

COUNCIL PROCEEDINGS

Tuesday, June 18, 2024

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on June 18, 2024. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

APPROVE AGENDA

Councilmember Steve Narverud motioned, being seconded by Councilmember Anthony Bolduc, to approve the agenda with the addition of 8.12, 8.13, 8.14, 8.15.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 06.122.24: Approval of June 4, 2024 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced RESOLUTION No, 06.122.24, being seconded by Councilmember Michele McCraw, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the June 4, 2024, Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.123.24: City of Thief River Falls Bills and Disbursements

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced RESOLUTION No. 06.123.24, 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 \$868,143.71. 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

Call for Second Reading to consider Amending City Code Chapter 130 Entitled "General Offenses" By Adding Section 130.30, An Ordinance Prohibiting Loitering, And By Adopting By Reference City Code Chapter 10 And Section 152.998, Which, Among Other Things, Contain Penalty Provisions.

Councilmember Jason Aarestad motioned, being seconded by Councilmember Scott Pream to call for the second reading of an ordinance of THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 130 ENTITLED "GENERAL OFFENSES" BY ADDING SECTION 130.30, AN ORDINANCE PROHIBITING LOITERING, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 152.998, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

On vote being taken, second reading was approved. The City Attorney Sparby read the proposed ordinance.

RESOLUTION NO. 06.124.24: Approve to Amend City Code Chapter 130 Entitled "General Offenses" By Adding Section 130.30, An Ordinance Prohibiting Loitering, And By Adopting By Reference City Code Chapter 10 And Section 152.998, Which, Among Other Things, Contain Penalty Provisions.

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.124.24, being seconded by Councilmember Jason Aarestad, that:

Section 1. City Code is hereby amended by adding §130.30, to read as follows:

Sec. 130.30 – Loitering.

1. Prohibited conduct. It shall be unlawful for any person to loiter, loaf, wander, or remain idle either alone or with others in a public place in such manner so as to violate any provision of the subdivisions of this section which follow:

(a) No person shall obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding, or do any act tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians.

(b) No person shall commit, in or upon any public street, public highway, public sidewalk, or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon, and

thereto.

(c) No person shall loiter, stand, sit, or lie in or upon any public property, sidewalk, street, curb, crosswalk, walkway area, parking lot, mall, or other portion of private property open for public use so as to unreasonably block, obstruct, or hinder free passage of the public.

(d) No person shall, without consent of the owner or occupant, unreasonably block, obstruct, or hinder free access to the entrance of any building or part of a building open to the public.

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.

THEREFORE, BE IT RESOLVED Approving an amendment to City Code Chapter 130 Entitles "General Offenses" By adding section 130.30, An Ordinance Prohibiting Loitering, and by adopting by reference City code Chapter 10 and section 152.998, which, among other things, contain penalty provisions.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.125.24: Approve Automated Meter Reading/Meter Data Management Consultant

Following discussion, Councilmember Mike Lorensen introduced Resolution No. 06.125.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The City of Thief River Falls invested in software for our automated meter reading system beginning in 2014 for the Electric and Water Departments from Eaton. In 2020-2021 Harris Technologies was purchased to take care of meter data management along with Tyler Technologies for our Utility Billing Department. In 2023-2024 the water meters were replaced with Sensus electronic read meters.

WHEREAS, The City has invested a large amount of funds in the advanced monitoring systems that are currently in place. This investment will ensure employees are able to utilize the capabilities and to do continuous analysis of the utility system.

THEREFORE, BE IT RESOLVED Approve the quote from Small Shovel for a month-to-month agreement for \$3750/month from the Shpigler Group to set up the Key Performance Indicators and monitors on the dashboard of the Harris Meter Data Management System.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.126.24: Approve American Legion Post 117 Temporary Intoxicating

Liquor License with Addendum July 19, 2024

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.126.24, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The American Legion has applied for a temporary intoxicating liquor license with addendum to include outdoor area for the American Legion live band during the Pennington County Fair.

WHEREAS, Applicant shall comply with all restrictions, limitations, and regulations for the sale of liquor under the City Code and State Statutes.

Applicant hereby agrees to obtain a resolution of its governing board wherein applicant agrees to indemnify and hold harmless the City of Thief River Falls and its elected officials, employees, and agents, from and against any and all liabilities, judgements, settlements, losses, costs, or charges, including attorneys' fees, incurred by the City of Thief River Falls, and/or any of its elected officials, employees, and agents, as a result of any claim, demand, action, or suit relating to any bodily injury (including death), loss of property, and/or property damage caused by, arising out of, or relating to or associated with the granting of a temporary intoxicating liquor license to applicant.

Applicant also understands that all information contained on this application is public data according to Chapter 13 of the Minnesota State Statute. Failure to provide the requested information may result in the application being denied.

THEREFORE, BE IT RESOLVED Approve a Temporary Intoxicating Liquor License with Addendum effective July 19, 2024, from 9 pm to 1 am.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.127.24: Approve American Legion Post 117 Temporary Intoxicating Liquor License with Addendum July 20, 2024

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.127.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The American Legion has applied for a temporary intoxicating liquor license with addendum to include outdoor area for the American Legion live band during the Pennington County Fair.

WHEREAS, Applicant shall comply with all restrictions, limitations, and regulations for the sale of liquor under the City Code and State Statutes.

Applicant hereby agrees to obtain a resolution of its governing board wherein applicant agrees to indemnify and hold harmless the City of Thief River Falls and its elected officials, employees, and agents, from and against any and all liabilities, judgements, settlements, losses, costs, or charges, including attorneys' fees, incurred by the City of Thief River Falls, and/or any of its elected officials, employees, and agents, as a result of

any claim, demand, action, or suit relating to any bodily injury (including death), loss of property, and/or property damage caused by, arising out of, or relating to or associated with the granting of a temporary intoxicating liquor license to applicant.

Applicant also understands that all information contained on this application is public data according to Chapter 13 of the Minnesota State Statute. Failure to provide the requested information may result in the application being denied.

THEREFORE, BE IT RESOLVED Approve a Temporary Intoxicating Liquor License with Addendum effective July 20, 2024, from 9 pm to 1 am.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.128.24: Approval of the Reclassification of Deputy Police Chief

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.128.24, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, After reviewing a classification appeal, DDA reviewed the document, rewrote the job description and reviewed the classification. Currently the position is at Grade 9, with added decision making, DDA reviewed the City's current classification and compensation systems and determined that an increase was warranted based on increased decision making based on additional responsibilities, which would move this to a Grade 10.

The current employee in the Deputy Chief position, Michael Roff, will move to a wage of \$44.63 and then a step movement in October after anniversary date.

THEREFORE, BE IT RESOLVED Approve the reclassification of the Deputy Chief of Police from Grade 9, Step 4, to Grade 10, Step 4, effective June 19, 2024.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.129.24: Approve Fire Station roof replacement

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.129.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The office area has leaked water for 23 plus years and the entryway has been leaking for 5-10 years.

WHEREAS, During rain or spring thaw water streams down the wall and drips from the ceiling in several locations in the office. Water is also dripping into the light fixture and a few other locations in the entryway.

THEREFORE, BE IT RESOLVED Approve the bid of \$13,984.77 from Northwest Roofing to replace the roof over the office and entryway at the fire station. If any insulation is in need of replacement which is outside of the bid cost, the cost of replacement would be \$1.29 a sq ft.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.130.24: Approve Contribution Agreement with North Star Neighbors.

Following discussion, Councilmember Mike Lorensen introduced Resolution No. 06.130.24, being seconded by Councilmember Michele McCraw, that:

WHEREAS, On June 20, 2023 the City Council approved to enter into a Memorandum of Understanding with the Northwest Minnesota Foundation to transfer Parcel No. 2 and Parcel No. 3 on Parkview Street to a community land trust (North Star Neighbors) for the purpose of developing the property for low-to moderate-income housing in accordance with the “community land trust” model. They are proposing to build four new homes in 2024. The city’s donation of two lots that were created as a result of the decommissioning of the former water treatment lime ponds will leverage two additional new homes at another location in our community.

PARCEL 1: The South 180.00 feet of the West 9.00 feet of Lot 7, and the South 180.00 feet of Lot 6 except the West 15.00 feet of said Lot 6, all in Block 1, Zeh’s Addition to Thief River Falls, according to the official plat thereof on file and of record in the office of the County Recorder in and for the County of Pennington, and the State of Minnesota;

SUBJECT TO, a 20.00 foot utility easement over, under, and across the South 20.00 feet of the tract herein described AND a 10.00 foot utility easement over, under, and across the West 10.00 feet of the tract herein described.

PARCEL 2: The South 180.00 feet of the West 5.00 feet of Lot 8, and the South 180.00 feet of Lot 7 except the West 9.00 feet of said Lot 7, all in Block 1, Zeh’s Addition to Thief River Falls, according to the official plat thereof on file and of record in the office of the County Recorder in and for the County of Pennington, and the State of Minnesota;

SUBJECT TO, A 20.00 foot utility easement over, under, and across the South 20.00 feet of the tract herein described,

AND SUBJECT TO, A 35.00 foot drainage easement over, under, and across the North 35.00 feet of the tract.

together with all hereditaments and appurtenances belonging thereto.

The total consideration for this transfer of property is \$500.00 or less.

WHEREAS, Subject to the Grant Agreement and any changes from time to time in applicable law, North Star Neighbors covenants and agrees that it shall develop and operate the Real Property as a community land trust,

THEREFORE, BE IT RESOLVED Approve the Contribution Agreement with North Star Neighbors, a nonprofit community land trust, to transfer real property to them for the purpose of developing low- to moderate income housing and to direct the Mayor and

City Administrator to execute the agreement.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.131.24: Approval of Transfer of Real Property to North Star Neighbors, a nonprofit land trust.

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.131.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The City of Thief River Falls has entered into a Contribution Agreement with North Star Neighbors, a Minnesota not for profit corporation to contribute certain parcels of real property located within the city limits and owned by the city to be used by North Star Neighbors to develop the property for low-to moderate-income housing in accordance with the “community land trust” model. The city’s donation of two lots that were created as a result of the decommissioning of the former water treatment lime ponds will leverage two additional new homes at another location in our community.

PARCEL 1: The South 180.00 feet of the West 9.00 feet of Lot 7, and the South 180.00 feet of Lot 6 except the West 15.00 feet of said Lot 6, all in Block 1, Zeh’s Addition to Thief River Falls, according to the official plat thereof on file and of record in the office of the County Recorder in and for the County of Pennington, and the State of Minnesota;

SUBJECT TO, a 20.00 foot utility easement over, under, and across the South 20.00 feet of the tract herein described AND a 10.00 foot utility easement over, under, and across the West 10.00 feet of the tract herein described.

PARCEL 2: The South 180.00 feet of the West 5.00 feet of Lot 8, and the South 180.00 feet of Lot 7 except the West 9.00 feet of said Lot 7, all in Block 1, Zeh’s Addition to Thief River Falls, according to the official plat thereof on file and of record in the office of the County Recorder in and for the County of Pennington, and the State of Minnesota;

SUBJECT TO, A 20.00 foot utility easement over, under, and across the South 20.00 feet of the tract herein described,

AND SUBJECT TO, A 35.00 foot drainage easement over, under, and across the North 35.00 feet of the tract.

together with all hereditaments and appurtenances belonging thereto.

The total consideration for this transfer of property is \$500.00 or less.

WHEREAS, Subject to the Grant Agreement and any changes from time to time in applicable law, NSN covenants and agrees that it shall develop and operate the Real Property as a community land trust,

THEREFORE, BE IT RESOLVED Approve the transfer and signing of a deed from the City of Thief River Falls to transfer two parcels of land, on Parkview Street to North

Star Neighbors, a nonprofit land trust.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.132.24: Approval of a moratorium on the commercial cultivation and retail sales of cannabis.

Following discussion, Councilmember Steve Narverud introduced Resolution No. 06.132.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The Minnesota Legislature has adopted the Conference Committee Report on HF 4757 related to cannabis regulations within the state. The legislation requires the Office of Cannabis Management (OCM) to begin accepting applications for social equity applications on July 24, 2024, with applications closing on August 12, 2024. A successful social equity applicant will gain preapproval to operate a cannabis business.

The legislation's language regarding early cultivation allows businesses that have received preapproval to immediately begin cultivating cannabis if the business:

- Complies with local zoning ordinances.
- Complies with state fire and building codes.
- Complies with Minnesota rules related to medical cannabis.

No other cannabis-related operations may commence until OCM has adopted final rules, which are expected early next year.

WHEREAS, This new exception for early cultivation is a change from the original legislation, which prohibited all cannabis operations, including cultivation, until rules were adopted.

THEREFORE, BE IT RESOLVED Set a hearing date and time of July 2, 2024 at 5:30 pm for consideration of adoption of an interim ordinance imposing a moratorium on the commercial cultivation and retail sales of cannabis within the city limits of Thief River Falls until January 1, 2025, for the purpose to study and adopt an ordinance regulating the time, place, and manner of the operation of a cannabis business.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.133.24: Authorize City Administrator to create and send proposed Building Official – Limited and Building Official Inspector job descriptions to DDA - David Drown Associates

Following discussion, Councilmember Michele McCraw introduced Resolution No. 06.133.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, To efficiently run the Building Official Department office after the resignation of Greg Huffnagle effective June 14, 2024, one of these positions or a fully licensed Building Official will need to be on staff. The proposed job descriptions were reviewed by the Public Works Committee.

THEREFORE, BE IT RESOLVED Authorize City Administrator to create and send proposed Building Official – Limited and Building Official Inspector job descriptions to DDA - David Drown Associates, for creating and grading these positions. These positions would be proposed to be Teamster, non-exempt, positions under the supervision of the Economic / Community Development Director.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO.06.134.24 : Approve the employment of McLain Stennes as Apprentice Line Worker

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.134.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The Public Utilities Committee recommended the position be opened on May 21, 2024

THEREFORE, BE IT RESOLVED To approve the employment of McLain Stennes for the position of Apprentice Lineworker. McLain will be placed at grade 7 step 2 at a rate of \$35.73 effective July 15, 2024. The position is a Teamster Union #320 position.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO.06.135.24 : Approve a contract with True Check LLC for Building Official Services

Following discussion, Councilmember Steve Narverud introduced Resolution No. 06.135.24, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, On June 3, 2024, our Building Official, Greg Hufnagle, submitted his resignation. His last day was Friday, June 14, 2024. Greg has started his own Building Inspection Business doing consulting work for multiple municipalities. In contract discussions, we have mutually agreed for him to be onsite Mondays and Wednesdays of each week unless a revised schedule is mutually agreed upon. We have also agreed to provide office space while onsite and access to computers and our permitting software to provide consistent record keeping of permit issuance and inspection record keeping.

Per the Department of Labor and Industry, we are required to have a licensed Building Official in place within 15-days of our Building Officials last day. There is a shortage of licensed Building Officials in the State of Minnesota. We may not be able to find a Certified Building Official, so we may need to hire a Building Inspector, or a Building Inspector with Limited License in order to have someone on staff that can do the basic work that needs to be accomplished. It will take us several months to develop job descriptions and determine pay classifications in order to advertise to fill one of these positions.

Per the contract agreement, the cost of a Building Official is \$115 per hour, plus mileage at the federal standard rate and any required meals and lodging.

THEREFORE, BE IT RESOLVED Approve the Agreement for Building Inspection Services with True Check, LLC and to direct the Mayor and City Administrator to execute the agreement.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO.06.136.24 : Approve conducting a study for a possible ordinance regulating a cannabis business

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.136.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The Minnesota Legislature has adopted the Conference Committee Report on HF 4757 related to cannabis regulations within the state. The legislation requires the Office of Cannabis Management (OCM) to begin accepting applications for social equity applications on July 24, 2024, with applications closing on August 12, 2024. A successful social equity applicant will gain preapproval to operate a cannabis business.

The legislation's language regarding early cultivation allows businesses that have received preapproval to immediately begin cultivating cannabis if the business:

- Complies with local zoning ordinances.
- Complies with state fire and building codes.
- Complies with Minnesota rules related to medical cannabis.

No other cannabis-related operations may commence until OCM has adopted final rules, which are expected early next year.

This new exception for early cultivation is a change from the original legislation, which prohibited all cannabis operations, including cultivation, until rules were adopted.

OCM is currently working on model zoning ordinances as required by statute. It is unclear, however, whether the model ordinances and guidelines will be available in time for cities to adopt prior to early cultivation.

The League of Minnesota Cities recommends that cities should review their ordinances and determine if changes need to be made to properly regulate cannabis businesses.

THEREFORE, BE IT RESOLVED Approve authorization to conduct a study for the purpose of considering adoption of reasonable restrictions on the time, place and manner of operation of a cannabis business.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO.06.137.24 : Authorize Northern Pride, Inc. a one-day use of the NE corner of the old Lime Pond Property

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.137.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, Northern Pride, Inc.'s property was not compliant with setbacks from the road to allow a tent to be used for their 35th Anniversary Party. The City of Thief River Falls will require a waiver statement to be signed along with a hold harmless agreement.

THEREFORE, BE IT RESOLVED Authorize Northern Pride, Inc. a one-day use of the NE corner of the old Lime Pond Property for their 35th Anniversary on June 27th, 2024. A tent would be placed on the property for a one-day event. Northern Pride, Inc. to be responsible for all set up, take down, removal and clean up.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Mayor Brian Holmer requested that a draft ordinance be heard at the July 8th Public Safety/Liquor committee and have the 1st reading held on July 16th for licensing golf carts in the City of Thief River Falls.
- Mike Lorensen commented there is a ribbon cutting at the Thief River Falls Airport June 25th at 5:00 pm

UPCOMING MEETINGS

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

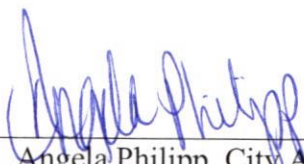
INFORMATIONAL ITEMS

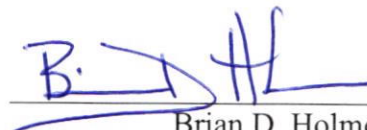
May 2024 Investment Summary

ADJOURNMENT

There being no further discussion, Councilmember Scott Pream motioned being seconded by Councilmember Steve Narverud to recess to a Special City Council meeting on June 24th at 5:00 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Attest:


Angela Philipp, City Administrator


Brian D. Holmer, Mayor