

COUNCIL PROCEEDINGS

April 20, 2010

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on April 20, 2010 in the Council Chambers of City Hall. The following Councilmembers were present: Cullen, Erickson, Holten, Lee, Schmalz, and Mayor Nordhagen. Councilmembers Bendickson and Kajewski were absent. Mayor Nordhagen chaired the meeting.

APPROVAL OF AGENDA

Councilmember Lee motioned, being seconded by Councilmember Schmalz, to approve the agenda with the addition of several items and the removal of an item concerning a new half-day rental fee of the Ralph Engelstad Arena. On vote being taken, the motion was unanimously approved and the agenda adopted.

RESOLUTION NO. 4-74-10: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-74-10, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve the April 6, 2010 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-75-10: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-75-10, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$1,193,890.29. 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. 4-76-10: APPROVAL OF PROGRESSION RAISE FOR TRENT COLLINS, PART-TIME PUBLIC WORKS MAINTENANCE (AIRPORT) EMPLOYEE

Presented as part of the Consent Agenda, Councilmember Lee introduced Resolution No. 4-76-10, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to grant Trent Collins, part-time Public Works Maintenance (Airport) employee, a progression raise. Mr. Collins shall progress to Step 4 of the Grade Level 4 Public Works Maintenance (Airport) Salary Schedule, retroactive to February 21, 2010.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-77-10: APPROVAL TO REDUCE 2010 ESTIMATED MARKET VALUE OF 215 CONLEY AVENUE SOUTH, OWNED BY ORLIN LEROL

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Schmalz introduced Resolution No. 4-77-10, being seconded by Councilmember Cullen, that:

WHEREAS, the Board of Appeal and Equalization conducted a public meeting on April 12, 2010 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2010 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council accepts the recommendation of the Pennington County Assessor to lower the proposed 2010 estimated market value of 215 Conley Avenue South (Parcel No. 25.009.004.10), property owned by Orlin Lerol, from \$20,600 to \$8,800.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-78-10: APPROVAL TO REDUCE 2010 ESTIMATED MARKET VALUE OF 112 OAKWOOD COURT, OWNED BY BENEDICT AND KAREN KUZNIA

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Lee introduced Resolution No. 4-78-10, being seconded by Councilmember Schmalz, that:

WHEREAS, The Board of Appeal and Equalization conducted a public meeting on April 12, 2010 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2010 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council does not accept the Pennington County Assessor's 2010 estimated market value of 112 Oakwood Court in the amount of \$372,100; and,

BE IT FURTHER RESOLVED, that the City Council determines and approves the amount of \$325,000 as the 2010 estimated market value of 112 Oakwood Court (Parcel No. 25.100.006.10), owned by Benedict and Karen Kuznia.

On vote being taken, the resolution was passed by a five-yes, one-no (Cullen) vote.

RESOLUTION NO. 4-79-10: APPROVAL TO ACCEPT PENNINGTON COUNTY ASSESSOR'S 2010 ESTIMATED MARKET VALUE OF 2020 GREENWOOD STREET EAST AND 2017 HIGHWAY 59 SE, OWNED BY DARRELL MAGNER

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Cullen introduced Resolution No. 4-79-10, being seconded by Councilmember Schmalz, that:

WHEREAS, The Board of Appeal and Equalization conducted a public meeting on April 12, 2010 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2010 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council accepts the recommendation of the Pennington County Assessor and not amend the 2010 estimated market values of 2020 Greenwood Street East and 2017 Highway 59 SE:

Parcel No. 25.045.001.10 (\$29,900)	Parcel No. 25.045.003.10 (\$413,900)
Parcel No. 25.045.004.10 (\$55,600)	Parcel No. 25.045.006.10 (\$292,200)
Parcel No. 25.045.006.11 (\$72,600)	

On vote being taken, the resolution was passed by a five-yes, one-no (Nordhagen) vote.

RESOLUTION NO. 4-80-10: APPROVAL TO ACCEPT PENNINGTON COUNTY ASSESSOR'S 2010 ESTIMATED MARKET VALUE OF 321 LABREE AVENUE NORTH , OWNED BY DONALD GOODRICH

The City Council reviewed a recommendation presented by Pennington County Assessor Olson. Following discussion, Councilmember Cullen introduced Resolution No. 4-80-10, being seconded by Councilmember Erickson, that:

WHEREAS, The Board of Appeal and Equalization conducted a public meeting on April 12, 2010 at the Pennington County Court House to review appeals submitted by property owners within the City of their 2010 estimated market values; and,

WHEREAS, Pennington County Assessor Olson has reviewed the appeals and has presented her recommendations to the City Council.

THEREFORE, BE IT RESOLVED, that the City Council accept the recommendation of the Pennington County Assessor and not amend the \$156,500 2010 estimated market value of 321 LaBree Avenue North (Parcel No. 25.003.235.90) owned by Donald Goodrich.

On vote being taken, the resolution was passed by a five-yes, one-no (Nordhagen) vote.

RESOLUTION NO. 4-81-10: ADOPTION OF THE THIEF RIVER FALLS PARK SYSTEM PLAN

A Parks and Recreation Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 4-81-10, being seconded by Councilmember Lee, that:

WHEREAS, the Parks and Recreation Department's purpose is to provide quality park and recreation opportunities to citizens of all ages based upon cost efficiency, user satisfaction, and community needs and to provide a clean, well-maintained park system; and,

WHEREAS, a Park System Project Priority List has been created to indicate the priority of park projects for the next several years.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Parks and Recreation Committee recommendation to adopt the Park System Plan. The Plan, in its entirety, is on file in the office of the Parks and Recreation Director and the office of the City Administrator.

On vote being taken, the resolution was unanimously passed.

REDUCTION OF HUCK OLSON MEMORIAL CIVIC CENTER RENTAL FEE CHARGE TO TRF TIMES

A request from John Mattson of the TRF Times to reduce his rental fee of the Huck Olson Memorial Civic Center was considered. Following discussion, Councilmember Schmalz made a motion to accept the Parks and Recreation Committee recommendation to reduce the fee. There was no second to the motion, therefore the motion failed and no action was taken.

RESOLUTION NO. 4-82-10: APPROVAL OF CONTRACT WITH FARMER'S UNION OIL COMPANY FOR LEASE OF RALPH ENGELSTAD PRO SHOP

The City Council considered two proposals for leasing the pro shop at the Ralph Engelstad Arena. Following discussion, Councilmember Lee introduced Resolution No. 4-82-10, being seconded by Councilmember Cullen, that:

WHEREAS, the City received two proposals for leasing the pro shop located at the Ralph Engelstad Arena; and,

WHEREAS, Legends Sporting Goods submitted a proposal to lease the space for \$125 per month and remittance of 8% of gross sales from the pro shop and

Farmer's Union Oil Company submitted a proposal to lease the space for \$150 per month plus payment of the property tax due for the leased space; and,

WHEREAS, the City has determined to accept the proposal that guarantees a fixed payment to the City.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the proposal submitted by Farmer's Union Oil Company for lease of the pro shop located in the Ralph Engelstad Arena.

On vote being taken, the resolution was unanimously passed.

PRESENTATION BY TRF FORWARD – ANNIE HOOK

Annie Hook, a Lincoln High School student, appeared before the City Council and presented an update of the TRF Forward activities to date and future goals. This was for information only and no action was taken.

RESOLUTION NO. 4-83-10: APPROVAL OF SUBORDINATION AGREEMENT BETWEEN THE CITY OF THIEF RIVER FALLS, KRISTINE ELLIOT, AND WELLS FARGO BANK

The City Council reviewed a request for a Subordination Agreement. Following discussion, Councilmember Lee introduced Resolution No. 4-83-10, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator execute a Subordination Agreement between the City of Thief River Falls, Kristine Elliot, and Wells Fargo Bank. The Subordination Agreement states that the City shall subordinate its first position to Wells Fargo Bank on a Slow Second Mortgage issued by the City of Thief River Falls to Kristine Elliot for property located at 1134 Somerset Drive and legally described as Lot 10 in Block One of Oakland Park Third Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-84-10: ADOPTION OF ORDINANCE #46, 3rd SERIES, AN ORDINANCE ADDING WIND ENERGY CONVERSION PROVISIONS

Councilmember Cullen called for the second reading of a wind energy conversion ordinance, being seconded by Councilmember Erickson. On vote being taken, the Chair declared the motion carried.

Following the reading of the ordinance by Assistant City Attorney Sparby, Councilmember Lee introduced Resolution No. 4-84-10, being seconded by Councilmember Cullen, that:

BE IT RESOLVED, by the City Council, to adopt Ordinance No. 46, 3RD Series, an ordinance adding City Code Section 152.134, which regulates the installation of Wind Energy Conversions Systems (WECS) within the City.

BE IT FURTHER RESOLVED, that the ordinance be published in summary form in The Times newspaper. The ordinance, in its entirety, shall be on file in the Office of the City Administrator.

On vote being taken, the resolution was unanimously passed.

PROCLAMATIONS

- VFW POPPY PROCLAMATION. Recognizing the support of the poppy sales as a symbol of the appreciation for the sacrifices made by our honored veterans. Introduced by Lee, seconded by Cullen. Chair declared motion approved.

RESOLUTION NO. 4-85-10: APPROVAL OF BEER IN THE PARK PERMITS FOR THE MEN'S AND WOMEN'S SOFTBALL LEAGUES AT THE MEC SOFTBALL COMPLEX

The City Council reviewed applications for a Beer in the Park Permit. Following discussion, Councilmember Lee introduced Resolution No. 4-85-10, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to approve Beer in the Park Permits for the Men's and Women's Softball Leagues to consume 3.2% malt liquor at the Multi-Events Center Softball Complex during the 2010 softball season.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-86-10: APPROVAL OF PENNINGTON COUNTY FAIR ASSOCIATION TEMPORARY 3.2% MALT LIQUOR LICENSE

The City Council reviewed an application for a temporary 3.2% malt liquor license. Following discussion, Councilmember Lee introduced Resolution No. 4-86-10, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to grant a Temporary 3.2% Malt Liquor License to the Pennington County Fair Association, effective July 21, 2010 through July 25, 2010 at the Pennington County Fairgrounds.

On vote being taken, the resolution was passed by a five yes vote, with Councilmember Erickson abstaining.

RESOLUTION NO. 4-87-10: APPROVAL TO PAY OFF CITY HALL LEASE AND THE HUCK OLSON MEMORIAL CIVIC CENTER LEASE

Finance Director Johnson presented a Budget and Finance Committee recommendation. Following discussion, Councilmember Cullen introduced Resolution No. 4-87-10, being seconded by Councilmember Lee, that:

WHEREAS, the City has adequate reserves and donations and could anticipate a savings of \$15,304 if the City were to pay off the remaining lease debt owed on City Hall and the Huck Olson Memorial Civic Center (HOMCC).

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Budget and Finance Committee recommendation and pay off the two following leases:

City Hall Lease	Payoff Amount	\$223,777	Anticipated Savings	\$ 3,741
HOMCC Lease	Payoff Amount	\$201,589	Anticipated Savings	\$11,563

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-88-10: APPROVAL TO WRITE OFF FALLS LIQUOR STORE NSF CHECKS TO BAD DEBT EXPENSE

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Lee introduced Resolution No. 4-88-10, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation to write off the following 2007 and 2008 Falls Liquor Store NSF checks totaling \$3,934.94 to bad debt expense. Efforts will continue to collect on the outstanding accounts.

NAME	DATE OF CHECK	AMOUNT
Alcozer, Jessica	01/22/2007	\$34.41
Alcozer, Jessica	08/06/2007	\$81.64
Anderson, Allen	08/17/2007	\$21.79
Anderson, Allen	08/20/2007	\$33.62
Anderson, Allen	08/20/2007	\$30.19
Battles, John	02/21/2007	\$57.98
Blair, Michael	05/29/2007	\$18.69
Bratland, Marvin & Julie	06/11/2007	\$25.00
Crocker, Elizabeth	11/21/2007	\$24.76
Doak, Nicole	09/18/2007	\$25.00

Dunnell, Harmony	10/05/2007	\$18.52
Dunnell, Harmony	10/15/2007	\$57.56
Evenson, Evelyn	04/11/2007	\$20.00
Glad III, Richard	06/18/2007	\$42.17
Gregory, Hans	01/10/2007	\$17.15
Grochowski, Jennifer	09/28/2007	\$19.60
Hamrick, Kevin & Lori	12/10/2007	\$15.54
Head, Rose	10/08/2007	\$17.75
Holds The Enemy, Joseph	03/26/2007	\$15.00
Holds The Enemy, Joseph	03/26/2007	\$11.35
Jacobs, Douglas	12/05/2007	\$29.91
Jacobs, Douglas	12/06/2007	\$20.00
Jacobs, Douglas	12/11/2007	\$26.15
Jacobs, Douglas	12/24/2007	\$26.16
Johnson, Jesse	08/03/2007	\$37.97
Johnson, Kathy E.	05/02/2007	\$11.19
Johnson, Kathy E.	05/02/2007	\$9.15
Johnson, Kathy E.	05/04/2007	\$16.12
Karol, Joni	03/23/2007	\$25.75
King, David	06/04/2007	\$55.00
King, David	06/04/2007	\$39.59
King, Raymond & Gayle	01/30/2007	\$101.86
Knutson, Kelly	03/07/2007	\$56.64
Loeffler, Robert & Judy	04/27/2007	\$83.81
Marichalar Jr., Felix	01/22/2007	\$27.07
Martin, Charles Jr.	05/31/2007	\$35.00
Martin, Charles Jr.	05/31/2007	\$40.00
Martin, Charles Jr.	07/05/2007	\$53.00
Mathson, Brian	04/30/2007	\$45.00
Melby, Kurt	12/03/2007	\$28.32
Mireles, Nilda	04/11/2007	\$63.00
Neeland, Kim	05/21/2007	\$50.00
Nelson, Jennifer	05/21/2007	\$30.15
Nelson, Jennifer	05/21/2007	\$38.73
Nelson, Sarah	08/07/2007	\$12.00
Nomeland, Cindy	05/02/2007	\$5.00

Owen, Benjamin & Jessica	01/04/2007	\$20.46
Reese, Cassandra	08/02/2007	\$45.00
Slining, Toni	09/24/2007	\$19.26
Swenson, Tina	09/24/2007	\$101.38
Thompson, Lori	04/10/2007	\$57.06
Wallace, Robert	12/21/2007	\$5.00
Wegge, Nathan	01/23/2007	\$20.25
Wiseman, Ricky	08/21/2007	\$74.62
Wolfe, Lori	04/02/2007	\$19.15
TOTAL 2007		\$1,916.47
Benavidez, Melinda	04/14/2008	\$23.39
Bink, John	01/17/2008	\$30.33
Black, Judy	11/19/2008	\$19.61
Calhoun, Ortez	08/11/2008	\$44.66
Connolly, Shawn	10/06/2008	\$27.99
COUNTERFEIT BILL	01/23/2008	\$100.00
Davidson, Debra	07/15/2008	\$20.58
Fast, Leslie	05/09/2008	\$30.44
Fast, Leslie	05/13/2008	\$20.13
Frei, Roberta	11/07/2008	\$77.00
Hassel, Renee	12/09/2008	\$28.85
Head, Rose	07/09/2008	\$21.00
Jelle, Michael & Shonda	12/05/2008	\$85.26
Jensen, Willy	04/09/2008	\$19.60
Jones, Cassondra	12/05/2008	\$22.87
Kaminski, Dave	09/09/2008	\$14.90
Kaminski, Dave	09/09/2008	\$19.84
Kaminski, Dave	09/19/2008	\$40.00
Kaminski, James	09/23/2008	\$20.00
Kaminski, James	09/23/2008	\$38.48
Kaminski, James	09/23/2008	\$40.00
Kaminski, James	09/23/2008	\$45.00
Kostrzewski, Brandon	08/20/2008	\$62.90
Kramer, William	09/16/2008	\$32.27
Limesand, Beth	07/02/2008	\$14.10
Magner, Glenn	12/03/2008	\$41.22

Maker, Thomas	11/24/2008	\$40.67
Maker, Thomas	12/01/2008	\$60.31
Martinez, Arnaldo	05/28/2008	\$59.35
McCauley, James	10/01/2008	\$50.00
Nelson, Cory	11/24/2008	\$60.59
Potrament, Keith	02/25/2008	\$39.12
Roggenbuck, Donald	09/08/2008	\$17.00
Roggenbuck, Donald	09/12/2008	\$18.52
Roggenbuck, Donald	09/23/2008	\$23.87
Sele, Stephen	09/23/2008	\$29.88
Shurley, Jessica	01/10/2008	\$475.71
Stotts, Matthew	01/29/2008	\$53.39
Traxel, Jedidiah	04/29/2008	\$21.49
Trontvedt, Tamera	03/11/2008	\$30.00
Trontvedt, Tamera	03/07/2008	\$30.00
Verbout, Michael	08/25/2008	\$41.40
Wilson, Jesse & Danielle	07/29/2008	\$15.00
Zammert, Jackie	07/09/2008	\$11.75
TOTAL 2008		\$2,018.47

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-89-10: APPROVAL TO ADVERTISE FOR A WATER SYSTEMS FOREMAN

The City Council considered filling the vacant position of Water Systems Foreman. Following discussion, Councilmember Lee introduced Resolution No. 4-89-10, being seconded by Councilmember Cullen, that:

WHEREAS, by adopting Resolution 2-36-10, the City created a new position entitled "Water Systems Foreman" in the Water Systems Department and approved its job description; and,

WHEREAS, the City wishes to fill the position.

THEREFORE, BE IT RESOLVED, by the City Council, to publically advertise to fill the position of Water Systems Foreman.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-90-10: APPROVAL TO FILL POSITION OF PART-TIME OFF-SALE CLERK AT FALLS LIQUOR STORE

The City Council reviewed a vacant position at Falls Liquor. Following discussion, Councilmember Schmalz introduced Resolution No. 4-90-10, being seconded by Councilmember Erickson, that:

RESOLVED, by the City Council, to open the vacant position of part-time Off-Sale Clerk at Falls Liquor Store to Teamster 320 employees, as per the Union Contract.

BE IT FURTHER RESOLVED, if the position is not filled by a qualified Teamster 320 employee, the position will be advertised to the public for filling.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 4-91-10: APPROVAL OF EXTENSION OF INDEPENDENT CONTRACT WITH LES COTA FOR GRASS MOWING SERVICES

The City Council reviewed a request by the Building Official to extend the current contract with Les Cota for grass mowing services for one more year, with the intent to call for proposals for a three-year contract next year. Following discussion, Councilmember Lee introduced Resolution No. 4-91-10, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to approve an extension to the current Independent Service Contract with Les Cota for grass mowing services for one year (terminating on December 15, 2010) with no change to the current fee schedules.

On vote being taken, the resolution was unanimously passed.

MATTER OF PURCHASE OF CATERPILLAR STUMP GRINDER FROM ZIEGLER

Street/Sanitation Supervisor Konickson presented a request to purchase a Caterpillar Stump Grinder by state bid. Following discussion, Councilmember Lee made a motion to refer this matter back to the Public Works Committee for discussion. There was no second to the motion, therefore the motion failed and no action was taken.

Following continued discussion, Councilmember Cullen introduced a resolution, being seconded by Councilmember Erickson to purchase a Caterpillar Stump Grinder by state bid. On vote being taken, the resolution failed by a three-yes, three-no (Nordhagen, Schmalz, and Lee) vote.

RESOLUTION NO. 4-92-10: APPROVAL OF CALLING FOR PLANS AND SPECIFICATIONS FOR A STREET BUILDING ADDITION AND CALLING FOR BIDS

The City Council considered a proposal to build an addition to the Street/Sanitation Department building. Following discussion, Councilmember Cullen introduced Resolution No. 4-92-10, being seconded by Councilmember Holten, that:

WHEREAS, the City proposes to construct an addition to the Street/Sanitation Department building located at 1100 Horace Avenue North.

THEREFORE, BE IT RESOLVED, that the City Council requests the City Engineer to prepare plans and specifications for the building addition and authorizes that bids be called for the addition.

On vote being taken, the resolution was unanimously passed.

It should be noted that Mayor Nordhagen left the meeting at this time. Acting Mayor Lee chaired the remainder of the meeting.

CITY COUNCIL COMMITTEE REPORTS

- Public Utilities Committee
- Public Safety/Parks and Recreation Committee
- Public Works Committee
- Administrative Services Committee
- Budget/Finance Committee

UPCOMING MEETINGS

- Budget/Finance Committee Meeting – April 19, 2010 4:30 p.m.
- Long Range Planning/Annexation Meeting – April 21, 2010 at 4:30 p.m.
- Personnel/Labor Committee Meeting – April 22, 2010 at 4:30 p.m.
- City Council Meeting – May 4, 2010 at 5:00 p.m.

ITEMS FOR INFORMATION:

- City Clean Up Day – May 8, 2010 from 9:00 a.m. until 1:00 p.m. at the Solid Waste Facility located on Highway 32). Councilmembers Schmalz, Cullen, Holten, and Erickson indicated they would assist at the facility.
- March Investment Schedule

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.

Steve Nordhagen, Mayor

Attest: _____
Jodie R. Torkelson, City Administrator