COUNCIL PROCEEDINGS

Tuesday, July 19, 2022

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on July 19, 2022. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALEGIANCE

ROLL CALL

The following Councilmembers were present: Holmer, McCraw, Narverud, Aarestad, Lorenson and Howe. Councilmember Prudhomme (arrived 5:50pm). Councilmember Bolduc was absent. Mayor Holmer chaired the meeting.

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

1. Advance Thief River's Budget Request - Brian Carlson and the ATR Board

APPROVE AGENDA

Councilmember Steve Narverud motioned, being seconded by Councilmember Curt Howe, to approve the agenda.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 07.150.22: Approval of July 5, 2022 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.150.22, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the July 5, 2022 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.151.22: City of Thief River Falls Bills and Disbursements and Council Per Diems

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.151.22, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED By the City Council, to authorize payment of bills and disbursements in the total amount of $659,241.37 and council per diems in the total amount of $1,137.50. A printout of the approved payments, disbursements are attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.152.22: Approve VFW Post 2793 Membership/Family Beer in the Park Permit

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.152.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Josh Whitlow has applied for a Beer in the Park Permit for a Membership/Family at Oakland Park (East and West).

WHEREAS, The park has been reserved with the Parks and Recreation 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 are allowed.

THEREFORE, BE IT RESOLVED To Approve a Beer in the Park Permit Effective August 14, 2022 for a Membership/Family at Oakland Park (East and West) from 1:00 p.m. to 4:00 p.m.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.153.22: Approve Temporary Intoxicating Liquor License with Addendum to VFW Post 2793

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.153.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The VFW has applied for a temporary intoxicating liquor license with addendum to include outdoor area for the VFW parking lot party and band outside.

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 to VFW Post 2793 effective July 22, 2022, from 8 pm to 12 am.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.154.22: Approval of Election Judges for the 2022 Elections

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.154.22, being seconded by Councilmember Steve Narverud, 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 August 9th and November 8th:

Katie Fogarty
Esther Johnson
Glen Kajewski
Deb Fulton
Jan Strandlie
Cindy Vennes
Diane Rud
Barb Holthusen
Elna Lendobeja
Millie Reierson
Sharon Jorde
Sandy Fladeland
Cathy Miramontes
Judy DuChamp
Tracy Hjelle
Rhonda Bach
Diane Dessellier
Lana Sandal
Cerena Peterson
Linda Ramsey
Theresa Vanyo
William Fogarty
Judy Dupree
Tracy Nelson
Katie German
Dan Mapes
Mary Jo Mugaas
Jeremy Purcell
Olive Goldsberry
Phyllis Johnson
Lisa Monson
Becky Stavenes
Deb Ernst

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.155.22: Approve Application for Payment Estimate #1 in the amount of $1,758,603.38, from Agassiz Asphalt, LLC for work completed on the 2022 Street Improvements Project.

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.155.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The proposed work was bid as a result of meetings with department heads, Council Committees, developers, and according to items in the City's Capital Improvement Plan.

WHEREAS, Bids for this project were received on May 5th, 2022 from three contractors. The low bid was received from Agassiz Asphalt, LLC in the amount of $1,657,013.45. The Engineer's Estimate was $1,791,328.00. The low bid was 8% below the estimate.

THEREFORE, BE IT RESOLVED Approve Application for Payment Estimate #1 in the amount of $1,758,603.38, from Agassiz Asphalt, LLC for work completed on the 2022 Street Improvements Project.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.156.22: Approve Application for Payment Estimate #2 in the amount of $393,763.20, from Davidson Construction for work completed on the 2021 Street and Utilities Improvement project.

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.156.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, This project was bid as a result of meetings with department heads, Council committees, and according to items in the City's Capital Improvement Plan. It was awarded to Davidson Construction, Inc. in the amount of $784,427.45. This project included the following items of work:

1. Franklin Middle School Safe Route to School Multi-Use Trail
2. Oakland Park Multi-Use Trail
3. Fairgrounds Miscellaneous Paving
4. Valley Home Access Realignment
5. Airport Entrance Road Repair
6. Miscellaneous Patching
7. Robson Court Street Construction

Bids for this project were received on September 7th, 2021, from two contractors. The low bid was received from Davidson Construction in the amount of $784,427.45 and from R.J. Zavoral and Sons in the amount of $855,753.29.00 The Engineer's estimate was $689,666.50 The low bid was 14% above the estimate.

THEREFORE, BE IT RESOLVED Approve Application for Payment Estimate #2 in the amount of $393,763.20, from Davidson Construction for work completed on the 2021 Street and Utilities Improvement project.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.157.22: Approve employment of Craig Williams as Patrol Officer

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.157.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The City Council, by Resolution No.06.115.22 authorized that the City of Thief River Falls begin the process to fill a position of a Patrol Officer. Applications from the public were accepted and interviews were conducted on June 6, 2022. Mr. Williams was offered the position pending successful passage of background requirements, which has been accomplished, and pending approval by the City Council. As a result of recent patrol officer resignations an officer is needed to be replaced in the department to continue coverage of shifts.

WHEREAS, The Police Department is currently at 14 full time officers. At the beginning of 2022 we had 16 full time officers.

THEREFORE, BE IT RESOLVED To approve the following employment of Craig Williams as a Patrol Officer. Officer Williams shall have a tentative begin date of employment on July 19th, 2022 at Step 1 of the LELS salary schedule for a starting salary of $24.84 per hour. Employment is contingent upon successful completion of all pre-employment examinations.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.158.22: Approve an anonymous donation of an American Tactical AR-15 rifle to the Thief River Falls/Pennington County Special Response Team (SRT).

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.158.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Many months ago a Thief River Falls citizen had heard of our team and the need for more rifles and wanted to make a donation of a American Tactical AR-15 rifle that is owned by that citizen. A background of the rifle will be completed, and a letter written by the Chief of Police with the citizens' signature releasing any liabilities.

THEREFORE, BE IT RESOLVED Approve an anonymous donation of an American Tactical AR-15 rifle to the Thief River Falls/Pennington County Special Response Team (SRT). The rifle is used slightly, being fired one time.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.159.22: To certify the following unpaid grass mowing & snow removal charges from the 2021-2022 season to the Pennington County Auditor for collection as part of the property owner's property tax statement in 2023.

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.159.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Grass mowing & sidewalk snow removal charges remain unpaid to the City of Thief River Falls; and,

WHEREAS, pursuant to City Code Section 91.01 and Minnesota State Statute 429.101, the City may certify to the Pennington County Auditor the unpaid grass mowing & sidewalk snow removal charges.

THEREFORE, BE IT RESOLVED To certify the following unpaid grass mowing & snow removal charges from the 2021-2022 season to the Pennington County Auditor for collection as part of the property owner's property tax statement in 2023:

ADDRESS	**PARCEL**	**AMOUNT**
602 Conley Ave S	25.010.013.20	49.08

116 4th St. W	25.003.222.80	32.70
1016 Duluth Ave N	25.021.019.20	47.72
1226 Knight Ave N	25.031.066.00	122.26
507 Horace Ave N	25.003.088.40	37.12
610 Knight Ave N	25.003.023.50	37.12
523 Knight Ave N	25.003.063.10	37.12
114 Arnold Ave N	25.003.383.40	37.12
203 Kendal Ave N	25.012.051.70	37.12
303 St. Paul Ave N	25.012.077.90	37.12
401 Kendall Ave S	25.012.110.20	37.12
325 Kneale Ave S	25.026.040.30	37.12
207 Kendall Ave N	25.012.052.70	37.12
702 St. Paul Ave S	25.010.036.40	36.59
724 Dewey Ave N	25.016.027.70	143.71
206 Crocker Ave N	25.006.172.70	36.06
1010 Main Ave N	25.022.069.00	177.11
324 Kendall Ave N	25.006.046.70	36.06
724 Knight Ave N	25.014.022.30	35.53
618 Duluth Ave N	25.015.060.90	35.53
520 Tindolph Ave S	25.012.165.30	35.53
112 St. Paul Ave N	25.006.299.60	35.53
124 Conley Ave S	25.006.274.50	35.53
611 Knight Ave N	25.003.029.60	35.50
412 State Ave N	25.004.009.20	35.50

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.160.22: Approve vacating a 30' utility easement lying 15'on either side of the lot line common to Lot 2 and Lot 3, Block 1, Barron's Addition, except that portion 25' wide adjacent to the Frontage Road, and that portion 15' wide adjacent to Eastwood Drive. This vacation is subject to joining lots 2 and 3 into one parcel.

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.160.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Barron's Addition was platted in 2014 by the City of Thief River Falls in partnership with Farmers Union Oil Company of TRF to prepare the vacant land for development. As typically done utility easements were platted on both sides of each lot line for future utilities.

WHEREAS, Lots 2 and 3 are being sold by Farmers Union Oil Company of TRF to F4, LLC. The new owners are requesting the existing 30' utility easement be vacated as they have purchased both lots and would like to build over the lot line. There are no current utilities in this portion of the easement and there is no required future public use. Wayne Johnson, Water Systems Superintendent, John Kinsman, Electric Superintendent, and Travis Giffen, Public Works Director, have reviewed the request and no longer require the easement, and support the vacation.

THEREFORE, BE IT RESOLVED Approve vacating a 30' utility easement lying 15'on either side of the lot line common to Lot 2 and Lot 3, Block 1, Barron's Addition, except that portion 25' wide adjacent to the Frontage Road, and that portion 15' wide adjacent to Eastwood Drive. This vacation is subject to joining lots 2 and 3 into one parcel.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.161.22: To approve removing the 2017 and 2019 Street and Utility special assessments from parcel # 25.00338970 owned by the United States Post Office.

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution No 7.161.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The United States Post Office is an independent establishment of the Executive Branch of the Government of the United States. The Postal Service is then immune from state and local taxation which includes special assessments.

THEREFORE, BE IT RESOLVED To approve removing the 2017 and 2019 Street and Utility special assessments from parcel # 25.00338970 owned by the United States Post Office. The total amount removed is $27,475.00.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

RESOLUTION NO. 07.162.22: Resolution Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of $ General Obligation Bonds, Series 2022a.

Following discussion, Councilmember Steve Narverud introduced Resolution No 7.162.22, being seconded by Councilmember Curt Howe, that:

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.163.22: Approve a Conditional Use Permit for Dayna and Kraig Melvie Car Wash

Following discussion, Councilmember Jason Aarestad introduced Resolution No 7.163.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Dayne and Kraig Melvie purchased the former Northwest Mobile Home sales lot from Les Snetting for the purpose of constructing a car wash and storage units. This property is located at 924 Third Street West and is currently zoned General Business District (C-2). This is an allowable use in this zoning district with a conditional use permit.

WHEREAS, The city recently added "Car and Truck Wash Business" as a conditional use in General Business District (C-2), and Central Business District (C-3) to allow input from the Water Systems Superintendent. This type of business generally does not qualify as a significant user that would require wastewater monitoring and or treatment by the

Minnesota Pollution Control Agency (MPCA). The requirement of a conditional use permit will allow the city the ability to place conditions regarding wastewater discharge on a case-by-case basis.

THEREFORE, BE IT RESOLVED Approve a Conditional Use Permit for Dayna and Kraig Melvie Car Wash with the following conditions:

- Subject to final site plan review

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.164.22: Call for Public Hearing August 16, 2022 at 5:30 PM to discuss Amending the City Code Chapter 94.04 Farm Animals to allow chickens.

Following discussion, Councilmember Jason Aarestad introduced Resolution No 7.164.22, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, City code defines chickens as a farm animal. The code also precludes the farm animals within the city limits except within the agriculture district along with certain conditions.

WHEREAS, Inquires have been made by the public on a couple occasions on whether chickens are allowed within the City limits in a residential zoning district. In response to these inquires the Public Safety Committee has requested to call for a hearing to consider amending the city code.

THEREFORE, BE IT RESOLVED Call for Public Hearing August 16, 2022 at 5:30 PM to discuss Amending the City Code Chapter 94.04 Farm Animals to allow chickens; and by adopting by reference City Code Chapter 10 and Section 94.99, which, among other things, contain penalty provisions.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.165.22: Approval of General Manager Job Description and Authorization to post to fill the General Manager position.

Following discussion, Councilmember Mike Lorenson introduced Resolution No 7.165.22, being seconded by Councilmember Curt Howe, that:

WHEREAS, Following the retirement of Dale Narlock, Electric Superintendent, the city looked into restructuring the utilities department. A General Manager position was developed to coordinate the duties of the Electric and Water Systems.

THEREFORE, BE IT RESOLVED Approve the job description of the General Manager and Authorize to post to fill the position. The position would be posted 5 days internally before being posted to the public.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.166.22: Option #1 Approve the job description of Fire Chief and Authorize to post to fill the position.

Following discussion, Councilmember Jason Aarestad motioned to approve to continue Co-Fire Chief structure, Resolution No 7.166.22, being seconded by Councilmember Curt Howe, that:

WHEREAS, A position has opened due to the intent to retire submitted by Marty Semanko, effective Sept. 2, 2022. The department needs to fill the position to run efficiently.

THEREFORE, BE IT RESOLVED Approve continuance of Co Fire Chief structure and Authorize to post a Co-Chief position for 10 days internally and fill the position.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.167.22: Option #2 Approve and authorize to fill a vacant position of Fire Fighter.

Following discussion, Councilmember Mike Lorenson moved to table Resolution No 7.167.22, being seconded by Councilmember Jason Aarestad:

On vote being to table, Lorenson, Aarestad and McCraw, Narverud, Howe and Holmer voted aye. The motion carried and the item tabled.

RESOLUTION NO. 07.168.22: Approve Public Works Recommendation to contract services quoted (95 degrees West) for spring 2023, in the amount of $28,000.00.

Following discussion, Councilmember Michele McCraw introduced Resolution No 7.168.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The city of Thief River Falls GIS/Mapping system has not been updated with new arial photography for more than 12 years. Many of the road systems have changed since the last mapping update. The services provided in the quote from 95 degrees west would update the city's mapping capabilities to accuracy of 3". The lidar data would provide valuable engineering information for use in scoping and designing future upcoming projects.

THEREFORE, BE IT RESOLVED Approve Public Works Recommendation to contract services quoted (95 degrees West) for spring 2023, in the amount of $28,000.00. The total consists of $18,200.00 for color ortho imagery (47 sq miles/Red perimeter), and $9,800.00 for lidar bare earth delivery (15.5 miles/yellow perimeter) data.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 07.169.22: Approve repairs needed to Hartz Park Playground Equipment.

Following discussion, Councilmember Steve Narverud introduced Resolution No 7.169.22, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, Hartz Playground Equipment was placed in 2003. The play equipment is a moveable part and is worn out from use. The repair parts needed have been recommended by the manufacturer.

WHEREAS, Cost of repair parts $6,876.00. Parts to be installed by Public Works Staff. This is unbudgeted expense in Parks Department Budget.

WHEREAS, Playground equipment that is unsafe poses a liability for the City.

THEREFORE, BE IT RESOLVED Approve repairs needed to Hartz Park Playground Equipment.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 07.170.22: Approve the replacement of Hartz Park Playground Mulch</u>

Following discussion, Councilmember Mike Lorenson introduced <u>Resolution No 7.170.22</u>, being seconded by Councilmember Curt Howe, that:

WHEREAS, Hartz Park Playground was affected by flooding in 2022, and the existing mulch was saturated in water and silt. Estimated material for the playground is 222 cubic yards, with a estimated time of 24 hours machinery and operator pay.

WHEREAS, Material and Labor is estimated to be $11,000.00.

THEREFORE, BE IT RESOLVED To approve the replacement of Hartz Park Playground Mulch.

On vote being taken, the resolution was unanimously passed.

Councilmember Rachel Prudhomme gave thanks to Public Works for their work the Saturday after the storm.

COUNCIL BOARDS AND COMMISSIONS REPORTS

1. Councilmember Steve Narverud mentioned that Mayor Holmer will be the president of the Coalition of Greater MN Cities. Narverud states this is a great honor. Encourage a trip to conference July 27th, 28th and 29th.
2. Councilmember Rachel Prudhomme asks to set up a separate meeting with Michelle Landsverk and/or Brian Carlson with Advance Thief River – questions regarding budget.

UPCOMING MEETINGS

1. City Council Meeting - August 2nd at 4:30 P.M. (at Asphult Church Pioneer Village)
2. Night to Unite - August 2nd at 5:00 P.M. (Pioneer Village)
3. Utilities Committee - August 8th at 7:00 A.M.
4. Public Safety/Liquor Committee - August 8th at 4:30 P.M.
5. Administrative Services Committee - August 9th at 4:30 P.M. Room 201 City Hall
6. Public Works Committee - August 10th at 4:30 P.M.

INFORMATIONAL ITEMS

1. Investment Summary 6/2022

ADJOURNMENT

There being no further discussion, Councilmember Jason Aarestad, being seconded by Councilmember Rachel Prudhomme to adjourn at 6:05 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Brian D. Holmer, Mayor

Attest:

Angela Philipp, City Administrator