

## COUNCIL PROCEEDINGS

December 15, 2009

The City Council of Thief River Falls, Minnesota, met in regular session at 6:00 p.m. on December 15, 2009 in the Council Chambers of City Hall. The following Councilmembers were present: Cullen, Erickson, Holten, Kajewski, Lee, Schmalz, and Mayor Nordhagen. Councilmember Bendickson was absent. Mayor Nordhagen chaired the meeting.

### **PRESENTATIONS**

Dave Kildahl, Widseth Smith Nolting appeared before the City Council to present options relating to the design of the Greenwood Street underpass and street construction options.

### **APPROVAL OF AGENDA**

Councilmember Kajewski motioned, being seconded by Councilmember Lee, to approve the agenda with additions. On vote being taken, the motion was unanimously approved and the agenda adopted.

### **RESOLUTION NO. 12-275-09: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Cullen introduced Resolution No. 12-275-09, being seconded by Councilmember Schmalz, that:

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

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 12-276-09: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 12-276-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$839,024.82. 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. 12-277-09: APPROVAL OF 2010 CITY LICENSE RENEWALS**

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 12-277-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve the issuance of the following licenses, effective January 1, 2010 through December 31, 2010:

**TOBACCO LICENSES \$24**

American Legion Post 117 Inc.  
Arnold Avenue Store  
Best Western Inn  
Eagles Club  
East Side Tesoro  
Erl's Market, Inc.  
Falls Liquor  
Farmer's Union Oil Company  
Holiday Stationstore #197  
Hugo's #7  
Lantern Restaurant & Lounge  
Law Enforcement Center  
Pennington Main  
Pennington Square  
Rusty Nail  
Super One Foods  
The Schooner Bar & Grill  
VFW Post #2793  
Wal-Mart Supercenter #3761

**PAWN BROKER'S \$40**

Northern Gun & Pawn

**ON-SALE LIQUOR LICENSE \$2,800**

\*American Legion Club #117  
\*Bemidji Bowl Inc. (Family Bowl)  
\*Best Western of TRF, Inc.  
\*Evergreen J&J Inc. (Evergreen Eating Empor)  
\*Hallsy (Black Cat Sports Bar and Grill)  
\*Lantern of TRF (Lantern Restaurant & Lounge)  
Melody's Restaurant & Bar (Melody's)  
Spike Inc. (Rusty Nail)  
Steven P. Carlson (The Schooner Bar & Grill)  
\*William S. Fraser (Fraser's Sports Café)

\*License includes outdoor seating area

**ON-SALE 3.2 BEER LICENSE \$250**

Pizza Hut

**OFF-SALE 3.2 BEER LICENSE \$100**

East Side Tesoro  
Erl's Market, Inc.  
Holiday Stationstore #197  
Super One Foods  
Wal-Mart Supercenter #3761

**JUNK DEALER'S LICENSE \$45**

Phillip's Iron & Metal, Inc.

**TAXI LICENSE \$25 for 1st,  
\$15 each add'l**

Northland Taxi  
Aabra Transportation

**SUNDAY ON-SALE LIQUOR \$200**

\*American Legion Club #117  
\*Bemidji Bowl Inc. (Family Bowl)  
\*Best Western of TRF, Inc.  
\*Hallsy Inc. (Black Cat Sports Bar and Grill)  
Melody's Restaurant & Grill (Melody's)  
\*Lantern of TRF (Lantern Restaurant & Lounge)  
\*William S. Fraser (Fraser's Sports Café)  
Spike Inc. (Rusty Nail)  
VFW Post #2793  
Steven P. Carlson (The Schooner Bar & Grill)

**CLUB ON-SALE LIQUOR \$500**

BPOE Lodge 1308 (Elks)  
\*FOE Aerie 2368 (Eagles)  
VFW Post #2793

**SEWAGE DUMPING \$35**

Dick's Septic Service  
Roto Rooter

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-278-09: APPROVAL OF ANIMAL DISPOSAL AGREEMENT  
WITH DANIEL AND JANECE TRONTVET**

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 12-278-09, being seconded by Councilmember Erickson, that:

WHEREAS, the City may have animals that must be disposed of; and,

WHEREAS, Daniel and Janeece Trontvet are willing to dispose of such animals on property owned by them and located in Pennington County.

THEREFORE, BE IT RESOLVED, to accept a Public Safety Committee recommendation to authorize and direct the Mayor and City Administrator to enter into a three-year Animal Disposal Agreement with Daniel and Janeece Trontvet, effective January 1, 2010 and expiring on December 31, 2012 at a cost to the City as follows:

Calendar Year 2010 - \$824.00  
Calendar Year 2011 - \$849.00  
Calendar Year 2012 - \$874.00

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-279-09: APPROVAL TO SUBMIT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT APPLICATION TO THE MPCA**

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 12-279-09, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to authorize the Mayor to sign and the Director of Utilities to submit to the Minnesota Pollution Control Agency an application for a Pollutant Discharge Elimination System Permit for the City's wastewater ponds. The \$350.00 five-year permit will expire in August of 2015.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-280-09: APPROVAL OF FIXED BASE OPERATOR LEASE WITH THIEF RIVER AVIATION**

Presented as part of the Consent Agenda, Councilmember Kajewski introduced Resolution No. 12-280-09, being seconded by Councilmember Erickson, 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 Fixed Base Operator Agreement with Thief River Aviation, effective January 1, 2010 through December 31, 2011.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-281-09: APPROVAL OF 2010 BUDGET**

Lisa Johnson, Finance Director, presented the 2010 Budget Summary. Following discussion, Councilmember Cullen introduced Resolution No. 12-281-09, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to adopt the City-wide 2010 Budget in the amount of \$25,799,695 of revenue from all funds and \$26,262,915 of expenditures from all funds, with a transfer to (or use of) fund reserves of (\$463,220).

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-282-09: APPROVAL OF 2010 TAX LEVY**

Lisa Johnson, Finance Director, presented the 2010 Tax Levy. Councilmember Kajewski introduced Resolution No. 12-282-09, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to certify the City of Thief River Falls 2010 Tax Levy at \$1,582,406 to the Pennington County Auditor, representing a 0% increase/decrease from the 2009 Tax Levy. The breakdown of the 2010 Tax Levy is as follows:

General Fund Levy	\$1,482,406
Bonded Debt Levy	<u>\$ 100,000</u>
NET TAX LEVY	\$1,582,406

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-283-09: APPROVAL OF TRF PALLET SMALL CITIES DEVELOPMENT PROGRAM COMMERCIAL REHABILITATION PROJECT FUNDS**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 12-283-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept a Community Development Advisory Board recommendation to grant TRF Pallet, located at 823 Dewey Avenue North, the following Small Cities Development Program Commercial Rehabilitation Project funds:

\$24,506.00 Deferred Loan (grant if recipient remains at location for 5 years).  
\$12,253.50 Repayment Loan at 3% interest payable monthly for 10 years.  
\$12,253.50 Owner's Cash Share.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-284-09: APPROVAL OF PREFERRED OPTION FOR GREENWOOD STREET UNDERPASS AND STREET CONSTRUCTION**

The City Council reviewed information presented by Widseth Smith Nolting earlier in the meeting. Following discussion, Councilmember Kajewski introduced Resolution No. 12-284-09, being seconded by Councilmember Schmalz, that:

WHEREAS, Widseth Smith Nolting presented two options relating to the design of the Greenwood Street Underpass and street construction – a straight alignment in existing right-of-way and a curved alignment north and south of existing right-of-way; and,

WHEREAS, the December 15, 2009 presentation included, among other things, the cost estimates and effects on the surrounding area of both options.

THEREFORE, BE IT RESOLVED, that the City Council, after consideration of both options presented by Widseth Smith Nolting, approves the curved alignment north and south of the existing right-of-way option regarding the Greenwood Street underpass and street construction.

On vote being taken, the resolution was unanimously passed.

**WIND ENERGY CONVERSION SYSTEM PROPOSED ORDINANCE**

The City Council was presented with a revised proposed Wind Energy Conversion System ordinance. Following discussion and public comments, Councilmember Erickson moved, being seconded by Councilmember Lee, to refer this matter back to the Public Utilities Committee for further study. On vote being taken, the motion was unanimously carried.

**RESOLUTION NO. 12-285-09: APPROVAL OF NORTHERN PLAINS CONTRACTING QUOTE FOR INSTALLATION OF WASTEWATER LIFT STATION NO. 9 PUMP**

The City Council reviewed quote information supplied by Director of Utilities Rude. Following discussion, Councilmember Lee introduced Resolution No. 12-285-09, being seconded by Councilmember Cullen, that:

RESOLVED, to accept the quote submitted by Northern Plains Contracting in the amount of \$21,000.00 for removal of the old wastewater lift station No. 9 pump and installation of a new City-owned pump and check valve and rework of existing pump base.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-286-09: APPROVAL TO WRITE OFF UNCOLLECTIBLE UTILITY ACCOUNTS AND CERTIFY UNPAID UTILITY ACCOUNTS TO PENNINGTON COUNTY AUDITOR**

The City Council reviewed a request from Billing Office Manager Froiland, Following discussion, Councilmember Schmalz introduced Resolution No. 12-286-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to approve write off \$27,541.86 of uncollectible utilities accounts to Bad Debt Expense. This represents 2/10 of one percent of the \$13,000,000 estimated total collections by the Utilities Billing Office for electric, water, wastewater, storm water, and sanitation utilities. Efforts shall continue for collection of these accounts:

ACCOUNT	AMOUNT	ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
000243025	\$120.86	000302202	\$950.95	001809106	\$739.73
0002512003	\$170.34	002701221	\$351.70	001737708	\$637.78
000533001	\$392.36	001115124	\$71.65	002515219	\$123.20
000253522	\$115.91	000261021	\$113.74	002712219	\$38.38
001932803	\$300.43	000203104	\$558.30	002391201	\$23.00
000725602	\$201.95	002120505	\$29.31	001537007	\$622.95
002347021	\$4.69	000245524	\$77.55	002643211	\$67.52
002713012	\$200.70	002333516	\$350.59	001413208	\$418.28
002738813	\$271.95	002074007	\$428.74	000536905	\$797.88
002619207	\$278.44	002713012	\$105.23	001115124	\$63.31
002735615	\$288.09	001131301	\$1,160.28	001809106	\$63.75
002717611	\$24.23	002601605	\$190.15	002224020	\$105.83
000641719	\$74.90	000267512	\$126.88	001973601	\$113.88
002706422	\$173.73	001308901	\$716.28	000251017	\$123.29
002393401	\$21.34	001939403	\$111.07	000356406	\$369.42
001553904	\$54.99	002735615	\$144.73	002623610	\$22.19
000113002	\$5.00	000703107	\$246.89	000428813	\$264.51
002610017	\$33.72	002644406	\$229.21	000533001	\$340.62
002713421	\$100.54	002720408	\$672.78	000518923	\$218.91
000240603	\$80.04	001413208	\$186.01	000536401	\$82.07
002601605	\$41.35	001976608	\$1,498.03	002347021	\$32.24
001201018	\$111.70	002641208	\$212.49	002727618	\$271.40
001900102	\$304.73	002610807	\$1,805.75	000354308	\$511.72
001977516	\$68.01	000631514	\$437.83	001806103	\$195.72
002344002	\$158.96	002725619	\$218.00	000241521	\$24.18
000718705	\$125.05	001513106	\$3.85	002531615	\$217.77
000326806	\$273.44	000642013	\$27.36		
001005203	\$48.73	002135004	\$602.51		
002212505	\$66.29	001531001	\$472.83		
001544803	\$133.39	001702811	\$104.39		
001131001	\$272.31	001131001	\$209.60		
001318101	\$243.72	002717611	\$248.90		
001307301	\$256.30	001309001	\$346.31		
000214503	\$73.75	001532816	\$251.84		

001115415	\$153.44	001307009	\$493.26
002728013	\$205.77	002736421	\$297.29
000616804	\$682.37	001412612	\$129.58
001019014	\$446.83	002119201	\$27.22
000642013	\$49.66	002705618	\$142.60
001551501	\$51.47	002391401	\$19.17

BE IT FURTHER RESOLVED, to certify the following unpaid 11 accounts to the Pennington County Auditor for collection as a lien on the property owner's 2010 property tax:

Property Owner	Parcel No.	Amount
Jeremy Abrahamson (John Abrahamson)	25-016-008-20	\$1,390.24
Steven Almen	M25-091-446-01	\$ 335.54
Crystal Ringling	25-011-075-80	\$ 948.48
Paul E. Green	M25-091-162-00	\$ 884.11
Keith Woodruff	M25-091-553-01	\$ 315.41
Jeri Castle	25-005-064-00	\$1,838.21
Geno's Pizzeria (Lance Henrickson)	25-003-200-71	\$ 707.07
Samuel Kotas (CU Mortgage Comp)	25-006-025-60	\$ 433.01
Ronnie McBride	M25-091-164-01	\$ 426.14
Dustin Miller	M25-091-364-00	\$ 368.22
Jill Stenberg	25-005-132-80	\$ 584.57

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-287-09: APPROVAL OF RATES AND FEES AMENDMENTS**

The City Council reviewed proposed changes to various City rates and fees. Following discussion, Councilmember Kajewski introduced Resolution No. 12-287-09, being seconded by Councilmember Lee, that:

RESOLVED, by the City Council, to amend the rates and fees charged by the City of Thief River Falls as proposed on the attachment, effective January 1, 2010.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-288-09: ACCEPTANCE OF QUOTE FROM HEARTLAND PAPER FOR PARKS AND RECREATION DEPARTMENT SCRUBBER**

A request from the Parks and Recreation Director was reviewed. Following discussion, Councilmember Lee introduced Resolution No. 12-288-09, being seconded by Councilmember Cullen, that:

WHEREAS, the following three quotes were received by the Parks and Recreation Department for a walk-behind scrubber:

Tennant Sales and Service Company	\$12,147.00
Stein's Inc.	\$ 8,207.00
Heartland Paper	\$ 7,989.00

THEREFORE, BE IT RESOLVED, by the City Council, to accept the quote submitted by Heartland Paper in the amount of \$7,989.00 for a 28" Tennant Standard walk-behind scrubber.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-289-09: APPROVAL OF HARTZ WAREHOUSE SMALL CITIES DEVELOPMENT PROGRAM COMMERCIAL REHABILITATION PROJECT FUNDS**

A Community Development Advisory Board recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 12-289-09, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to accept a Community Development Advisory Board recommendation to grant Hartz Warehouse, located at 124 State Avenue South, the following Small Cities Development Program Commercial Rehabilitation Project funds:

\$16,301.00 Deferred Loan (grant if recipient remains at location for 5 years).  
\$ 1,730.00 Repayment Loan at 3% interest payable monthly for 5 years.  
\$14,571.00 Owner's Cash Share.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION: 12-290-09: APPROVAL OF MNDOT SUPPLEMENTAL AGREEMENT NO. 1 FOR SCHEDULE B OF THE 2009 IMPROVEMENT PROJECT CONTRACT WITH HOUGH, INC.**

Engineering Services Director Borseth presented a pay request which includes an amendment to the original contract with Hough, Inc. Following discussion, Councilmember Erickson introduced Resolution No. 12-290-09, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to accept a Public Works Committee recommendation to approve Supplemental Agreement No. 1 with the Minnesota Department of Transportation regarding Schedule B of the 2009 Improvement Project contract with Hough, Inc. Supplemental Agreement No. 1 is a required MnDOT addition to

the County Road 62 relocation which shall increase the contract price of the Hough, Inc. contract by \$61,144.73, which shall be covered by M.S.A. funds.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 12-291-09: APPROVAL OF ABATEMENT OF TAXES FOR PROPERTIES OWNED BY STEVEN CRITTENDEN, RONALD AND MARIE ENGEN, JASON SCHUSTER, AND CHRISTINE AND SCOTT MILLER**

The City Council reviewed information presented at the Tax Abatement Hearing held on December 15, 2009. Following discussion, Councilmember Kajewski introduced Resolution No. 12-291-09, being seconded by Councilmember Cullen, that:

WHEREAS, a public hearing was conducted on December 15, 2009 at 5:50 p.m. with regard to Tax Abatement requests and it was determined that the requests meet the eligibility requirements of the City's Tax Abatement Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council to approve the following tax abatements:

Steven G. Crittenden: Parcel No. 25.064.014.20 – Lot 2 of Block 2 in Allwood Acres Addition. Tax Abatement is \$552.16 for 2009 property tax.

Ronald and Marie Engen: Parcel No. 25.103.010.20 – South 54' of North 56' of Lot 5 of Block 2 in Rohl's Addition. Tax Abatement is \$475.43 for 2009 property tax.

Jason R. Schuster: Parcel No. 25.064.038.40 – Lot 6 of Block 4 in Allwood Addition. Tax Abatement is \$630.75 for 2009 property tax.

Christine and Scott Miller: Parcel No. 25.105.004.10 – Lot 4 of Block 1 in Bothun's Addition. Tax Abatement is \$734.91 for 2009 property tax.

On vote being taken, the resolution was unanimously passed.

**CITY COUNCIL COMMITTEE REPORTS**

- Parks and Recreation/Public Safety Committee – Steve Nordhagen, Chair
- Public Works Committee – Floyd Erickson, Chair
- Administrative Services Committee – Elvera Cullen, Chair

**UPCOMING MEETINGS**

- Planning Commission – December 21, 2009 at 7:00 p.m.
- City Council Meeting – January 5, 2010

**ADJOURNMENT**

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Erickson, to adjourn the meeting at 7:07 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