

COUNCIL PROCEEDINGS

Tuesday, March 5, 2024

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on March 5, 2024. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALLEGIANCE

ROLL CALL

The following Councilmembers were present: Holmer, McCraw, Bolduc, Narverud, Pream, Arlt, Lorensen and Aarestad. Mayor Holmer chaired the meeting.

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

APPROVE AGENDA

Councilmember Jason Aarestad motioned, being seconded by Councilmember Mike Lorensen, to approve the agenda with addition of 8.4, 8.5, 8.6, and 8.7.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 03.47.24: Approval of February 20, 2024 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced Resolution No. 03.47.24, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the February 20, 2024, Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.48.24: City of Thief River Falls Bills and Disbursements and Council Per Diems

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced Resolution No. 03.48.24, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED By the City Council, to authorize payment of bills and disbursements in the total amount of \$1,654,049.10 and council per diem in the amount of \$227.50. A printout of the approved payments, disbursements are attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

RESOLUTION NO. 03.49.24: Approve purchase of public works sanding unit

Following discussion, Councilmember Steve Narverud introduced Resolution No. 03.49.24, being seconded by Councilmember Mike Lorensen, that:

WHEREAS, The city operates snow and ice operations within the city of Thief River Falls. The operations include streets, avenues, sidewalks, cul-de-sacs, roundabouts, and

parking lots. The addition of the sanding assessor would increase our potential sanding units from two to three, while providing increased capabilities for tight spaces of our operations.

WHEREAS, The purchase price of \$2500.00 would be used from the Street Department Equipment Fund Balance Reserve. Request to place a city owned Henike box sander on upcoming auction.

THEREFORE, BE IT RESOLVED To approve the Public Works Committee recommendation to purchase a used tailgate sanding accessory for the PW550 utility truck(six-pack) for \$2500.00.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.50.24: Determining The Necessity to Issue General Obligation Equipment Certificates, Series 2024a

Following discussion, Councilmember Steve Narverud introduced Resolution No. 03.50.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, Minnesota Statutes, Section 412.301 (the "Act") authorizes the issuance of equipment certificates within existing debt limits for the purpose of purchasing capital equipment; and

WHEREAS, the Act also provides that if the amount of the equipment certificates to be issued to finance such equipment exceeds 0.25% of the market value of taxable property in the city issuing such certificates, excluding money and credits, the equipment certificates shall not be issued for at least ten days after publication in the official newspaper of the city of a council resolution determining to issue the equipment certificates; and, if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular municipal election is filed with the city administrator, equipment certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election; and

WHEREAS, the Council contemplates issuing equipment certificates for said purpose in an amount which exceeds 0.25% of the market value of taxable property in the City, excluding money and credits; and

NOW THEREFORE, BE IT RESOLVED, by the Council, as follows:

1. Necessity to Issue Equipment Certificates. It is necessary and expedient for the City to issue tax-exempt general obligation equipment certificates, pursuant to the Act, in the amount of \$3,750,000 for the purpose of financing and/or reimbursing costs of arena refrigeration and associated equipment for the City.

2. Equipment Certificates in Excess of 0.25% of Market Value. The amount of equipment certificates is hereby determined and declared to be in excess of 0.25% of

the market value of the City, excluding money and credits.

3. Publication of Resolution and Days to Lapse Before Equipment Certificates are Issued. The City Administrator is authorized and directed to publish this resolution in the City's official newspaper and at least ten days shall elapse after publication before the equipment certificates may be issued.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.52.24: Approve Independent Service Contract – Holly Eckstein

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 03.52.24, being seconded by Councilmember Jason Aarestad, that:

WHEREAS, Holly Eckstein has previously worked for City of Thief River Falls Administration Department in HR. It is in the best interest of the City to enter into a service contract with Ms. Eckstein until the position of HR Coordinator is filled and trained.

WHEREAS, This is a budgeted item.

THIS CONTRACT, To be effective the 6th day of March, 2024, by and between Holly Eckstein, hereinafter referred to as "Contractor", and the City of Thief River Falls, a Minnesota Political Subdivision, hereinafter referred to as "City", WITNESSETH:

WHEREAS, Contractor desires to render certain services for human resources, payroll services, and training as an independent contractor, and City desires to contract with Contractor for the performance of certain services, and

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

1. **SERVICES TO BE PROVIDED.** Contractor shall provide to City services related to human resources, payroll services, and training within the City and shall do so according to the terms and conditions of this Contract.

2. **PLACE OF WORK.** Contractor shall provide services at Thief River Falls City Hall, Thief River Falls, Minnesota, or where necessary to perform the services to be provided.

3. **TERM.** The term of this Contract shall commence on the 6th day of March, 2024, and either party may terminate this Contract, with or without cause, upon thirty days written notice to the other party.

4. **COMPENSATION.** The City shall pay Contractor the sum of Fifty-five dollars (\$55.00) per hour for the services provided herein. Contractor shall submit to City on a monthly basis an itemization stating number of hours worked and specified services performed during those hours. City shall pay Contractor for approved services within 30 days of submission of the statement.

5. EXPENSES. City shall pay Contractor the usual City rates for mileage incurred while performing the services herein. Contractor shall be responsible for his own expenses incurred in commuting to and from work.

Any other expenses incurred by Contractor in performing the services herein must be preapproved by City in order to be paid.

6. MATERIALS AND EQUIPMENT. Contractor shall have use of an office space and office equipment to include a computer, printer, and related office supplies to be supplied by the City.

7. RELATIONSHIP BETWEEN PARTIES. The parties intend that Contractor be an independent contractor and not an agent or employee of City. City is interested only in the results obtained under this Contract. The manner and means of obtaining the results are under the control of Contractor, but shall be consistent with generally accepted procedures for supplying such services. The benefits provided by City to its employees, including, but not limited to, worker's compensation insurance, unemployment insurance, health insurance, and pension plans, are not available to Contractor or Contractor's employees. Contractor, as an independent contractor, shall be responsible for his own mandated withholdings, FICA, and other similar payments.

8. WORK STANDARDS. Contractor shall control the conduct and means of performing the services required under this Contract. Contractor shall adhere to professional standards and will perform all services required under this Contract in a manner consistent with those professional standards.

9. ADDITIONAL OUTSIDE SERVICES AND CONFIDENTIALITY. Contractor is free to provide non-competing services similar to those being provided herein to third parties. However, Contractor shall keep all information concerning City confidential and shall not release, in any fashion, any such information to any third party, unless compelled to do so by proper legal process.

10. INDEMNIFICATION. Contractor assumes the entire responsibility and liability for losses, expenses, demands, and claims in connection with or arising out of any injury, or alleged injury, including death, to any person, or damage, or alleged damage, to property of City or others sustained or alleged to have been sustained in connection with or to have arisen out of or resulting from the performance of the services by Contractor, or Contractor's agents and employees, including losses, expenses, or damages sustained by City, and agrees to indemnify and hold harmless City, City's elected officials, employees, and agents from any all such losses, expenses, damages, demands, and claims and agrees to defend any suit or action brought against City, City's elected officials, employees, and agents, or any of them, based on any such alleged injury or damage, and to pay all damages, costs, attorney fees, and expenses in connection therewith or resulting therefrom.

11. RETURN OF RECORDS AND SUPPLIES. Upon termination of this Contract, Contractor shall promptly surrender to City all records, business policies and

manuals, supplies, and any other records or materials belonging to City.

12. ENTIRE CONTRACT INVALIDITY. This Contract sets forth the entire arrangement between the parties and there are no representations or warranties except as expressly set forth herein. No amendment or modification of this Contract shall be valid unless in writing and signed by the parties hereto. Should any clause or provision of this Contract become invalid for any reason, such invalidity shall not result in the invalidity or unenforceability of any other clause or provision of this Contract.

13. ASSIGNMENT. Contractor shall not assign this Contract nor any of the rights and duties hereunder without the prior written consent of City.

14. GOVERNING LAW. This Agreement shall be governed and construed in accordance with the laws of the State of Minnesota.

15. TITLES AND HEADINGS. The titles and headings used herein are for convenience only and do not constitute any part of this Contract.

THEREFORE, BE IT RESOLVED Approve to enter into an Independent Service Contract with Holly Eckstein for continued services associated with the City of Thief River Falls human resources, payroll, and training effective March 6th, 2024. The City shall pay the contractor the sum of Fifty-five dollars (\$55.00) per hour for the services provided herein.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.53.24: Approval of Employment of Tara Weigel as Full-Time Off-Sale Clerk

Following discussion, Councilmember Scott Pream introduced Resolution No. 03.53.24, being seconded by Councilmember Michele McCraw, that:

WHEREAS, This position has been determined to be necessary in the continued efficiency and success in the operations of the Liquor Department. Ms. Weigel is currently a part-time Off-Sale Clerk for the City and applied during the public posting.

WHEREAS,

THEREFORE, BE IT RESOLVED Approve the employment of Tara Weigel as full-time Off-Sale Clerk, effective April 15, 2024. Ms. Weigel shall be placed at Step 3 of Grade 1 of the Off-Sale Clerk salary schedule for an hourly wage of \$22.77 per hour.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.54.24: Approval of Employment of Michelle Niska as Full-Time Off-Sale Clerk

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 03.54.24, being seconded by Councilmember Megan Arlt, that:

WHEREAS, This position has been determined to be necessary in the continued

efficiency and success in the operations of the Liquor Department.

THEREFORE, BE IT RESOLVED Approve the employment of Michelle Niska as full-time Off-Sale Clerk, effective March 19, 2024, pending successful completion of all pre-employment backgrounds and testing. Ms. Niska shall be placed at Step 2 of Grade 1 of the Off-Sale Clerk salary schedule for an hourly wage of \$21.91 per hour.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.55.24: Approval of Employment of Benjamin Robson as Full-Time Off-Sale Clerk

Following discussion, Councilmember Mike Lorensen introduced Resolution No. 03.55.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, This position has been determined to be necessary in the continued efficiency and success in the operations of the Liquor Department.

THEREFORE, BE IT RESOLVED Approve the employment of Benjamin Robson as full-time Off-Sale Clerk, effective March 12, 2024, pending successful completion of all pre-employment backgrounds and testing. Mr. Robson shall be placed at Step 2 of Grade 1 of the Off-Sale Clerk salary schedule for an hourly wage of \$21.91 per hour.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.56.24: Approval of Employment of Scott Fogarty as Full-Time Off-Sale Clerk

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 03.56.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, This position has been determined to be necessary in the continued efficiency and success in the operations of the Liquor Department.

WHEREAS, The position is included in the 2024 budget.

THEREFORE, BE IT RESOLVED Approve the employment of Scott Fogarty as full-time Off-Sale Clerk, effective March 6th, 2024. Mr. Fogarty will remain at Grade 1 of the Off-Sale Clerk salary schedule for an hourly wage of \$27.52 per hour. Mr. Fogarty is currently working at Falls Liquors in a permanent part-time position.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Mayor Holmer would like to review Cyber Security Policy and create a workgroup - Mayor Holmer, Councilmembers Mike Lorensen and Scott Pream to meet with Joanne Olson.
- Mayor Holmer mentioned Homeland Security paperwork will be sent out to all committees next week to compile data on Thursday.
- Mayor Holmer mentioned the Corp of Engineers will have a virtual kick off meeting

March 12th, 8 am to 10 am in the council chambers.

UPCOMING MEETINGS

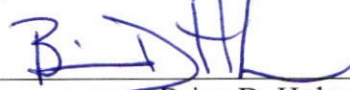
- Public Utilities Committee - March 11th at 7:00 a.m.
- Public Safety/Liquor Committee - March 11th at 4:30 p.m.
- Administrative Services Committee - March 12th at 4:30 p.m. Room 201 City Hall
- Public Works Committee - March 13th at 4:30 p.m.
- Committee of Whole - March 15th, 2024 at 5:00 p.m.
- City Council Meeting - March 19th at 5:30 p.m.

INFORMATIONAL ITEMS

- K-9 Max died this past weekend. Thank you for your service to the city of Thief River Falls.

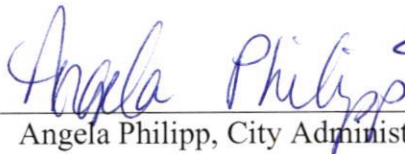
ADJOURNMENT

There being no further discussion, Councilmember Mike Lorensen being seconded by Councilmember Scott Pream to adjourn at 5:48 p.m to the Committee of Whole on March 15th, 2024 at 5:00 p.m. On vote being taken, the Chair declared the motion unanimously carried.



Brian D. Holmer, Mayor

Attest:



Angela Philipp, City Administrator