

COUNCIL PROCEEDINGS

Tuesday, July 6, 2021

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on July 6, 2021. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALEGIANCE

ROLL CALL

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

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

2020 AUDIT – HOFFMAN, PHILIPP & MARTELL PLLC - CRYSTAL

APPROVE AGENDA

Councilmember Lorensen motioned, being seconded by Councilmember Bolduc, to approve the agenda.

On vote being taken, the agenda with additions was unanimously passed.

CONSENT AGENDA

APPROVAL OF JUNE 15, 2021 COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Howe introduced Resolution No. 7-154-21, being seconded by Councilmember McCraw, that:

BE IT RESOLVED, by the City Council, to approve June 15, 2021 Council Proceedings as presented.

On vote being taken, the resolution was unanimously passed.

CITY OF THIEF RIVER FALLS BILLS AND DISBURSEMENTS AND COUNCIL PER DIEMS

Presented as part of the Consent Agenda, Councilmember Howe introduced Resolution No. 7-155-21, being seconded by Councilmember McCraw, that:

BE IT RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$2,233,065.26 and no council per diem. A printout of the approved payments, disbursements are attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

APPROVAL OF BEER IN THE PARK PERMIT

Presented as part of the Consent Agenda, Councilmember Howe introduced Resolution No. 7-156-21, being seconded by Councilmember McCraw, that:

RESOLVED, by the City Council, to grant the following a Beer in the Park Permit to allow for the consumption of 3.2% malt liquor in the park:

- Seaverson Family Reunion at Oakland Park from 11:00 a.m. until 4:00 p.m. on July 31, 2021.

On vote being taken, the resolution was unanimously passed.

APPROVAL OF ON-SALE INTOXICATING LIQUOR LICENSE TO SOUTH TOWN LANES, INC.

Presented as part of the Consent Agenda, Councilmember Howe introduced Resolution No. 7-157-21, being seconded by Councilmember McCraw, that:

RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to grant the a Temporary Intoxicating Liquor License to South Town Lanes, Inc, effective September 1, 2021.

On vote being taken, the resolution was unanimously passed.

TRF OXBOW MEMORANDUM OF UNDERSTANDING

The City Council reviewed a Request for Council Action, Councilmember Howe introduced Resolution No. 7-158-21, being seconded by Councilmember McCraw, that:

WHEREAS, a Memorandum of Agreement is needed between the City of Thief River Falls and the Red Lake Watershed District to define roles and responsibilities related to the Thief River Falls Oxbow Restoration Project.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the Memorandum of Agreement with the Red Lake Watershed District in regard to the Thief River Falls Oxbow Restoration Project and authorize the Mayor and City Administrator to sign the same.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

UTILITY EASEMENT FOR THE WILLIAM NESS REAL PROPERTY

Following discussion, Councilmember Aarestad introduced Resolution No. 7-159-21, being seconded by Councilmember Bolduc, that:

Date: July 6, 2021.

For and in consideration of the sum of \$1.00 and other valuable consideration to them in hand

paid, receipt of which is hereby acknowledged, William Ness and Henrietta Ness, husband and wife, 1201 Mayer Road, Hudson WI 54016, ("Grantors"), do hereby grant and convey to the City of Thief River Falls, a municipal corporation under the laws of the State of Minnesota ("Grantee"), an easement, under, over and across the following described real property located in the County of Pennington and State of Minnesota, to-wit:

That part of Government Lot 7, Section 2, Township 153 North, Range 43 West of the Fifth Principal Meridian, Pennington County, Minnesota, described as follows:

Commencing at the northwest corner of Lot 1, Block 2, NESS FIRST ADDITION to the City of Thief River Falls, Minnesota, according to the official plat of record in the office of the County Recorder, in and for the County of Pennington, and the State of Minnesota; thence North 85 degrees 44 minutes 59 seconds West, along the southerly right of way line of Greenwood Street as is presently constructed and existing, a distance of 187.00 feet to the point of beginning; thence South 4 degrees 15 minutes 01 second West 50.00 feet; thence North 85 degrees 44 minutes 59 seconds West 100.00 feet; thence North 4 degrees 15 minutes 01 second East 25.00 feet; thence North 85 degrees 44 minutes 59 seconds West 102.00 feet; thence North 4 degrees 15 minutes 01 second East 25.00 feet, more or less, to said southerly right of way line; thence South 85 degrees 44 minutes 59 seconds East 202.00 feet, more or less, to the point of beginning; containing 0.17 acres, more or less.
(hereafter the "Real Property").

1. TERM. This easement shall be perpetual.
2. USE OF EASEMENT BY GRANTEE. Grantee shall have the right to construct, maintain, operate, alter, repair, and remove sanitary sewer, water lines, storm sewer, electrical lines, catv cables, fiber optic lines, appurtenances and equipment necessary thereto ("utility") over and under the above described Real Property.
3. RESTORATION. Grantee agrees that after each time it enters upon the above described Real Property to construct, maintain, operate, alter, repair, and remove the utility that it will restore the ground surface, including any highway ditches, as nearly as practicable, to the state and condition that existed prior to entering, except for pedestal locations. Grantor may seek specific performance to remedy Grantee's non-compliance with the provisions of this Easement.
4. GRANTOR'S USE. Grantor reserves the right to full use and enjoyment of the above described Real Property subject to the easement granted and conveyed herein; provided, that the Grantor shall not construct nor permit to be constructed, any structure or other obstruction on the above described Real Property without the written consent of Grantee, which consent shall not be unreasonably withheld or delayed. However, Grantee shall have the right to cut and remove all trees, undergrowth, and other obstructions which interfere with construction, maintenance, operation, alteration, repair, and removal of the Grantee's utility.
5. GOVERNING LAW. This Conveyance shall be governed and construed in accordance with the laws of the State of Minnesota.
6. ENTIRE AGREEMENT INVALIDITY. This Conveyance 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 Conveyance shall be valid unless in writing and signed by the parties hereto. Should any clause or provision of this Conveyance become invalid for any reason, such invalidity shall not result in the invalidity or unenforceability of any other clause or provision of this Conveyance.

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

8. BINDING. This easement shall bind the parties hereto, their heirs, personal representatives, successors, and assigns.

IN WITNESS WHEREOF, Grantor has caused this Easement to be executed the day and year first above written.

William Ness

Henrietta Ness

STATE OF MINNESOTA)
)ss.
COUNTY OF PENNINGTON)

The foregoing instrument was acknowledged before me this ____ day of July, 2021, by William Ness and Henrietta, husband and wife, Grantors.

Notary public

On vote being taken, the resolution was unanimously passed.

APPROVAL OF AMENDMENTS TO GIS/MAPPING TECHNICIAN (FORMER
ENGINEERING TECHNICIAN) JOB DESCRIPTION AND OPENING THE POSITION FOR
FILLING

Following discussion, Councilmember Bolduc introduced Resolution No. 7-160-21, being seconded by Councilmember Narverud, that:

WHEREAS, the position was vacated by the resignation of Nathan Koland and is an essential part of the Public Works Department.

RESOLVED, by the City Council, to accept the Public Works Committee recommendation to approve minimal changes to the former Engineering Technician job description, now titled GIS/Mapping Technician authorize to begin the process to fill a vacant position. Position shall be offered to Teamster #320 employees as per union contract and if not filled, shall be opened to the public.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

Prudhomme commented on the 125th Anniversary at Pioneer Village.

UPCOMING MEETINGS

UTILITIES COMMITTEE - JULY 12TH AT 7:00 A.M.

PUBLIC SAFETY/LIQUOR COMMITTEE - JULY 12TH AT 4:30 P.M.

ADMINISTRATIVE SERVICES COMMITTEE - JULY 13TH AT 3:00 P.M.

PUBLIC WORKS COMMITTEE - JULY 14TH AT 7:00 A.M.

CITY COUNCIL MEETING - JULY 20TH AT 5:30 P.M.

INFORMATIONAL ITEMS

CLOSE MEETING TO CONDUCT PERFORMANCE APPRAISAL

PERFORMANCE APPRAISAL OF CHIEF OF POLICE MARISSA ADAM

Councilmember Bolduc moved, being seconded by Councilmember Aarestad, to close the Council Meeting as per Minnesota Statute 13D.05 to conduct a performance evaluation of Chief of Police Marissa Adam at 6:05 p.m.

Motion unanimously carried.

RECOVENE MEETING

Councilmember Aarestad moved, being seconded by Councilmember McCraw, to reconvene the meeting at 6:19 p.m.

OTHER

Councilmember Lorensen requested an update on the Archive Social for Social Media Accounts. Material is currently being reviewed at committees.

ADJOURNMENT

There being no further discussion, Councilmember Prudhomme moved, being seconded by Councilmember Lorensen to adjourn at 6:20 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Brian D. Holmer, Mayor

Attest: _____
Angela Philipp, City Administrator