

COUNCIL PROCEEDINGS

November 15, 2011

The City Council of Thief River Falls, Minnesota, met in regular session at 5:00 p.m. on November 15, 2011 in the Council Chambers of City Hall. The following Councilmembers were present: Cullen, Haj, Holten, Kajewski, Schmalz, Swanson, and Mayor Nordhagen. Councilmember Erickson was absent. Mayor Nordhagen chaired the meeting.

APPROVAL OF AGENDA

Councilmember Cullen motioned, being seconded by Councilmember Swanson, to approve the agenda with the addition of ten items. On vote being taken, the motion was unanimously approved.

RESOLUTION NO. 11-233-11: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 11-233-11, being seconded by Councilmember Haj, that:

RESOLVED, by the City Council, to approve the November 1, 2011 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-234-11: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 11-234-11, being seconded by Councilmember Haj, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$526,702.99. 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. 11-235-11: APPROVAL OF REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF THIEF RIVER FALLS AND THE THIEF RIVER FALLS AMATEUR HOCKEY ASSOCIATION FOR CONCESSION STAND SERVICES AT RALPH ENGELSTAD ARENA AND HUCK OLSON MEMORIAL CIVIC CENTER

Presented as part of the Consent Agenda, Councilmember Schmalz introduced Resolution No. 11-235-11, being seconded by Councilmember Haj, that:

RESOLVED, by the City Council, to authorize and direct the Mayor and City Administrator to enter into a reimbursement agreement with the Thief River Falls Amateur Hockey Association (TRFAHA) whereby the City will reimburse TRFAHA for concession stand services at the Ralph Engelstad Arena and the Huck Olson

Memorial Civic Center. Reimbursement for the services provided shall be at a rate of 13% of gross sales, net of sales tax, during the events staffed by TRFAHA members. Term of the agreement shall be from August 1, 2011 through July 31, 2012.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-236-11: ADOPTION OF AN ORDINANCE OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 152 ENTITLED "ZONING CODE" BY AMENDING THE CITY ZONING DISTRICTS MAP, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 152.998

Councilmember Cullen motioned, being seconded by Councilmember Schmalz, to call for the first reading of an ordinance that will amend Chapter 152 of City Code by amending the City Code Districts Map, and by adopting by reference City Code Chapter 10 and Section 152.998. On vote being taken, the resolution was unanimously passed.

Following the reading of the ordinance by City Attorney Ihle, Councilmember Haj introduced Resolution No. 11-236-11, being seconded by Councilmember Cullen, that:

THE CITY COUNCIL OF THIEF RIVER FALLS ORDAINS:

Section 1. The City Zoning Districts Map is hereby amended by changing the zoning designation of the following described real property from General Residential (R-2) to Multi-Family Residential Zoning District (R-4):

The East 646.3 feet of the North 270 feet of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Four (4), Township One Hundred Fifty-three (153) North of Range Forty-three (43) West of the Fifth Principal Meridian.

Section 2. City Code Chapter 10 entitled "General Provisions" and Section 152.998 entitled "Violation" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This Ordinance shall be in force and effect from and after its passage, approval, and publication.

WHEREAS, notice was hereby given, pursuant to Chapter 152 of the Thief River Falls City Code, that Marc and Heidi Haugen, 1603 Pennington Ave. South, Thief River Falls, MN 56701 have applied on behalf of M & U Construction, 4050 Garden View Dr., Grand Forks, North Dakota for a re-zoning classification. M & U Construction is intending to construct two thirty unit apartment buildings on the property

listed below. The property is legally described as: The East six hundred forty-six and three tenths feet (E. 646.3') of the North two hundred seventy feet (N.270') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section four, Township one hundred fifty-three (153) North, of Range forty-three West of the fifth Principal Meridian.

WHEREAS, Marc and Heidi Haugen and M & U Construction have requested approval of a Multi-Family Residential Zoning District (R-4) to allow them to construct and operate their facility where apartment buildings are a permitted use. Note the current zoning for the property described above is General Residential (R-2).

WHEREAS, the request is supported by the following criteria and factors for Granting Rezoning Amendments as follows:

1. That the rezoning will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area. Multi-family housing is located in other residential areas of the City and has not impeded the normal and orderly development and improvement of surrounding property in those areas.
2. That the rezoning will not adversely affect property values of adjacent land-owners. Other low and medium density residential areas are located adjacent to multi-family residential areas within the City and there was no evidence presented showing a reduction in value of those low and medium density residential properties.
3. That the rezoning will not impose other undue hardship on adjacent land-owners such as noise, electrical display signs, odors, or other nuisances.
4. That necessary utilities are available to serve the intended use.
5. There are no additional public services that will be needed resulting from this rezoning and intended use.
6. That there is a public need for the intended land use.
7. The area is adjacent to a minor arterial street which is designed to handle significant traffic. The County Engineer and City Engineering Department made a determination that the adjacent street is sufficient to handle any proposed increased traffic resulting from the rezoning and intended use.

THEREFORE, BE IT RESOLVED, by the City Council, to rezone the property legally described as: The East six hundred forty-six and three tenths feet (E. 646.3') of the North two hundred seventy feet (N.270') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section four, Township one hundred fifty-three (153) North, of Range forty-three West of the fifth Principal Meridian from General Residential (R-2) to Multi-Family Residential Zoning District (R-4).

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-237-11: APPROVAL OF AGENCY AGREEMENT DELEGATING AUTHORITY TO MNDOT TO DO WORK ON BEHALF OF THE CITY OF THIEF RIVER FALLS

A Public Works Committee recommendation was presented. Following discussion, Councilmember Swanson introduced Resolution No. 11-237-11, being seconded by Councilmember Schmalz, that:

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Thief River Falls to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Mayor and the City Administrator are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 99927", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-238-11: APPROVAL OF AGREEMENT WITH WENCK ASSOCIATES, INC. FOR ADDITIONAL WORK ON THE DAM BREAK ANALYSIS

The City Council reviewed an agreement with Wenck Associates, Inc. Following discussion, Councilmember Cullen introduced Resolution No. 11-238-11, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, to authorize and direct the City Administrator to execute a proposal submitted by Wenck Associates, Inc. to complete additional work for the Dam Break Analysis in compliance with current FERC requirements for the Thief River Dam in Thief River Falls. Estimated cost of the work on a time and expenses basis is not to exceed \$7,646.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-239-11: APPROVAL OF APPOINTMENT OF BARRY FROILAND AS DIRECTOR AND DALE NARLOCK AS ADVISOR TO THE NORTHERN MUNICIPAL POWER AGENCY

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Cullen introduced Resolution No. 11-239-11, being seconded by Councilmember Haj, that:

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and appoint Barry Froiland as Director and Dale Narlock as Advisor to the Northern Municipal Power Agency.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-240-11: APPROVAL OF DECLARATION OF CITY SURPLUS PROPERTY

A Public Utilities Committee recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 11-240-11, being seconded by Councilmember Swanson, that:

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation to declare the following Electric department vehicles and trailers as surplus property.

- 1975 Homemade 3 Reel Trailer
- 1975 Homemade 3 Reel Trailer
- 1976 Hy-Lander Trencher Trailer (HMUT58476)
- 1983 Chevrolet Fuel Truck Flatbed
- 1988 Ford Aerostar Van (1FTCA14U7JZA98177)
- 1991 Dodge Dynasty (1B3XC5630MD269927)
- 1992 Homemade Take-Up Trailer (DPSMN891256)
- 1992 Homemade Plow Trailer (DPSMN891257)
- 1992 Homemade Single Reel Trailer (DPSMN891258)
- 1997 DCT Used Grey Trailer (4GBF18270V1010550)

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-241-11: APPROVAL OF CERTIFICATION OF UNPAID SIDEWALK SNOW REMOVAL CHARGES TO PROPERTY OWNERS' 2012 PROPERTY TAX

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 11-241-11, being seconded by Councilmember Schmalz, that:

WHEREAS, sidewalk snow removal charges remain unpaid to the City of Thief River Falls; and,

WHEREAS, pursuant to City Code Section 91.01 and Minnesota State Statute 429.101, the City may certify to the Pennington County Auditor the unpaid snow removal charges.

THEREFORE, BE IT RESOLVED, by the City Council, to certify the following unpaid sidewalk snow removal charges from the 2010/2011 snow season to the Pennington County Auditor for collection as part of the property owner's property tax statement in 2012:

<u>OWNER</u>	<u>ADDRESS</u>	<u>PARCEL</u>	<u>AMOUNT</u>
Candace K. Miller	609 Atlantic Ave N	25.003.003.20	\$48.00

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-242-11: APPROVAL OF CERTIFICATION OF UNPAID GRASS MOWING CHARGES TO PROPERTY OWNERS' 2012 PROPERTY TAX

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Haj introduced Resolution No. 11-242-11, being seconded by Councilmember Cullen, that:

WHEREAS, pursuant to Minnesota State Statute 429.101, the City may place unpaid grass mowing charges due to the City of Thief River Falls onto the owner's property tax statement for collection as a special assessment.

THEREFORE, BE IT RESOLVED, by the City Council, to certify the following unpaid grass mowing charges to the Pennington County Auditor for collection as part of the owners' 2012 property tax statement:

<u>OWNER</u>	<u>PARCEL NUMBER</u>	<u>AMOUNT</u>
Vivian Hiebert	25-003-001-20	\$203.09
Marnie Berglund	25-015-063-00	\$361.36
RT Promotions Inc.	25-027-003-00	\$198.76
RT Promotions Inc.	25-027-019-00	\$204.45
Max Lemky	25-013-045-80	\$ 52.00
Daniel P Huber	25-003-446-80	\$362.70
Paul J Staquet	25-010-016-30	\$132.82
David W Mehrkens	25-021-010-10	\$182.68
Denise M Stepp	25-006-354-00	\$443.69
Della Martinec	25-031-036-00	\$ 71.64
Troy C Wilson	25-005-052-80	\$ 92.02
Thomas A Filzen	25-049-003-01	\$ 52.00
Jerome Unruh	25-001-072-00	\$470.42
Kandy Kay Bratton	25-010-019-30	\$ 90.66

Porter & Tamara S Vaughn	25-016-011-20	\$ 50.00
Michael E Olson	25-013-025-20	\$ 69.53
Richard E Porter	25-010-018-30	\$ 50.00
Jeffrey & Lorene Flynn	25-022-058-00	\$ 49.00
Lund Investment LP	25-001-070-21	\$402.00

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-243-11: APPROVAL OF CERTIFICATION OF UNPAID TREE REMOVAL CHARGES TO PROPERTY OWNERS' 2012 PROPERTY TAX

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 11-243-11, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to Minnesota State Statute 429.101, the City may place unpaid tree removal charges due to the City of Thief River Falls onto the owner's property tax statement for collection as a special assessment.

THEREFORE, BE IT RESOLVED, by the City Council, to certify the following unpaid tree removal charges to the Pennington County Auditor for collection as part of the owners' 2012 property tax statement:

<u>OWNER</u>	<u>ADDRESS</u>	<u>PARCEL</u>	<u>AMOUNT</u>
Verna Sevre	323 Crocker Ave N	25.006.057.80	\$675.00

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-244-11: APPROVAL OF SUBORDINATION AGREEMENT FOR PAUL AND JACKIE GONSOROWSKI REGARDING SLOW SECOND MORTGAGE

A proposed Subordination Agreement was presented to the City Council. Following discussion, Councilmember Schmalz introduced Resolution No. 11-244-11, being seconded by Councilmember Kajewski, that:

RESOLVED, by the City Council, that the City hereby agrees to subordinate its position on a Slow Second Mortgage with Paul and Jackie Gonsorowski and Valley Mortgage, on property legally described as Lot One (1), Block Two (2), Zeh's Third Addition.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-245-11: A RESOLUTION COMMITTING SPECIAL REVENUE SOURCES IN SPECIAL REVENUE FUNDS

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 11-245-11, being seconded by Councilmember Haj, that:

WHEREAS, The Governmental Accounting Standards Board's Statement #54 definition of special revenue funds states that special revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes other than debt service or capital projects; and

WHEREAS, The term "proceeds of specific revenue sources" establishes that one or more specific restricted or committed revenues should be the foundation for a special revenue fund and comprise a substantial portion of the fund's revenues; and

WHEREAS, Investment earnings and transfers from other funds do not meet the definition of a specific revenue source; and,

WHEREAS, Council action is required to formalize the commitment of the specific revenue sources to specified purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thief River Falls that effective November 15, 2011 the specific revenue source of each special revenue fund and the specific purposes for which they are committed are as follows:

Special Revenue Fund	Specific Revenue Sources	Committed For
CDAB Revolving Loan Fund	Loan payments	Economic development projects and activities
Greenwood Cemetery Fund	20% of Lot Sales	Cemetery perpetual care

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-246-11: APPROVAL OF FUND BALANCE RESERVE POLICY

An Administrative Services Committee recommendation was presented. Following discussion, Councilmember Holten introduced Resolution No. 11-246-11, being seconded by Councilmember Cullen, that:

BE IT RESOLVED, to provide a stable financial environment for the City of Thief River Falls' operations that allows the City to provide quality services to its residents in a fiscally responsible manner designed to keep services and taxes as

consistent as possible over time. This fund balance/reserve is meant to serve as the framework upon which consistent operations may be built and sustained:

- 1) At the end of each fiscal year, the city will report the portion of fund balance that is not spendable form as Non-spendable Fund Balance on the financial statements;
- 2) At the end of each fiscal year, the city will report "restricted" fund balances for amounts that have applicable legal restrictions per GASB #54. In addition, encumbrances or funds restricted by enabling legislation will be reported as "restricted";
- 3) Prior to the end of each fiscal year, a majority vote of the city council is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the council;
- 4) The city council delegates the power to assign fund balances to be used for specific purposes to the City Administrator and/or Finance Director with review of the Budget/Finance Committee;
- 5) The city will strive to maintain a minimum unassigned general fund balance of 35% of the annual budget. The city council will conduct an annual review during the budget process of the sufficiency of the minimum unassigned fund balance level;
- 6) If resources from more than one fund balance classification could be spent, the city will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned; and,
- 7) The city council resolves to set and maintain utility rates and fees that are fairly structured for the ratepayers and sufficient to adequately fund the system on a sustainable basis. An annual rate review will be made during the budget process by city council and will strive to maintain fund reserves of two months of anticipated operating expense and next year's debt service payments.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-247-11: APPROVAL OF EMPLOYMENT OF AARON JOPPRU, PARKS/ARENAS MAINTENANCE

The City Council reviewed the hire of a Parks/Arenas Maintenance position. Following discussion, Councilmember Cullen introduced Resolution No. 11-247-11, being seconded by Councilmember Haj, that:

RESOLVED, by the City Council, to hire Aaron Joppru, Parks/Arenas Maintenance, effective November 16, 2011. Mr. Joppru shall be placed at step 1 of the grade level 4 Parks/Arenas Maintenance salary schedule.

It should be noted that the above action is contingent upon Mr. Joppru's successful completion of the required pre-employment testing requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-248-11: APPROVAL OF EMPLOYMENT OF TERRY OLSON AS MASTER ELECTRICIAN

The City Council reviewed the hire of a Master Electrician. Following discussion, Councilmember Swanson introduced Resolution No. 11-248-11, being seconded by Councilmember Cullen, that:

RESOLVED, by the City Council, to hire Terry Olson as a Master Electrician in the Electric Department. Mr. Olson shall be placed at step 1 of the grade level 8 salary schedule.

It should be noted that the above action is contingent upon Mr. Olson's successful completion of the required pre-employment testing requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-249-11: APPROVAL OF A CONDITIONAL USE PERMIT FOR LORETTA DREVLOW

A Planning Commission recommendation was presented. Following discussion, Councilmember Kajewski introduced Resolution No. 11-249-11, being seconded by Councilmember Cullen, that:

WHEREAS, notice was hereby given, pursuant to Chapter 152 of the Thief River Falls City Code, that Loretta L. Drevlow, 11752 State Hwy. #32 NE, Thief River Falls, MN 56701 has applied for a Conditional Use Permit. Mrs. Drevlow is intending to purchase property at 419 N. Main, Thief River Falls where she intends to own and operate a day care facility at that location. The property is legally described as Lots 9 and 10, block 21 of the Original Townsite of Thief River Falls.

WHEREAS, as a result Fella and Loretta Drevlow have requested approval of a Conditional Use Permit to allow them the opportunity to operate a day care facility in that location. The property is presently zoned Downtown Fringe District (C-4) where day care centers are permitted as a Conditional Use.

WHEREAS, the Planning Commission recommends that the City Council grant the Conditional Use Permit, based on the findings that the request meets all eight of the Criteria for Granting Conditional Use Permits as outlined by City Code Section 152.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and grant Loretta Drevlow a Conditional Use Permit to allow them the opportunity to operate a day care facility at the property legally described as: Lots 9 and 10, block 21 of the Original Townsite of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-250-11: APPROVAL OF CERTIFICATE OF SURVEY FOR LINDA ARNOLD

A Planning Commission recommendation was presented. Following discussion, Councilmember Schmalz introduced Resolution No. 11-250-11, being seconded by Councilmember Kajewski, that:

WHEREAS, pursuant to proper notice, the Planning Commission conducted a public hearing on February 11, 2008 to consider a Certificate of Survey as prepared by Widseth, Smith, Nolting Engineers, and submitted by Linda Arnold, owner of property located at 101 Fern Road, property legally described as:

A certain tract of and lying in and being a part of the East Half of the Southwest Quarter (E1/2SW1/4), Section Twenty-Eight (28), Township One Hundred Fifty-Four (154) North, Range Forty-Three (43) West of the Fifth Principal Meridian, lying West of the Great Northern Railway right-of-way, LESS the South Four (4) Acres thereof, which remaining property is described and bounded as follows: Commencing at the Southwest corner of the said E1/2SW1/4; thence North upon the West line of the said E1/2SW1/4 a distance of 435 feet to a point hereinafter called the point of beginning; thence from this point of beginning continuing North a distance of 2,288.8 feet to the East and West quarter section line through the said Section 28; thence North 87 degrees 16 minutes East upon the said quarter section line a distance of 353.2 feet to the westerly right of way line of the Great Northern Railway as now laid out and maintained over and across the said Section 28; thence upon the said right of way line South 7 degrees 00 minutes East a distance of 1,277.0 feet to the beginning of a curve with a deflection angle right of 5 degrees 41 minutes and a radius of 7,138.8 feet, the long chord of which bears South 3 degrees 40 minutes East; thence south 3 degrees 40 minutes East along said long chord a distance of 712.5 feet; thence South 0 degrees 19 minutes East 338.0 feet; thence from the said right of way line North 88 degrees 50 minutes West a distance of 552.0 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM THE FOLLOWING: That part of the E1/2SW1/4 of Section 28, Township 154 North of Range 43 West of the Fifth Principal Meridian lying West of the Great Northern Railway which is northerly of the following described line: Commencing at the northwest corner of said E1/2SW1/4; thence South upon the West line of said E1/2SW1/4 a distance of 1,554 feet to the point of beginning; thence East along and upon a line parallel with the North line of said E1/2SW1/4 to the westerly right-of-way line of the Great Northern Railway as now laid out and maintained.

DESCRIPTION OF NORTHERLY TRACT TO PAULSON:

All of the following described tract lying northerly of the following described line: Commencing at the Southwest corner of the East Half of the Southwest Quarter (E½SW¼) of Section Twenty-eight (28), Township One Hundred Fifty-four (154) North of Range Forty-three (43) West of the Fifth Principal Meridian; thence North along the West line of said East Half of the Southwest Quarter (E½SW¼) a distance

of 680.43 feet to the point of beginning of said line; thence North 88 degrees 15 minutes 02 seconds East a distance of 542.75 and said line there terminating, containing 5.03 acres more or less. All that certain tract of land lying in and being a part of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section Twenty-eight (28), Township One Hundred Fifty-four (154) North, Range Forty-three (43) West of the Fifth Principal Meridian, lying West of the Great Northern Railway right-of-way, LESS the South Four (4) acres thereof, which remaining property is described and bounded as follows:

Commencing at the Southwest corner of the said E $\frac{1}{2}$ SW $\frac{1}{4}$; thence North upon the West line of the said E $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 435 feet to a point hereinafter called the point of beginning; thence from this point of beginning continuing North a distance of 2,288.8 feet to the East and West quarter section line through the said Section 28; thence North 87 degrees 16 minutes East upon the said quarter section line a distance of 353.2 feet to the westerly right of way line of the Great Northern Railway as now laid out and maintained over and across the said Section 28; thence upon the said right of way line South 7 degrees 00 minutes East a distance of 1,277.0 feet to the beginning of a curve with a deflection angle right of 5 degrees 41 minutes and a radius of 7,138.8 feet, the long chord of which bears South 3 degrees 40 minutes East; thence South 3 degrees 40 minutes East along said long chord a distance of 712.5 feet; thence South 0 degrees 19 minutes East 338.0 feet; thence from the said right of way line North 88 degrees 50 minutes West a distance of 552.0 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM THE FOLLOWING: That part of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28, Township 154 North of Range 43 West of the Fifth Principal Meridian lying West of the Great Northern Railway which is northerly of the following described line: Commencing at the northwest corner of said E $\frac{1}{2}$ SW $\frac{1}{4}$; thence South upon the West line of said E $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 1,554 feet to the point of beginning; thence East along and upon a line parallel with the North line of said E $\frac{1}{2}$ SW $\frac{1}{4}$ to the westerly right-of-way line of the Great Northern Railway as now laid out and maintained.

DESCRIPTION OF SOUTHERLY TRACT:

All that part of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Fifty-four (154) North of Range Forty-three (43) West of the Fifth Principal Meridian lying West of the Great Northern Railway right-of-way described as follows: Commencing at the southwest corner of said East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$); thence North along the West line of said East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) a distance of 680.43 feet to the point of beginning; thence North 88 degrees 15 minutes 02 seconds East a distance of 542.75 feet; more or less to the westerly Great Northern Railway right-of-way; thence South 00 degrees 21 minutes 05 seconds East, along said westerly right-of-way line, a distance of 356.90 feet; thence South 88 degrees 00 minutes 13 seconds West a distance of 547.23 feet; thence North along the West line of said East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) a distance of 359.39 feet to the point of beginning.

WHEREAS, the Planning Commission recommends that the City Council approve the Certificate of Survey, as submitted; and,

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission's recommendation and approve the Certificate of Survey.

On vote being taken, the resolution was unanimously passed.

CITY COUNCIL COMMITTEE REPORTS

- Utilities Committee – Nordhagen
- Administrative Services Committee – Nordhagen

- Parks and Recreation/Public Safety – Schmalz
- Public Works Committee – Swanson

UPCOMING MEETINGS/EVENTS

- City Council Meeting – December 6, 2011 at 5:00 p.m.
- City/County Meeting – December 12, 2011 at 7:00 a.m.

INFORMATIONAL ITEMS

- Investment Summary dated 10/31/2011.
- Technology Fair – Saturday, November 19th, 2011 at Northland Community and Technical College.
- The comment period for the EPA's Haze Rule closes November 21, 2011. The public may go to StopEPAND.com to register their comments.
- Holiday Train – December 14, 2011 at 8:00 p.m.

ADJOURNMENT

There being no further discussion, Councilmember Cullen moved, being seconded by Councilmember Kajewski, to adjourn the meeting at 5:31 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