 1900 MN #55355
- 1980 International 1854 single-axel truck with DT 466 engine 5 and 2 speed w/1986 Leach ALPHA 18 yd refuse body. Serial No. AA185KHA20147.
- 1976 Ford 800 COE single-axel truck – no box or transmission. Serial No. C80FVC64316.

### **PARKS AND RECREATION DEPARTMENT**

- Large lit cookie jar
- Slush machine

### **FIRE DEPARTMENT**

- GE used clothes dryer. Serial No. GF208590G.

### **POLICE DEPARTMENT**

- Playstation3 40 GB. Serial No. CE733525092
- Playstation3 40 GB. Serial No. CE734912747
- Xbox 360 Elite. Serial No. 115275780805
- Xbox 360 Elite. Serial No. 202309580705
- Sony PSP – black. Serial No. AB005770250 with 3 games & media manager
- Sony PSP – white. Serial No. AW074098606 with case and 3 games
- PS2. Serial No. PA9448835638
- Microsoft Zune. Serial No. 61656474415
- Sony PSP. Serial No. AT038039874 with Dexter game
- Canon DC210 camcorder. Serial No. 642512117277
- Kodak Easy Share photo printer. Serial No. KCNGU738A0912
- Nintendo DS pink. Serial No. UG71571795
- Nintendo DS black. Serial No. UG47513092
- Virtual Reality Labs In-Dash GPS & DVD
- Magnavox 8.5” portable DVD player. Serial No. MAH74439438-22E
- Toshiba HD DVD HD-A2KU. Serial No. C237311591
- LG Scoop Model No. AX260GR7. Serial No. 802KPGS0059239 with charger
- Motorazr V9M. Serial No. G20WJB5C5K
- Motorazr V9M. Serial No. G20WJB35K6
- Edge PS2 controller

- HP Photosmart R742V. Serial No. CN789A32G8
- Casio EXILIM Camera EX-Z75. Serial No. 81002355A
- Kodak Easy Share camera C613. Serial No. KCGHA81203846
- Samsung S630 camera. Serial No. 973079557
- Samsung L73 camera. Serial No. 37143808
- Kodak Easy Share camera C875. Serial No. KCXGE64324557
- Kodak Easy Share camera M753. Serial No. KCGHC72716981
- Canon DC210 camcorder. Serial No. 642462064322
- Kodak Easy Share dock & camera Z710. Serial No. KCXGG64343002
- Panasonic Lumix FZ8 camera. Serial No. J7SF04758
- Olympus SP550UZ camera. Serial No. J99216814
- Durabran 7" DVD player. Serial No. R0240FD122887
- Kodak Easy Share dock & camera G600 & C743. Serial No. KCGGH63821690
- Kodak Easy Share dock & camera G600 & C743. Serial No. KCGGH63212390
- AT&T cordless phone set. Serial No. DM000921213
- Sony camcorder. Serial No. CCDTRVI38
- Kodak Easy Share C530 camera & dock. Serial No. KCGEU61006200
- Motorola Talk-About handheld radio. Serial No. T5530R
- Class 3 receiver hitch
- Two-wheel cart with blue box frame
- Red/blue engine hoist
- Miscellaneous bike parts
- Huffy bike – 26" 15 speed – silver
- Huffy bike – 20" 1 speed – purple - girls
- Roadmaster bike – 26" 15 speed – green – boys
- BMX Knucklebone – 20" 1 speed – silver – boys
- Haro bike – 20" 1 speed – blue – boys
- Unknown brand bike – 20" 1 speed – green - boys
- Roadmaster bike – 14" 1 speed – orange - girls
- NEXT bike – 20" 1 speed – black – boys
- Pacific bike – 20" – purple – girls
- Huffy bike – 16" - purple – girls
- Mongoose bike – 20" 1 speed – black/silver/gold – boys
- Huffy bike – 16" 1 speed – black/green – boys
- Mongoose bike – 20" 1 speed – gold – boys
- Razor bike – 20" 1 speed – silver/gold – boys
- Mongoose bike – 26" 15 speed – blue – boys
- Unknown brand bike – 24" – blue
- Mongoose bike – 20" 1 speed – blue – boys or girls
- NEXT bike – 20" 18 speed – purple/silver – girls
- Huffy bike – 20" 1 speed – red/black – boys
- X Games bike – 20" 1 speed – chrome/silver – boys
- Unknown brand bike – 20" 1 speed – black/white – boys

- Barracuda bike – 26” 21 speed – blue/silver – boys
- Diamondback bike – 20” 1 speed – black/gray – boys
- NEXT bike – 20” 1 speed – purple/gray – girls
- Huffly bike – 20” 1 speed – gray/orange – boys
- Unknown brand bike – 20” 1 speed – black/white/blue – boys
- Magna bike – 26” 21 speed – red/silver – girls
- Modern Giant bike – 20” 1 speed – white/blue – boys
- Huffly bike – 26” 15 speed – orange – boys
- Huffly bike – 20” 1 speed – black – boys
- Dyno bike – 20” 1 speed – red/black – boys
- Huffly bike – 20” 1 speed – black/red – boys
- Dynacraft bike – 20” 1 speed – black/silver/gold – boys
- Haro bike frame - yellow
- Haro bike frame – red
- Magna bike frame – silver
- Unknown brand bike frame – gold
- Schwinn bike – 18 speed – green
- Schwinn Collegiate bike – red
- Magna North Ridge bike – 15 speed – green
- Vertical Mountain Tamer bike – 18 speed – green
- Huffly Thunderridge bike – 18 speed – black
- Roadmaster bike – 26” 15 speed – purple – girls
- Huffly Leading Edge bike – blue
- Mirraco Signature bike – 20” – black
- Roadmaster bike – 18 speed – blue
- Huffly Argon bike – 26” 18 speed – green
- Autobike – 6 speed – black/blue
- Rollfast bike – 1 speed – purple – girls
- Pacific Precision bike – 18 speed – purple – girls – with child seat
- Northwind 100 bike – 15 speed – gray/red
- Equator Catapult bike – 21 speed – yellow
- Unknown brand bike – 18 speed – silver/black
- Huffly bike – 26” 1 speed – purple – boys
- Huffly Rockslide bike – 6 speed – gray/purple – girls
- Huffly Mega Flex – 15 speed – maroon
- Trek bike – 20” – gray
- Mongoose bike – 21 speed – silver/black
- Unknown brand bike – blue/red
- Huffly ASR ride – 18 speed – red/black
- Peugeot bike – black
- Roadmaster Diamond bike – 18 speed – purple/orange – girls
- Mongoose XR200 bike – silver/black
- Sabre bike – 18 speed – black/blue

- Huffy bike – 18 speed – turquoise

### **MIS**

- PC - Midwest Micro PIII 500 128 MB 8.4 GB
- PC - Systemax Athlon 1.2 512 MB 40 GB
- PC - Compaq PIII 933 512 MB 40 GB
- PC - Compaq PIII 512 MB 40 GB
- PC - Compaq PIII 512 MB 40 GB
- PC – Midwest Micro Server 512 MB 36 GB
- PC – Compaq PIII 733 256 MB 10 GB
- PC – Compaq PIII 733 256 MB 10 GB
- PC – Built P4 2.66 1 GB 80 GB
- PC – Magitronic Athlon 1.15 512 MB 4 GB
- PC – Systemax Athlon 1.0 No HD, No Mbrd.
- PC – Dell P4 1.5 512 MB 10 GB
- PC – Dell P4 1.5 512 MB 10 GB
- PC – Dell P4 1.5 512 MB 10 GB
- PC – Dell P4 1.5 512 MB 10 GB
- PC – Midwest Micro PII 350 96 MB 4 GB
- Monitor – Dell 21”
- Monitor – (2) Midwest Micro 17”
- Monitor – CTX 17”
- Monitor – (2) Mag 17”
- Monitor – IBM 12”
- IBM 9404
- AS400 Model 42E
- 4224 Printer
- 4234 Band Printer Model 1
- 4234 Band Printer Model 12
- (2) 5394 Remotes for AS400
- Moore burster/slicer
- HP 5100C scanner
- OneTouch 7600 scanner
- Canon Faxphone B640
- Martin Yale Check Signer 930a
- UPS
- Canon 1015D calculate – no printing – display only
- Brother Fax
- (2) HP 1120C Inkjets
- (3) LaserJet Series II printers
- LaserJet 6L
- (7) Dot matrix printers
- (7) CD changers

- (2) Epson Action Laser 1500
- (3) Receipt printers

#### **WATER/WASTEWATER DEPARTMENT**

- 1974 Ford 1-ton truck. Serial No. F37BLU28830
- 1984 GMC truck. Serial No. 1GDJ7D1BOEV549839
- 1993 GMC 1-ton truck. Serial No. 1GTFG3KIPF520135
- 9 horsepower flexible tool bucket machine L654391 L654392

#### **ELECTRIC DEPARTMENT**

- 1991 Dodge van. Serial No. 2B7HB21Y7MK449452
- Bins and shelves for a van
- Coffee table
- Various electrical safety switches
- (8) 200-watt street light luminaires
- Generator 15KW 3-phase, 120/208
- Civil defense siren parts
- Steel street light poles
- Broken fiberglass poles
- Concrete street light poles
- Assorted electrical wiring materials
- Aluminum transformer platforms
- Aluminum frames for capacitor banks
- Ditch Witch C99 walking trencher. Serial No. 117518

#### **GOVERNMENT BUILDINGS**

- 1998 Toro electric lawnmower model 20643. Serial No. 8935069-02
- 16" Multiclean floor scrubber. Serial No. 277671J

On vote being taken, the resolution was unanimously passed.

#### **RESOLUTION NO. 9-217-09: APPROVAL OF BPOE ELKS LODGE GAMBLING PERMIT AT THE LANTERN**

The City Council reviewed a gambling application submitted by the Elks Lodge. Following discussion, Councilmember Erickson introduced Resolution No. 9-217-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve a Premises Permit Application submitted by the BPOE Elks 1308 (Gaming License 00358) for licensing by the State of Minnesota to allow the Elks Club to conduct lawful gambling activities at The Lantern, 1910 US Highway 59 SE, Thief River Falls, effective immediately.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-218-09: APPROVAL OF VARIANCE AT 208 PINE AVENUE NORTH, OWNED BY MICHAEL AND RHONDA BIERMAIER**

A Board of Adjustments and Appeals recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 9-218-09, being seconded by Councilmember Schmalz, that:

WHEREAS, pursuant to proper notice, the Board of Adjustments and Appeals conducted a public hearing on a variance request submitted by Michael and Rhonda Biermaier, 208 Pine Avenue North, to allow for a 12' x 16' addition onto the existing garage; and,

WHEREAS, the Board of Adjustments and Appeals recommends that the City Council approve the variance as requested, based on the fact that the request meets all six of the criteria for granting variances and that there are extenuating circumstances: the age of the property (the home was built prior to the current City Code) and that the addition is being built within the dimensions of the existing home.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Board of Adjustments and Appeals recommendation and grant Michael and Rhonda Biermaier a seven-foot variance to the Interior Side Yard Setback requirements of City Code Section 152.025(E)(1) to allow for the construction a 12' x 16' addition onto the existing garage located on property legally described as Lot 5 and the south 84 feet of Lot 6 in Forsberg's Rearrangement of Park Addition.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-219-09: ACCEPTANCE OF MIDWEST TESTING QUOTE FOR PIEZOMETER/SOIL BORING TESTING AT THIEF RIVER DAM**

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 9-219-09, being seconded by Councilmember Kajewski, that:

WHEREAS, three firms were contacted to submit quotes for soil borings and piezometer testing for the earth embankment at the dam; and,

WHEREAS, only one firm, Midwest Testing, submitted a quote.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Utilities Committee recommendation and accept the quote submitted by Midwest Testing in the amount of \$10,350.00 for soil borings and piezometer testing of the dam earth embankment.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-220-09: APPROVAL OF AYERS ASSOCIATES QUOTE FOR DIVING INSPECTION OF DAM**

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 9-220-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and accept the quote submitted by Ayers Associates in the amount of \$8,600 for a diving inspection and engineering report of the dam.

It should be noted the diving inspection is a requirement from the FERC and is an extension of the present agreement for the required dam safety inspection.

On vote being taken, the resolution was unanimously passed.

**FIRST READING OF WIND ENERGY CONVERSION SYSTEMS ORDINANCE**

The City Council was presented with a proposed ordinance regarding wind energy conversion systems. Following discussion, Councilmember Cullen moved, being seconded by Councilmember Bendickson, to call for the first reading of a wind energy conversion systems ordinance. On vote being taken, the Chair declared the motion unanimously carried.

The first reading of the ordinance was conducted by City Attorney Ihle. The proposed ordinance will be again presented at the next Council meeting.

**RESOLUTION NO. 9-221-09: APPROVAL OF WATER SUPPLY AGREEMENT WITH MICHAEL AND HEIDI SKJERVEN (AASEBY'S FIRST AND SECOND SUBDIVISION)**

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 9-221-09, being seconded by Councilmember Schmalz, that:

WHEREAS, Michael and Heidi Skjerven have a well that supplies potable water to residents located in Aaseby's First Subdivision and Aaseby's Second Subdivision in Pennington County; and,

WHEREAS, the Skjerven's well failed and the residents of Aaseby's are without potable water and the Skjervens have requested that the City temporarily provide potable water to them so they may distribute the potable water to the residents of Aaseby's.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation, to authorize and direct the Mayor and City Administrator to execute a Water Supply Agreement with Michael and Heidi Skjerven whereby the

City will supply potable water to the Skjervens for a maximum of 45 days upon condition that the City incur no liability or responsibility and that the Skjervens be responsible for the cost of the potable water supplied by the City and certain other costs as outlined in the agreement.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-222-09: APPROVAL OF SUBMITTAL OF THE RED LAKE ELECTRIC SERVICE TERRITORY AGREEMENT EXTENSION TO THE PUBLIC UTILITIES COMMISSION**

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 9-222-09, being seconded by Councilmember Bendickson, that:

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and authorize the submittal of the Red Lake Electric Service Territory Agreement Extension to the Public Utilities Commission for recording.

On vote being taken, the resolution was unanimously passed.

**UPCOMING MEETINGS**

- City Council/Pennington County Commissioner Meeting – September 14, 2009 at 7:00 a.m.
- Public Utilities Committee – September 14, 2009 at 4:30 p.m.
- Planning Commission Meeting – September 14, 2009 at 7:00 p.m.
- City Council/Pennington County Commissioners – September 14, 2009 at 7:00 p.m.
- City/MnDOT Meeting – September 21, 2009 at Noon
- LMC Regional Meeting – September 24, 2009 from 12:30 p.m. – 7 p.m. in McIntosh
- City Council Meeting – October 6, 2009
- Clean Up Day – October 10, 2009

**ADJOURNMENT**

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Schmalz, to adjourn the meeting at 5:23 p.m. until Noon on September 21, 2009. 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