COUNCIL PROCEEDINGS

Tuesday, July 16, 2024

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on July 16th, 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, Aarestad, and Arlt. Mayor Holmer chaired the meeting.

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

2023 Audit Presentation - Hoffman, Philipp, & Martell, PLLC.

APPROVE AGENDA

Councilmember Mike Lorenson motioned, being seconded by Councilmember Anthony Bolduc, to approve the agenda with the addition of 8.21.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 07.144.24: Approval of July 2, 2024 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced Resolution No.07.144.24, being seconded by Councilmember Scott Pream, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the July 2, 2024 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.145.24: City of Thief River Falls Bills and Disbursements

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced RESOLUTION 07.145.24, being seconded by Councilmember Scott Pream, that:

THEREFORE, BE IT RESOLVED By the City Council, to authorize payment of bills and disbursements in the total amount of $636,464.58. A printout of the approved payments, disbursements are attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.146.24: Approve Aziah Engelstad for a Beer in the Park Permit

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced RESOLUTION 07.146.24, being seconded by Councilmember Scott Pream, that:
WHEREAS, Aziah Engelstad has applied for a Beer in the Park Permit for a Birthday Party / Baptism for 40 guests at Oakland Park.

WHEREAS, The park has been reserved with the Public Works Department. No financial transactions may occur at this event for charging, directly or indirectly, for the sale of 3.2 malt liquor (i.e. admission, cover charge). The permit allows for the consumption of 3.2 Malt Liquor Only. No strong beer, wine, or intoxicating liquor is allowed.

THEREFORE, BE IT RESOLVED Approve a beer in the park permit effective August 3, 2024 from 1 pm to 7 pm for a Birthday Party / Baptism.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.147.24: Approve Jenson Emanuel for a Beer in the Park Permit

Presented as part of the Consent Agenda, Councilmember Anthony Bolduc introduced RESOLUTION 07.147.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, Jensen Emanuel has applied for a Beer in the Park Permit for a Wedding at for 50-65 guests at Hartz Park.

WHEREAS, The park has been reserved with the Public Works Department. No financial transactions may occur at this event for charging, directly or indirectly, for the sale of 3.2 malt liquor (i.e. admission, cover charge). The permit allows for the consumption of 3.2 Malt Liquor Only. No strong beer, wine, or intoxicating liquor is allowed.

THEREFORE, BE IT RESOLVED Approve a beer in the park permit effective August 10, 2024, from 1 pm to 6 pm for a Wedding.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

RESOLUTION NO. 07.148.24: Approve Election Judges for the 2024 Primary and General Elections

Following discussion, Councilmember Steve Narverud introduced RESOLUTION 07.148.24, being seconded by Councilmember None, that:

WHEREAS, The City Administrator shall appoint substitutions of the approved election judges as necessary.

THEREFORE, BE IT RESOLVED By the City Council, to appoint the following people as Election Judges for the Elections to be held on Primary Election - August 13th and Election Day - November 5th:

Ward 1	Ward 4
Katie Fogarty	Linda Ramsey
Ken Olson	Theresa Vanyo
Esther Johnson	William Fogarty
Deb Fulton	Tracy Nelson
Diane Rud	katie German
Barb Holtusen	Jackie Philipp
Jan Strandlie	Rick Weins
Cindy Vennes	Greg Halstrom
Ward 2	Ward 5
EJ Lendobeja	Mary Jo Mugaas
Millie Reierson	Kim Swanson
Michael Tubner	Ron Lindberg
Randy Hodney	Kathy Langness
Mary Dahlen	Jeremy Purcell
	Phyllis Johnson
Ward 3	Jon Peterson
Becky Stavness	Philip Torgerson
Lana Sandal	
Cathy Miramontes	
Rhonda Bach	
Kristie Huseth	
Tracy Hjelle	

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.149.24: Approval to fill a Power Plant Operator position for the Electric Department

Following discussion, Councilmember Mike Lorenson introduced Resolution 07.149.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, Power Plant Operator, McLain Stennes accepted the position of Apprentice

Lineworker and will be moving to that position on July15. That will leave an opening at the Power Plant. To comply with the current Licensing Contracts and "Dam Safety Surveillance and Monitoring Plan" that the city has in place with FERC, this position must be filled.

THEREFORE, BE IT RESOLVED Accept a Public Utilities Committee recommendation and authorize the Electric Department to begin the process to fill the position of Power Plant Operator. Because of the internal transfer of the Power Plant Operator/ Construction Worker to Apprentice Lineworker, the position shall be opened directly to the public for filling. The position is a Grade 5 with a wage range of $29.05-$36.85.

On vote being taken, the resolution passed with Holmer voting Nay.

<u>RESOLUTION NO. 07.150.24: Approve three step reclassifications in the Electric Department</u>

Following discussion, Councilmember Mike Lorenson introduced Resolution 07.150.24, being seconded by Councilmember Jason Aarestad, that:

WHEREAS, Labor Ad Hoc Committee reviewed the current steps with three employees after the recent change with the Apprentice/Journey Lineworker position.

THEREFORE, BE IT RESOLVED To approve the Step Reclassification of the following Electric Employees effective July 17, 2024:
Ronnie Lund, Chief Power Plant Operator, from Grade 8 Step 3 to Grade 8 Step 5
Greg Hall, Master Electrician, from Grade 8 Step 3 to Grade 8 Step 5
Steve Zavoral, Journey Electrician/Electronic Tech., from Grade 7 Step 3 to Grade 7 Step 5

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.151.24: To Authorize the City Attorney's Office to pursue legal action to collect on delinquent CDAB loan</u>

Following discussion, Councilmember Jason Aarestad introduced Resolution 07.151.24, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The Community Development Advisory Board met at 12:00 pm on Thursday, July 11, 2024, in the Council Chambers. Discussion was held on the delinquency of the Emergency Micro Loan issued to Andrea Volk, owner of Quotable Kids. The business has been closed for some time now and no payments have been received for several years. We have received no response from Ms. Volk in our attempts to contact her for payment. Loan payments were even restructured at her request. The original loan amount was $10,000 at 2 percent, with a maturity date of September 2023. Principal paid to date is $3,559.67. Balance as of 12/31/2023 is $6,440.33.

WHEREAS, There has been no attempt by Ms. Volk to make a payment on this loan for several years now.

THEREFORE, BE IT RESOLVED To Authorize the City Attorney's Office to take legal action against Quotable Kids, Andrea Volk, owner, to collect on the delinquent Emergency Micro Loan which was issued in April of 2020.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.152.24: Approve to reduce the Application Fee on the Revolving Loan Fund from CDAB</u>

Following discussion, Councilmember Jason Aarestad introduced Resolution 7.152.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, CDAB Board members have received feedback from local loan officers that our $500 non-refundable application fee is turning many potential applicants away. We have not issued a loan in over 18 months through this program. It was suggested that we lower the non-refundable application fee to $250 to match the non-refundable application fee we currently charge for the Commercial Energy Renovation Loan Program.

WHEREAS, Local Financial Loan Officers have indicated that the high application fee and the fee not being refundable if they do not receive their requested loan amount is one of the reasons we have not seen an application for this loan program in over 18 months.

THEREFORE, BE IT RESOLVED Approve changing the non-refundable application fee for the Revolving Loan Program of the Community Development Revolving Loan Fund from $500.00 to $250.00.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.153.24: Approve a Commercial Energy Renovation Loan to Movement Evolution of TRF</u>

Following discussion, Councilmember Jason Aarestad introduced Resolution 07.153.24, being seconded by Councilmember Michele McCraw, that:

WHEREAS, The Community Development Advisory Board met at noon on Thursday, July 11, 2024, to review and discuss the application request by Julie Bugge and Michelle Duffy for a Commercial Energy Renovation Loan through the City of Thief River Falls' Revolving Loan Fund in the amount of $90,000. After reviewing the application and speaking with the owners, the CDAB members voted unanimously to recommend that the City Council approve a Commercial Energy Renovation Loan in the amount of $73,000 at a 2 percent interest rate for a period not to exceed 84 months the loan.

WHEREAS, While the loan request was for $90,000 only $73,000 met the criteria for an Energy Assistance Loan. The CDAB members informed the applicants that they could apply for a Revolving Loan Fund loan for the remainder of their request, THEREFORE, BE IT RESOLVED Approve a Commercial Energy Renovation Loan in the amount of $73,000 at a 2 percent interest rate for a period not to exceed 84 months from the City's Revolving Loan Fund to Movement Evolution of TRF, Owners Julie Bugge and Michelle Duffy.Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced RESOLUTION 07.153.24, being seconded by Councilmember Michele McCraw, that:

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.154.24: Second Reading of Interim Moratorium Ordinance on the commercial cultivation and retail sales of cannabis in the city limits of Thief River Falls.</u>

Councilmember Mike Lorenson motioned, being seconded by Councilmember Scott Pream to call for the second reading of AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING, MANUFACTURING, CULTIVATING, GROWING, TRANSPORTING, DELIVERY, AND DISTRIBUTION OF CANNABIS PRODUCTS IN THE CITY OF THIEF RIVER FALLS.

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

<u>RESOLUTION NO. 07.155.24: Adoption of Interim Moratorium Ordinance on the commercial cultivation and retail sales of cannabis in the city limits of Thief River Falls.</u>

Following discussion, Councilmember Mike Lorenson introduced Resolution 07.155.24 , being seconded by Councilmember Steve Narverud, 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.

A Public Hearing and First Reading of the Interim Cannabis Moratorium Ordinance was held at the July 2, 2024 City Council meeting.

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.

OCM has provided a manual and sample ordinance for local governments to adopt. The City Attorney and Economic/ Community Development Director are working on drafting an ordinance for the City Council to consider, but it will take time and will need to be discussed at several committee meetings before being presented to Council for consideration.

THEREFORE, BE IT RESOLVED To adopt an Ordinance for an Interim Moratorium until January 1, 2025, on the commercial cultivation and retail sales of cannabis within the city limits of Thief River Falls.

INTERIM ORDINANCE NO. ____________

CITY OF THIEF RIVER FALLS, PENNINGTON COUNTY, MINNESOTA

AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING, MANUFACTURING,
CULTIVATING, GROWING, TRANSPORTING, DELIVERY, AND DISTRIBUTION OF CANNABIS PRODUCTS IN THE CITY OF THIEF RIVER FALLS

THE CITY COUNCIL OF THE CITY OF THIEF RIVER FALLS, MINNESOTA ORDAINS:

Section 1. BACKGROUND.

A. By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 and permitted the sale of edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol, commonly known as THC ("THC Products").

B. The 2023 Legislature recently approved a new law to expand both the legalization of types of THC and cannabis products and also the types of THC and cannabis businesses permitted.

C. This new law establishes a regulatory framework for adult-use cannabis, as well as the lower potency hemp edibles; moves the medical cannabis program under a newly created state agency called the Office of Cannabis Management; establish taxes on regulated products; create grants to assist individuals entering into the legal cannabis market; amends criminal penalties; provides for expungement and resentencing of certain convictions; provides for temporary regulation of hemp derived edible cannabinoid products; reschedules marijuana; and appropriates money.

D. The State licensing agency became effective July 1, 2023, and is directed in the new law to establish a model ordinance for cities, which the City of Thief River Falls would benefit from reviewing and analyzing before making any decisions related to cannabis businesses and products in the City.

E. The law specifies what distance restrictions cities can put in place under their zoning power. The City would benefit from having time to study and analyze acceptable time, place and manner restrictions that would be feasible for the City of Thief River Falls, which are specifically mentioned as a basis of regulation in the new law.
F. Pursuant to Minn. Stat. § 462.355, subd. 4, the City is authorized to enact by ordinance a moratorium to regulate, restrict or prohibit land uses within its jurisdiction to protect the public health, safety, and welfare. Specifically, the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including siting and location of uses, related to the sales, testing, manufacturing, cultivating, growing, transporting, delivery and distribution of Cannabis Products.
G. Pursuant to its general police powers, as set forth in Minn. Stat. § 412.221, subd. 32, the City may enact and enforce regulations or restrictions on Cannabis Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the sales, testing, manufacturing, cultivating, growing, transporting, delivery and distribution, during the pendency of a study to determine the need for police power regulations, including but not necessarily limited to any additional licensing and permitting that may be allowed, if any, by the State.
H. Pursuant to the language of the new law, cities, as soon as the law becomes effective, have authority to adopt an interim ordinance to prohibit a cannabis business from opening until January 1, 2025, to conduct studies or consider adopting or amending allowed restrictions on the operation of a cannabis business.

Section 2. FINDINGS.
A. The City Council finds there is a need to study:
a. Cannabis products, including products: using any part of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids; and any lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol;
b. Cannabis businesses related thereto; and
c. The impact of those businesses and products as related to allowed land uses and zoning, in order to assess the necessity for and efficacy of regulation and restrictions relating to the retail sales, wholesale sales, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of any of the products referenced herein, including through zoning ordinances or licensing, if allowed, in order to protect the public health, safety, and welfare of its residents.
B. The study will allow the City Council to determine the appropriate changes, if any, that it should make to the Thief River Falls Code, including any necessary zoning changes.
C. The time will allow for the Office of Cannabis Management which will be licensing cannabis businesses to rule make and adopt its model ordinances which will further aid the Council in studying and considering restrictions on the operation of cannabis businesses and the use of the products listed in Section 2, paragraph A above.
D. The City Council, therefore, finds that there is a need to adopt a city-wide moratorium on the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery of, and distribution of Cannabis Products, including products: using any part of the genus Cannabis plant; containing cannabis

concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids, or lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol, within the City while City staff studies the issue

Section 3. MORATORIUM.

A. No individual, establishment, organization, or business may engage in the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of Cannabis Products, including products using any part of the plant of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids, or lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol, for twelve (12) months from the effective date of this ordinance.

B. Planning or zoning applications related to any of the products listed in Subsection A of Section 3 herein or applications from individuals, establishments, organizations, or businesses involved in the proposed sale, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of Cannabis Products within the City of Thief River Falls shall not be accepted or considered for twelve (12) months from the effective date of this ordinance.

C. Should, at the end of the year, Council deems it necessary to continue to study the need for local regulation regarding the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery or distribution of Cannabis Products listed in Section 3(A), the City Council may extend this Moratorium by adoption of an interim ordinance pursuant to the new 2023 law if so allowed under that law.

D. This moratorium does not apply to the selling, testing, manufacturing, or distributing of Cannabis Products related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.

E. This moratorium does not apply to the sale of THC Products allowed under the 2022 Legislation, which includes edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol.

Section 4. STUDY.

The City Council directs City staff to study the need for local regulation regarding the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery or distribution of Cannabis Products listed in Section 3(A) herein within the City of Thief River Falls. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, as allowed by the state, or any other ordinances, as allowed and not preempted by the state, to protect the citizens of Thief River Falls is from any potential negative impacts. Upon completion of the study, the City Council will consider the advisability of adopting new ordinances or amending its current ordinances.

Section 5. ENFORCEMENT.

The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance. A violation of this Ordinance is also subject to the City's general penalty listed in the City of Thief River Falls Code of Ordinances.

Section 6. TERM.
Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until twelve (12) months from its effective date, at which point, it will either automatically expire or be extended pursuant to other statutory authority until January 1, 2025.

Section 7. EFFECTIVE DATE.

This ordinance shall be effective immediately upon passage and publication according to law.

ADOPTED this 2nd day of July, 2024, by the City Council of the City of Thief River Falls.

By: ___________________________
Brian Holmer, Mayor

ATTEST:

____
Angela Philip, City Administrator

CITY OF THIEF RIVER FALLS, PENNINGTON COUNTY, MINNESOTA

SUMMARY ORDINANCE NO. ______________

A SUMMARY INTERIM ORDINANCE PROHIBITING THE SALE, TESTING, MANUFACTURING, CULTIVATING, GROWING, TRANSPORTING, DELIVERY, AND DISTRIBUTION OF CANNABIS PRODUCTS IN THE CITY OF THIEF RIVER FALLS

NOTICE IS HEREBY GIVEN that, on the 2nd day of July, 2024, Interim Ordinance No. _________________ was adopted by the City Council of the City of Thief River Falls, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Interim Ordinance No. _________________ the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council establishes a moratorium prohibiting the sale, testing, manufacturing, cultivating, growing, transporting, delivery, and distribution of cannabis products in the City of Thief River Falls.

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours or on the City's website.

APPROVED for summary publication by the City Council of the City of Thief River Falls, Minnesota, this 2nd day of July, 2024.

BY: ________________________________
Brian Holmer, Mayor

ATTEST:

____
Angela Philipp, Administrator

Published ________________, 2024.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.156.24: Franklin Middle School Football Field Scoreboard – Conditional Use Permit Request</u>

Following discussion, Councilmember Jason Aarestad introduced Resolution 07.156.24, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, With the change in April to our Excluded Sign Ordinance, governmental bodies are required to submit a request for a Conditional Use Permit to erect a sign on their property.

The Thief River Falls School District is looking to replace their existing scoreboard at the Franklin Middle School football field with a larger scoreboard and make a slight adjustment to its location.

WHEREAS, City Code Chapter 152.087 EXCLUDED SIGNS, Subsection (2) was amended in April 2024 and reads as follows: "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."

THEREFORE, BE IT RESOLVED Approve a Conditional Use Permit application by the Thief River Falls School District to erect a new scoreboard at the Franklin Middle School Football Field.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.157.24: Approval to appoint Jennifer Myers as Deputy City Clerk

Following discussion, Councilmember Michele McCraw introduced Resolution 07.157.24, being seconded by Councilmember Jason Aarestad, that:

WHEREAS, Following the resignation of Renee Olson, Deputy City Clerk, on June 14, 2024, the City opened up the position for hire on June 4th , 2024 Resolution #6.121.24.

WHEREAS, The position is a Non-union exempt position. This is a budgeted position for 2024.

THEREFORE, BE IT RESOLVED Approve the hiring of Jennifer Myers in the Deputy City Clerk position effective July 29, 2024. Mrs. Myers's starting wage would be $28.68 per hour. This is Grade 3, Step 6.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.158.24: Approval of ESST Policy

Following discussion, Councilmember Scott Pream introduced Resolution 07.158.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The State of Minnesota is requiring employers to provide employees with paid leave for certain reasons. The City of Thief River Falls's current sick leave policy exceeds the requirements except for our seasonal employees. The City of Thief River Falls has followed this requirement effective January 1, 2024.

THEREFORE, BE IT RESOLVED Approve the Earned Sick and Safe Time (ESST) Policy.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.159.24: Approval Drug and Alcohol Testing Policy

Following discussion, Councilmember Anthony Bolduc introduced Resolution 07.159.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, This revision is a direct result of Minnesota legalizing cannabis.

THEREFORE, BE IT RESOLVED to approve the revision to the City of Thief River Falls' Drug and Alcohol Testing Policy to reflect the cannabis limitations and exceptions to testing.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.160.24: Discussion on Reallocating / Renaming Fund Balance reserve account 100-24630

Following discussion, Councilmember Anthony Bolduc introduced

Resolution 07.160.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The Fund Balance Reserve 100-24630 was created when council approved the closing of Fund 73. The amount of $179,386.33 has been in this account for over 10 years. Our auditors have requested a reallocation of these moneys. With the current City Hall remodel plans, this would be enough to cover new furnishings for the offices. This would also cover options for Public Works fixtures and furnishings and complete the fixing of the elevator.

THEREFORE, BE IT RESOLVED To approve to reallocate or rename Fund Balance reserve account 100-24630 - Unallocated Grant/Aid Fund to be called City Hall furnishings, fixtures, and maintenance.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.161.24: Approval to order furniture and chairs for the Utility Billing office and IT office.</u>

Following discussion, Councilmember Mike Lorenson introduced Resolution 07.161.24, being seconded by Councilmember Steve Narverud, that:

WHEREAS, With the remodel of City Hall the existing furniture won't fit in the new area and doesn't coordinate with the new colors. This order will take 4 to 6 weeks to arrive.

THEREFORE, BE IT RESOLVED Approve the purchase of office furniture for the offices of Utility Billing and IT from Innovative in the amount of $22,858.61.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.162.24: Approve the lease of a Sendpro C Lite Postage Meter</u>

Following discussion, Councilmember Anthony Bolduc introduced Resolution 07.162.24, being seconded by Councilmember Megan Arlt, that:

WHEREAS, Our existing postage meter is no longer in compliance with the new regulation under USPS to have a IMI-comploant solution. Our current machine's lease contract is also up at the end of July which is $47.85/month.

THEREFORE, BE IT RESOLVED Approve the lease of a Sendpro C Lite postage meter through Dakota Mailing and Shipping Equipment for $49.00/month for 63 months paid quarterly and authorize the City Administrator to execute the paperwork.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.163.24: To adopt a resolution governing the counting of write-in votes for City offices</u>

Following discussion, Councilmember Michele McCraw introduced Resolution 07.163.24, being seconded by Councilmember Megan Arlt, that:

WHEREAS, Minnesota Statute 204B.09, subd.3 authorizes a city to adopt a resolution governing the counting of write-in votes. A city that adopts a resolution must do so before the first day of filing for office;

WHEREAS, City election officials spend considerable time and resources to count and individually record write-in votes cast, many of which are frivolous. In order to save city time and resources, it is in the best interest of the City of Thief River Falls, to enforce restrictions on the counting of write-in votes consistent with the provisions of Minnesota Statute 204B.09, subd.3.

THEREFORE, BE IT RESOLVED by the City Council of the City of Thief River Falls, Minnesota that: Any Candidate wishing to have their write-in votes individually recorded must file a written request with the City Administrator of the City of Thief River Falls no later than the seventh day before any municipal election.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.164.24: Approve City Hall remodel change proposal request #1

Following discussion, Councilmember Scott Pream introduced Resolution 07.164.24, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED To approve the City Hall remodel change order proposal request #1. The proposal is for changes that were made to the front billing reception workspace and window counters. Total cost $2,448.00 from Schmitz Builders, Inc.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.165.24: Approve VFW Post 2793 Temporary Intoxicating Liquor License with Addendum

Following discussion, Councilmember Jason Aarestad introduced Resolution 07.165.24, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The VFW has applied for a temporary intoxicating liquor license with addendum to include outdoor area for the VFW Fundraiser.

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 to the VFW Post 2793 with Addendum effective August 10, 2024, from 7 pm to 12 am.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.166.24: Approve a Memorandum of Understanding with the City of Thief River Falls on behalf of the Ralph Engelstad Arena and Pennington & Red Lake County Public Health and Home Care.</u>

Following discussion, Councilmember Jason Aarestad introduced Resolution 07.166.24, being seconded by Councilmember Scott Pream, that:

WHEREAS, The purpose of this MOU is to establish a good-faith foundation between the Parties for future collaborative efforts that are mutually beneficial. The Parties agree to work together in a cooperative and coordinated manner to achieve each Party's individual goals and the collective goals of the partnership.
This MOU is designed to detail the specifics of the working relationship between the Parties to the mutual benefit of the parties and the communities they serve. This MOU does not obligate the Parties to provide funds or payment. This MOU does not bind Parties to any legal obligations.

THEREFORE, BE IT RESOLVED To Approve a Memorandum of Understanding with the City of Thief River Falls on behalf of the Ralph Engelstad Arena and the Pennington and Red Lake County Public Health and Home Care. Authorize the Mayor to execute the documentation.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.167.24: Approve amendment to Resolution #4.80.24 dated April 16, 2024</u>

Following discussion, Councilmember Jason Aarestad introduced Resolution 07.167.24, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City of Thief River Falls has been planning and designing Flood Damage Reduction and Water Quality Improvements on the Chief's Coulees on the Northwest quadrant of the city. The proposal is to divert some of the Agricultural runoff North to County Ditch 70. Regrading the Coulee, properly sizing the culverts, and installing Water Quality Improvement Structures will reduce flooding and improve Water Quality before it enters the Red Lake River near Red Robe Park. A partnership with the Red Lake Watershed Board of Managers was approved on August 16, 2022, for the improvement of Chief's Coulee.

THEREFORE, BE IT RESOLVED To approve the City of Thief River Falls' commitment to the Chief's Coulee project in the amount of $800,000 from the Storm Water Utility fund.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.168.24: Approve Fraternal Order of Eagles Aerie #2368 Temporary on-sale liquor license with addendum

Following discussion, Councilmember Steve Narverud introduced Resolution 07.168.24, being seconded by Councilmember Michele McCraw, that:

WHEREAS, The Fraternal Order of Eagles Aerie #2368 has applied for a temporary intoxicating liquor license with addendum to include the outdoor area for the Fraternal Order of Eagles Aerie #2368 for member picnic.

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 to the Fraternal Order of Eagles Aerie #2368 with Addendum effective August 22-26, 2024, from 4 pm to 8 pm.

On vote being taken, the resolution was unanimously passed.

CLOSED SESSION

Pending/Threatened Litigation – Lift Station 9 Improvements and Force Main Replacement Project.

Wastewater Force Main Construction – Mediator's Settlement Proposal

The City Council may close the council meeting based on the following:

- Absolute confidentiality is necessary so that the City Council and legal counsel can have a candid and open discussion to determine the available legal options to handle the litigation, including response strategy and possible areas of reconciliation.
- The purpose of the closed meeting is not to make a decision behind closed doors, but instead, the purpose of the meeting is to determine the legal options for handling the litigation.
- The only business to be discussed is the pending litigation.
- An open session would be detrimental because it may take place in the presence of individuals involved in the litigation.
- A closed session would benefit the public because the ultimate outcome of the litigation may impact the finances of the city.

Councilmember Mike Lorenson moved, being seconded by councilmember Jason Aarestad, to close the Council Meeting. On vote being taken, the motion was unanimously passed. The meeting closed at 6:28 p.m.

RECONVENE MEETING

Councilmember Anthony Bolduc moved, being seconded by councilmember Jason Aarestad, to reconvene the Council Meeting. On vote being taken, the motion was unanimously passed. The meeting reconvened at 7:43 p.m.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Council discussed previous recommendation from public safety committee that street wizards can close second street during event.
- Mike Lorenson commented to save on future increases in utility billing, it is still suggested to sign up for email bills.
- Mayor Brian Holmer will be out July 24-26th for Coalition of Greater Minnesota Cities Conference.

UPCOMING MEETINGS

City Council Meeting - August 6th at 4:30 p.m.

Public Utilities Committee - August 12th at 7:00 a.m.

Public Safety/Liquor Committee - August 12th at 4:30 p.m.

Administrative Services Committee - August 13th at 4:00 p.m. Room 201 City Hall

Public Works Committee - August 14th at 4:30 p.m.

City Council Meeting - August 20th at 5:30 p.m.

INFORMATIONAL ITEMS

June 2024 Investment Summary (142-143)

June 2024 Investment Summary

ADJOURNMENT

There being no further discussion, Councilmember Anthony Bolduc motioned it being seconded by Councilmember Scott Pream to adjourn at 6:01 p.m. On a vote being taken, the Chair declared the motion unanimously carried.

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Brian D. Holmer, Mayor

Attest: __________________________________
Angela Philipp, City Administrator