

## COUNCIL PROCEEDINGS

October 20, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on October 20, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Bendickson, Cullen, Erickson, Holten, Lee, Schmalz, and Mayor Nordhagen. Councilmember Kajewski was absent. Mayor Nordhagen chaired the meeting.

### **LLEWELYN LANE CONCERNS OF STREET END TRAFFIC TO RIVER ADJACENT TO HIS PROPERTY**

Mr. Lane appeared before the City Council to voice his concerns on a public street which ends at the river adjacent to his property along Oak Avenue. Mr. Lane cited problems with traffic on his property and litter being left from persons using this end street. The Public Works Committee will review the situation.

### **APPROVAL OF AGENDA**

Councilmember Cullen motioned, being seconded by Councilmember Schmalz, to approve the agenda with revisions. On vote being taken, the motion was unanimously approved and the agenda adopted.

### **RESOLUTION NO. 10-238-09: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 10-238-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the October 6, 2009 Hearing Proceedings and the October 6, 2009 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 10-239-09: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 10-239-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$1,695,571.63. 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. 10-240-09: APPROVAL OF SUBORDINATION AGREEMENT FOR RALPH AND MARY COX REGARDING A HEAT PUMP LOAN**

Presented as part of the Consent Agenda, Councilmember Bendickson introduced Resolution No. 10-240-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, that the City hereby agrees to subordinate its position on a Heat Pump Loan with Ralph and Mary Cox and Wells Fargo Bank, at property legally described as Lot 32 in Block 3 of First Southeast Addition.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-241-09: RESOLUTION APPROVING THE SALVATION ARMY HEATSHARE PROGRAM AGREEMENT**

The City Council reviewed the proposed Salvation Army Heatshare Program Agreement. Following discussion, Councilmember Lee introduced Resolution No. 10-241-09, being seconded by Councilmember Schmalz, that:

WHEREAS, in conjunction with the Salvation Army, the City proposes to adopt an energy related program to advance the common good and general welfare of the people by soliciting voluntary contributions from utility customers and employees to assist needy customers of the Thief River Falls public utilities with energy related problems, including but not limited to residential heating bills, repairs on home heating equipment, and shut offs; and to provide assistance in reducing the cost of utilities for qualified low-income elderly, disabled, and others with special needs who have difficulty paying their energy related expenses.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to execute a HeatShare Program Agreement in conjunction with the Salvation Army, effective September 1, 2009 through August 31, 2010.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-242-09: REAFFIRMING THE CITY OF THIEF RIVER FALLS SNOW PLOWING POLICY**

The City Council reviewed the City's snow removal guidelines. Following discussion, Councilmember Bendickson introduced Resolution No. 10-242-09, being seconded by Councilmember Lee, that:

BE IT RESOLVED, by the City Council to accept the Public Works Committee recommendation to adopt the 2009/2010 City's Snow Plowing Policy, which outlines the procedure to be followed by City crews after a snowfall:

The scheduled starting time after a snowfall of approximately two inches is 2:30 a.m.

Central Business Area – This area includes Fourth Street on the north, Knight Avenue on the west, First Street on the south, and the Canadian Pacific Rail-

road on the east (including LaBree Avenue east to the hospital emergency entrance).

The motor graders will plow the Central Business Area roadways first and then proceed to clean the following main arteries.

Atlantic Avenue, First Street, Brooks Avenue, Barzen Avenue, Pennington Avenue (Urban Section), Evergreen Street to Challenger Elementary School entrance road, Nora Street, Spruce Avenue, Greenwood Street, Arnold Avenue South of Third Street, Sixth Street, Davis Avenue and Highway 59 Southeast frontage roads.

When the motor graders are clearing the Central Business Area streets and avenues, one loader and four trucks will clear and remove snow from the alleys and alternate municipal parking lots as per calendar parking ordinance. Removal of snow piles from private and public businesses will be on a time available basis, in accordance with executed Snow Removal Agreements.

At approximately 6 a.m., after the Central Business Area and main arteries are cleared, the two motor graders will separate and clear the streets and avenues on either side of town (the east and the west side of the river) based on the following schedules:

Monday, Wednesday and Friday: Avenues, including Red Lake Boulevard

Tuesday, Thursday and Saturday: Streets, Courts, Cul-de-sacs, Drives or Lanes

At the same time the Government Buildings Department will begin clearing most of the snow from sidewalks along the north side of First Street from Main Avenue to Crocker Avenue and the south side of First Street from Crocker Avenue to Highway 59; also, the east side of Spruce Avenue from First Street to Gulf Street; also, the north side of Highway 59 from First Street to Tindolph Avenue and both sides of Highway 59 to Davis Avenue; also, the north side of Eighth Street from Main Avenue to east of the Red Lake River; also the Greenwood Street Bridge and the Veterans' Garden. Residents are obligated to clear the balance of remaining snow from the above sidewalks adjacent to their properties within 48 hours of the snowfall, according to City ordinance.

Once the streets and/or avenues have been cleared of snow, all roads on the outskirts of town are then plowed, (including township or county force accounts).

After an unusually heavy snowfall, the 10-yard truck with a one way plow will assist the two motor patrols to open up all City streets and avenues as soon as possible.

The night that previously plowed snow is removed from the Central Business Area, one loader with a snow blower and four trucks will start at 12 midnight. This operation will occur approximately 48 hours after initial snow plowing to allow business owners time to shovel sidewalks and plow private parking lots. Once all Central Business Area streets and avenues are cleared they will remove piles of snow from private and public businesses on a time available basis in accordance with executed snow removal agreements.

The Street/Sanitation Department will plow snow from the residential alleys.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-243-09: APPROVAL OF ANNEXATION AND COMPENSATION AGREEMENT WITH RED LAKE ELECTRIC COOPERATIVE, INC.**

The City Council reviewed an agreement with Red Lake Electric Cooperative regarding recently annexed properties. Following discussion, Councilmember Cullen introduced Resolution No. 10-243-09, being seconded by Councilmember Bendickson, that:

WHEREAS, Coop and City did enter into an Agreement dated September 2, 2008, regarding City compensating Coop for annexation of real property containing Coop Service Territory ("Agreement") and

WHEREAS, The Agreement dated September 2, 2008 termination date was extended from July 31, 2009 to December 31, 2009 and

WHEREAS, City has annexed the following real property located within the County of Pennington and State of Minnesota:

Tract 1

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 North-erly for 1250 feet; excepting any utility easements. (Digi-Key Property)

Tract 2

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, City desires to provide electric service to the Real Property and to include the Real Property in City's Service Territory, and

NOW, THEREFORE, In consideration of the conditions and covenants expressed herein, the parties hereto, their successors and assigns, agree as follows:

1. ANNEXATION. Pursuant to said Agreement, Coop does consent to City annexing Coop Service Territory contained within the Real Property and to City providing electric service to the Real Property.

2. SERVICE BY THE CITY. The City shall provide electric service to the Real Property starting on the date of annexation.

3. COMPENSATION. As compensation for the annexation of Coop's Service Territory within the Real Property, City shall pay to Coop compensation of \$0.013 per kilowatt hour for existing electric accounts and \$0.013 per kilowatt hour for new electric accounts within the Coop's Service Territory that was located in the Real Property.

4. PAYMENT. The City will pay the Coop the compensation due within 45 days of the end of each calendar year. Partial year compensation shall also be paid within 45 days of the end of each calendar year.

5. PERIOD OF COMPENSATION. The period of compensation shall be as set forth in Paragraph 2.2 of the Agreement.

6. ADDITIONAL ACCOUNTS. For a period of 10 years following Date of Start of Compensation (as defined in the Agreement), City will notify Coop in writing of any additional electric accounts established within the Coop's Service Territory that was located in the Real Property prior to December 31<sup>st</sup> of each year. City shall compensate Coop for those electric accounts as set forth in this Agreement.

7. SERVICE TERRITORY MAP. Both parties will request that the service territory map be amended by the appropriate state agencies in recognition of this Agreement.

BE IT FURTHER RESOLVED, that the Director of Utilities shall submit a copy of this Annexation and Compensation Agreement to the Minnesota Public Utilities Commission for their files.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-244-09: APPROVAL OF STREET/SANITATION SUPERVISOR  
JOB DESCRIPTION EVALUATION AND WAGE ADJUSTMENT FOR RANDY  
KONICKSON, STREET/SANITATION SUPERVISOR**

The City Council reviewed the results from an evaluation of the Street/Sanitation Supervisor job description. Following discussion, Councilmember Bendickson introduced Resolution No. 10-244-09, being seconded by Councilmember Cullen, that:

WHEREAS, the newly formed position of Street/Sanitation Supervisor was submitted to, and evaluated by, Fox Lawson & Associates to determine its grade level for payroll purposes.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the grade level of the Street/Sanitation Supervisor position as a Grade Level 10 as recommended by Fox Lawson & Associates.

BE IT FURTHER RESOLVED, that Street/Sanitation Supervisor Randy Konickson's salary be adjusted to reflect the Grade Level 10 salary retroactive to September 1, 2009.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-245-09: ACCEPTANCE OF ZIEGLER, INC. QUOTE FOR A RUBBER TRACK LOADER**

The City Council reviewed the quotes received for a rubber track loader. Following discussion, Councilmember Cullen introduced Resolution No. 10-245-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to accept the low quote submitted by Ziegler, Inc. in the total amount of \$48,595.66 for a Caterpillar Skid Steer rubber track loader. The loader shall be paid for through \$27,900 from the 2009 City-wide auction sale proceeds, \$19,800 from 2007 auction proceeds, and \$8,000 from Street Department State Aid work on County Road 62. The quotes received were as follows:

Terex/ASV (State Bid)		
Terex PT-60 Compact Loader		\$36,693.50
Direct bucket 67" w/bolt on cutting edge		\$ 880.00
Pallet fork – 42"		\$ 748.00
Snow blower – 61"		\$ 5,304.00
Rotary broom		\$ 4,400.00
		<u>\$48,025.30</u>
	Tax	\$ 3,301.74
	Delivery	\$ 260.00
	Total Cost	<u>\$51,587.04</u>
Ziegler, Inc. (State Bid)		
Caterpillar Skid Steer 247B2		\$33,430.00
Bucket 66"		\$ 980.00
Pallet fork – 48"		\$ 1,120.00
Snow blower – Erskine ES2000 61"		\$ 5,626.00
Sweeper Erskine 68"		\$ 4,250.00
		<u>\$45,406.00</u>
	Tax	\$ 3,121.66
	Delivery	\$ 68.00
	Total Cost	<u>\$48,595.66</u>

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-246-09: ACCEPTANCE OF LOW QUOTE FROM ANDERSON CONSTRUCTION FOR STREET/SANITATION DEPARTMENT STEEL ROOFING**

The City Council reviewed the quotes received for steel roofing for the Street/Sanitation building. Following discussion, Councilmember Schmalz introduced Resolution No. 10-246-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept the low quote submitted by Anderson Construction in the total amount of \$15,090.15 for steel roofing of the Street/Sanitation building. The quotes received were as follows:

Kuznia Construction:	Materials	\$10,854.71
	Labor	\$ 4,852.00
	<u>Building Permit</u>	<u>\$ 290.15</u>
		\$15,996.86
Anderson Construction:	Materials & Labor	\$14,800.00
	<u>Building Permit</u>	<u>\$ 290.15</u>
		\$15,090.15

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-247-09: APPROVAL OF ACCEPTING ADDITIONAL DONATIONS TOWARD CARNEGIE LIBRARY BUILDING RESTORATION**

The City Council considered accepting additional donations toward the Carnegie Library restoration. Following discussion, Councilmember Bendickson introduced Resolution No. 10-247-09, being seconded by Councilmember Cullen, that:

WHEREAS, Resolution No. 9-215-09 authorized that the City of Thief River Falls accept donations specifically toward the Carnegie Library building restoration feasibility study; and,

WHEREAS, the City will also accept donations for other phases of the proposed restoration of the building.

THEREFORE, BE IT RESOLVED, by the City Council, to authorize that the City of Thief River Falls will accept additional donations toward the restoration of the Carnegie Library building.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-248-09: ADOPTION OF PANDEMIC INFLUENZA POLICY**

The City Council reviewed the proposed pandemic influenza policy. Following discussion, Councilmember Lee introduced Resolution No. 10-248-09, being seconded by Councilmember Bendickson, that:

WHEREAS, the City of Thief River Falls provides essential services for the welfare of its residents and surrounding communities and must continue to provide services in the event of a pandemic influenza outbreak; and,

WHEREAS, a Pandemic Influenza Policy has been developed to guide City departments and personnel in the determination of essential functions required to maintain necessary municipal services without putting the City employees at an increased risk of exposure to disease.

THEREFORE, BE IT RESOLVED, by the City Council, to adopt the City of Thief River Falls Pandemic Influenza Response Policy.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 10-249-09: APPROVAL OF CONDITIONAL USE PERMIT FOR TOM GREELIS, T.R. MINI-STORAGE, 608 GREENWOOD STREET WEST**

The City Council reviewed a Planning Commission recommendation. Following discussion, Councilmember Lee introduced Resolution No. 10-249-09, being seconded by Councilmember Bendickson, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on October 19, 2009 for a Conditional Use Permit request submitted by Tom Greelis to construct and operate a mini-storage facility at 608 Greenwood Street West; and,

WHEREAS, following the hearing, the Planning Commissions recommends that the City Council approve the Conditional Use Permit, 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 and grant Tom Greelis a Conditional Use Permit to construct and operate a 36' x 100' mini-storage facility on property legally described as Lot 1 of Block 1 of Raedel's First Addition.

On vote being taken, the resolution was unanimously passed.

**CITY COUNCIL COMMITTEE REPORTS**

- Budget/Finance Committee – Conrad Holten, Chair

- Long Range Planning Committee – Ken Schmalz, Chair
- Personnel/Labor Committee – City Administrator Torkelson, in the absence of Chair Glen Kajewski
- Capital Acquisitions Committee Emery Lee, Chair

**UPCOMING MEETINGS**

- City Council Meeting – November 3, 2009 at 5:00 p.m.

**ADJOURNMENT**

There being no further discussion, Councilmember Schmalz moved, being seconded by Councilmember Cullen, to adjourn the meeting at 6:35 p.m. On vote being taken, the Chair declared the motion unanimously carried and the meeting adjourned until 8:30 a.m. on October 28, 2009 at the Thief River Falls Regional Airport.

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Steve Nordhagen, Mayor

Attest: \_\_\_\_\_  
Jodie R. Torkelson, City Administrator