

COUNCIL PROCEEDINGS

Tuesday, March 19, 2024

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on March 19, 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, Lorenson and Aarestad. Mayor Holmer chaired the meeting.

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

- Bleeding Disorders Awareness March 2024

APPROVE AGENDA

Councilmember Jason Aarestad motioned, being seconded by Councilmember Scott Pream, to approve the agenda with the addition 8.09.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 03.57.24: Approval of March 5, 2024 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced Resolution No. 03.57.24, being seconded by Councilmember Michele McCraw, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the March 5, 2024 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.58.24: City of Thief River Falls Bills and Disbursements

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced Resolution No. 03.58.24, being seconded by Councilmember Michele McCraw, that:

THEREFORE, BE IT RESOLVED By the City Council, to authorize payment of bills and disbursements in the total amount of \$806,922.86. 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. 03.59.24: Approve Permanent summer work hours for City Hall

Following discussion, Councilmember Scott Pream introduced Resolution No. 03.59.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Customer service is a high priority and will continue to be so. One of the main conditions is that summer hours will not be an added cost to the City in any way. This is an added convenience to the customer being open at 7am 5-days a week. This schedule also provides an additional hour during the week the doors to City Hall are open. Having these hours permanently set allows us to post our hours year round.

It will be the City Administrator and Department heads job to ensure customer satisfaction.

THEREFORE, BE IT RESOLVED Approve to permanently set summer hours for the City of Thief River Falls City Hall and other departments as appropriate, effective the day after Memorial Day and to conclude on Labor Day. Summer hours are defined as four nine-hour days starting at 7:00 a.m. to 4:30 p.m. on Monday through Thursday and one-half day from 7:00 a.m. to 12:00 noon on Friday. January through Memorial Day and the day after Labor Day through December will be the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.60.24: Authorize purchase of GrayKey through Magnet Forensics with the Pennington County Sheriff's Office

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 03.60.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The annual renewal for Cellbrite for 2024 is \$6,900 and does not offer unlocks for the current plan.

WHEREAS, This is a budgeted item for 2024 for the amount of \$4,500. We can use money from the DWI funds to cover the rest of the cost for 2024 and work on budgeting for this in 2025.

THEREFORE, BE IT RESOLVED To authorize purchase of GrayKey that will replace the Cellebrite UFED device and physical analyzer and provide us with a number of device unlocks to use in our investigations. This device will also provide a more complete download of devices. The estimated annual cost for this service is approximately \$13,820 a year that will be split with the Sheriff's office. The first year cost for the Police Department will be \$7,500 which includes the device itself, Axiom and shipping and handling.

On vote being taken, the resolution was unanimously passed.

Call for First Reading of Ordinance of The City of Thief River Falls, Minnesota, Amending City Code Chapter 152.087.2 Excluded Signs of a governmental body.

Councilmember Mike Lorensen motioned, being seconded by Councilmember Anthony Bolduc, to call for First Reading of Ordinance of The City of Thief River Falls, Minnesota, Amending City Code Chapter 152.087.2 Excluded Signs of a governmental body.

WHEREAS, While researching a concern about the old brick sign at the Challenger

School, it was discovered that under Sec. 152.087 – EXCLUDED SIGNS, our current ordinance reads as follows:

Sec. 152.087. - Excluded signs.

The following shall be deemed to be excluded from the definition of sign as it applies to this subchapter:

2. Signs of a duly constituted governmental body, including traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings;

A Public Hearing was held on March 12, 2024, at the Planning and Zoning Commission Meeting and recommended to Council for Approval of the above amendment to City Code Chapter 152.087.2.

WHEREAS, As it currently reads, signs of a duly constituted governmental body are excluded from our sign ordinance. This allows any governmental unit located in the city proper to erect any sign of their choosing, with no limitations to size, height, or how it is lit. The proposed language change would still allow traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings to be excluded, but would require all other signs of a governmental body to be subject to a conditional use permit. Complicating this change is a formatting (renumbering/lettering of subsections) change to the current City Ordinances when they were uploaded to MUNI CODE, which occurred after the process to change this ordinance began.

WHEREAS, Amend City Code Chapter 152.087 EXCLUDED SIGNS, Subsection (2):

Traffic signs or similar regulatory devices, legal devices, or warnings at railroad crossings of a duly constituted governmental body. All other signs of a duly constituted governmental body not excluded herein shall be subject to a conditional use permit. And adopting by reference City Code Chapter 10, which, among other things, contain penalty provisions.

On vote being taken, the resolution was unanimously passed.

Call for First Reading of Ordinance of The City of Thief River Falls, Minnesota, Amending City Code 152.095.4C Entitled "Zoning Code" to C-2 Yard Setback Requirements.

Councilmember Steve Narverud motioned, being seconded by Councilmember Megan Arlt, to call for First Reading of Ordinance of The City of Thief River Falls, Minnesota, Amending City Code 152.095.4C Entitled "Zoning Code" to C-2 Yard Setback Requirements.

WHEREAS, The previous City Planner, Mark Borseth, left a list of things he felt the Planning & Zoning Commission should address in current City Ordinances, one of these being to clarify the sign setback distance along frontage roads as currently they could be measured from either the lot line, or the interior edge of the frontage street. The proposed change will hopefully clarify and standardize this setback.

A Public Hearing was held on March 12, 2024, at the Planning and Zoning Commission Meeting and recommended to Council for Approval.

WHEREAS, The proposed changes are the addition of the words “road right of way” to line five (5) and the words “whichever distance is further” was added to line 6 of the revised recommended ordinance proposed above. Complicating this change is a formatting (renumbering/lettering of subsections) change to the current City Ordinances when they were uploaded to MUNI CODE, which occurred after the process to change this ordinance began.

WHEREAS, Amend City Code Chapter 152.095, Performance standards in zoning districts, Subsection (4) (C) General Business District (C-2) Yard Requirements.

All Signs, except directional and temporary signs, shall be subject to the same setback and yard requirements as all other permitted accessory uses. In the case of a corner lot, all signs, except directional and temporary signs, shall abide by the front yard setback for both sides abutting a public street. All directional, temporary, and freestanding signs shall set back a minimum of six feet from the lot line, road right of way, or where adjacent to a frontage street, six feet from the interior edge of the frontage street, whichever distance is further. And adopting by reference City Code Chapter 10, which, among other things, contain penalty provisions.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.61.24: Approve 2024 Library Bathroom Project

Following discussion, Councilmember Scott Pream introduced Resolution No. 03.61.24, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, The project is based on a priority item generated from the City’s Building Committee. These are items that have been generated and prioritized for needs and viability. The Public Library Bathroom Project includes changes to improve accessibility, safety, and facilities improvement for both public patrons and employees.

WHEREAS, Bids for Library Bathroom Project were opened January 31, 2024. A decision to award the project must be made to ensure a 2024 project completion date.

WHEREAS, Project to be paid by funds received from the American Rescue Funds. These funds must be used by the 2024 fiscal year end.

WHEREAS, Minnesota Statute Chapter 429 applies.

THEREFORE, BE IT RESOLVED Approve Schmitz Builders, Inc. as the low bidder and award the Library Bathroom Project in the amount of \$265,000.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.62.24: Approve Hazardous Building: 1209 Main Avenue North – Lindsey J. Bernard

Following discussion, Councilmember Steve Narverud introduced Resolution No. 03.62.24, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, On March 28, 2023, Greg Hufnagle, City Building Official, prepared a

draft letter advising of several code violations, including:

1. That the foundation wall was failing with major holes and cracking, which is complicating the structural integrity of the structure. The result of this is putting the structure at risk of falling over and may cause damage to a person that may be around it if it falls over. The other possibility is that it may cause danger or harm to surrounding property.
2. Large holes in the foundation wall encourage animal infestation and harboring.
3. The shingles are failing, and it appears as if rain and snow are coming into the structure that way, which may compromise the structural integrity of the rafter system.

Included with the proposed draft letter were code violation sections. This proposed draft letter was reviewed at Public Works Committee and was then directed to the City Attorney's office for further proceedings.

On October 11, 2023, the City Attorney sent a letter to Lindsey J. Bernard in regard to institution of a condemnation action and seeking discussion about obtaining consent to raze or remove the hazardous building. No response was received from Lindsey J. Bernard.

Attached are the draft letter and the correspondence from the City Attorney. Notice that this matter would appear on the City Council agenda on March 19, 2024 at 5:30 P.M. A letter was also mailed to Lindsey J. Bernard on 3/12/2024.

WHEREAS, After the Order from the City Council is served as required, the owner(s) have 20 days within which to file an Answer. If so, the matter becomes a contested civil case through the District Court. If no Answer is served within the 20 day period after date of service, the City can apply for a Default Judgment, which will become effective after the time given for the repairs to be completed. If the repairs are not then completed within the time period that was given, the City can apply for an Order from the District Court giving authority for the City to remove or raze the building and assess the costs of the same as a lien against the real property.

WHEREAS, If the City proceeds and incurs costs relating to removing the hazardous building, the costs would be assessed against the real property taxes.

WHEREAS, 463.151 REMOVAL BY MUNICIPALITY; CONSENT; COST.

The governing body of any municipality may remove or raze any hazardous building or remove or correct any hazardous condition of real estate upon obtaining the consent in writing of all owners of record, occupying tenants, and all lienholders of record; the cost shall be charged against the real estate as provided in section 463.21, except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest thereon, at eight percent per annum.

463.17, ORDER.

Subdivision 1. Contents. The order shall be in writing; recite the grounds therefor; specify the necessary repairs, if any, and provide a reasonable time for compliance; and shall state that a motion for summary enforcement of the order will be made to the

district court of the county in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in section 463.18.

THEREFORE, BE IT RESOLVED Approved The Order for repair would be served
1209 Main Avenue North – Lindsey J. Bernard.

On vote being taken, the resolution was unanimously passed.

Create Rental Inspection Workgroup

Rick Beier asked for three members of the council to participate in creating a rental inspection workgroup for the city of Thief River Falls. Councilmembers Jason Aarestad, Michele McCraw and Megan Arlt all agreed to participate in the workgroup. The first meeting will be March 28th at 5 p.m.

RESOLUTION NO. 03.63.24: Approve Animal Control Service Agreement with Pennington County Humane Society

Following discussion, Councilmember Steve Narverud mentioned a need for a new water heater and sink to be purchased from general funds and installed by city employees, being seconded by Councilmember Megan Arlt.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.64.24: Approve Animal Control Service Agreement with Pennington County Humane Society

Following discussion, Councilmember Steve Narverud introduced Resolution No. 03.64.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The City had a one-year contract with the Pennington County Humane Society through December 31, 2022. We continued with the same practice through 2023.

WHEREAS, the City desires to provide animal control services in the community to protect the community's health and welfare, save animals' lives, prevent animal suffering, and reduce animal abandonment; and,

WHEREAS, the City recognizes the Humane Society as having the necessary qualifications and capabilities to provide a full range of animal control services to the community.

In consideration of the terms and conditions contained herein, the parties agree as follows:

1. Period of Agreement: This Agreement shall cover a period beginning January 1, 2024 and ending December 31, 2024. City and Humane Society shall meet and discuss renewal options no later than August 1, 2024.
2. Quarantine: The City shall allow the Humane Society to utilize the City animal pound for quarantine and care of animals.

3. Building Maintenance and Utilities: The City shall maintain the building, provide all necessary updates and repairs, and provide all utilities at its own expense.
4. Cleaning: The Humane Society shall be responsible for cleaning the pound daily and providing all cleaning supplies at its own expense.
5. Animal Care and Feeding: The Humane Society shall provide all animal care products and food at its own expense.
6. Euthanization: The Humane Society shall be responsible for euthanizing any animals that are not “adoptable”.
7. Law Enforcement Activities: The City shall respond to animal-related calls, investigate complaints and violations, impound animals, issue citations, generate reports and all other law enforcement activities pursuant to Minnesota Statutes, City Code and any other applicable laws or regulations.
8. Disposal Site: The City shall continue to maintain a disposal site for animal carcasses.
9. Garbage Service: The City shall provide garbage pickup service a minimum of once a week.
10. Payment: The City shall pay the Humane Society \$1400 (one thousand four hundred dollars) per month for the service performed in 2024. Payment shall be made no later than the 15th of the month following the performance of services.
11. Licensing and Licensing Fees: The City shall issue all licenses. The Human Society shall retain all licensing fees.
12. Indemnification: To the fullest extent allowed by law, the Humane Society shall defend, indemnify and hold harmless the City and its officers, agents and employees from any and all claims, demands, lawsuits, actions or proceedings of any kind or nature, and including the cost of defending same including costs and attorneys fees, of or by anyone whomsoever proximately caused by the negligence or intentional misconduct of those performing services pursuant to this agreement and the acts or omissions of employees or agents, except to the extent caused by the negligence or intentional misconduct of the City, its officers or employees.

The City shall also to the fullest extent allowed by law, defend, indemnify and hold harmless the Humane Society and its officers, agents and employees from any and all claims, demands, lawsuits, action or proceedings of any kind or nature, and including the cost of defending same including costs and attorneys fees, or by anyone whomsoever proximately caused by the negligence or intentional misconduct of those performing services pursuant to this agreement and the acts or omissions of employees or agents, except to the extend caused by the negligence or intentional misconduct of the Humane Society, its officers or employees.

13. Notices: Written notices shall be sent by first class mail, return receipt requested

To: President
Pennington county Humane Society
P.O. Box 64
Thief River Falls, MN 56701

Police Chief
City of Thief River Falls
P.O. Box 528
Thief River Falls, MN 56701

14. Amendments: This agreement may be amended only by writing signed by both parties.

15. Entirety of Agreement: This writing constitutes the entire agreement between the parties and superseded all prior understandings, written or oral, between the parties relating to its subject matter.

16. Dispute Resolution: Disputes arising out of or related to this Agreement shall be resolved in accordance with this provision. Both parties will attempt to resolve any dispute through open communication and dialogue. Should it be impossible to resolve the matter by reaching an agreeable resolution, a notice of disputes should be submitted in writing by either party. The notice of Dispute shall state the nature of the dispute and the corrective action necessary to remedy the dispute. The party receiving the notice of the dispute shall have 15 business days, the parties shall agree on a single mediator who shall be an attorney licensed to practice law in Minnesota who is trained and experienced mediator. Mediation Shall be conduction in Thief River Falls, MN. Each party shall pay its own attorneys' fees and the costs of the mediation shall be split equally between parties. Both parties agree to abide by the outcome of mediation.

THEREFORE, BE IT RESOLVED To approve execution of an animal control services agreement with Pennington County Humane Society for a one-year contract for \$1,400 per month for January 1 – December 31, 2024.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 03.64.24: Approval of TRF Police Department to purchase 2024 Chevy Silverado squad car, including the upfitting of Emergency Vehicle equipment.

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 03.64.24, being seconded by Councilmember Jason Aarestad, that:

WHEREAS, This purchase request was submitted to the committee of the whole. This vehicle will be a regular use patrol vehicle replacing aging vehicles in our fleet. This will be a fully marked squad car with external light bar and all standard patrol vehicle equipment.

WHEREAS, This vehicle was originally ordered in by another agency who subsequently

backed out of the purchase. If approved, we will be able to take possession of this vehicle within the next month and should be able to have it on the road by the summer of 2024.

WHEREAS, The \$85,000 is to be taken out of the Public Safety Aid funds as agreed to by the committee of the whole.

THEREFORE, BE IT RESOLVED Approval of TRF Police Department to purchase the 2024 Police package Chevy Silverado and upfitting for \$85,000.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Mayor Holmer mentioned Spring Clean Up will be May 4th from 8 a.m. to noon.

UPCOMING MEETINGS

- City Council Meeting - April 2th at 5:30 p.m.
- Public Utilities Committee - April 8th at 7:00 a.m.
- Public Safety/Liquor Committee - April 8th at 4:30 p.m.
- Administrative Services Committee - April 9th at 4:30 p.m. Room 201 City Hall
- Public Works Committee - April 10th at 4:30 p.m.
- City Council Meeting - April 16th at 5:30 p.m.

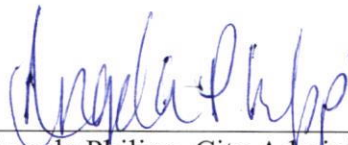
INFORMATIONAL ITEMS

- February 2024 Investment Summary

ADJOURNMENT

There being no further discussion, Councilmember Mike Lorenson being seconded by Councilmember Scott Pream to adjourn at 6:04 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Attest:


Angela Philipp, City Administrator


Brian D. Holmer, Mayor