

COUNCIL PROCEEDINGS

Tuesday, November 1, 2022

CALL TO ORDER

This meeting is officially called to order at 05:30 PM on November 1, 2022. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALEGIANCE

ROLL CALL

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

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

APPROVE AGENDA

Councilmember Jason Aarestad motioned, being seconded by Councilmember Anthony Bolduc, to approve the agenda with addition of 8.6.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 11.232.22: Approval of October 18, 2022 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution 11.232.22, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the October 18, 2022 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.233.22: City of Thief River Falls Bills and Disbursements

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution 11.233.22, 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 \$1,606,311.35. 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. 11.234.22: Rivers & Rails Brewery Temporary 3.2% Malt Liquor License Application

Presented as part of the Consent Agenda, Councilmember Jason Aarestad introduced Resolution 11.234.22, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Rivers & Rails Brewery opened for business June 15, 2022.

WHEREAS, If conducting a “Beer Garden” additional regulations apply. By signing below the applicant acknowledges having read the Beer Garden Policy and agrees to follow the rules.

Applicant shall comply with all restrictions, limitations, and regulations for the sale of malt 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 3.2 percent malt 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 will result in the application being denied.

THEREFORE, BE IT RESOLVED To Approve a Temporary 3.2% Malt Liquor Application Permit Effective November 7, 2022 at Tonnebells (114 3rd St East Thief River Falls) from 2:00 p.m. to 8:00 p.m.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

RESOLUTION NO. 11.235.22: Adopt Assessment Roll For 2022 Street & Utilities Improvements

Following discussion, Councilmember Curt Howe introduced Resolution 11.235.22, being seconded by Councilmember Anthony Bolduc, 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. The Project was awarded to Agassiz Asphalt in the amount of \$1,657,013.45. The Engineer’s Estimate was \$1,791,328.00.

WHEREAS, The City of Thief River Falls assesses benefited property owners for these improvements.

THEREFORE, BE IT RESOLVED Adopt the assessment roll for costs to be assessed for the 2022 Street & Utilities Improvements Project. The estimated amount to be assessed is \$757,826.77.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.236.22: MAK Properties, LLC. – Economic Development Tax Increment Financing

Following discussion, Councilmember Jason Aarestad introduced Resolution 11.236.22, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, MAK Properties of Grand Forks, North Dakota has completed the purchase of the vacant property south of Valley Home. They are proposing a mixed-use building with residential apartments above commercial space, allowable with a conditional use permit, which has been approved. They were also proposing the construction of a daycare facility on the same site. Discovery Place had provided a Letter of Intent to proceed with operating the daycare as a second location but have since decided it is not in their best interest to proceed at this time.

WHEREAS, The developer has requested Economic Development Tax Increment Financing to assist with development costs. The Thief River Falls City Council, ISD 564 Board, and Pennington County Board of Commissioners met last fall to discuss the options of tax assistance. The Pennington County Board and ISD 564 Board have approved resolutions of support. This Economic Development TIF was brought before the Planning Commission on April 12th and was formally recommended for approval. With the removal of the daycare at this time the Pennington County Board and ISD 564 Board have approved new resolutions of support for the housing project to continue without the daycare. They have both requested the city and developer continue to seek a solution for daycare on this site in the future.

THEREFORE, BE IT RESOLVED Reaffirm the approval of Modification to the Development Program for Development District No. 1 and the proposed Establishment of Tax Increment Financing District No. 14 therein and the adoption of the Tax Increment Financing Plan therefor. TIF was approved, subject to the real property area, that was designated for a day care building, having a restrictive covenant placed of record that said area can only be used for day care purposes, unless the City agrees to remove said restriction at a later date.

On vote being taken, the resolution was unanimously passed.

Call for second reading and consider an amendment to City Code Chapter 152.020 FLOOD PLAIN DISTRICT

Councilmember Jason Aarestad motioned, being seconded by Councilmember Steve Narverud to call for the Second Reading of an ordinance of the city of Thief River Falls, Minnesota, amending city code chapter 152.020 entitled "Flood Plain District" (FP) by removing the current regulations in their entirety and replacing them with the Minnesota Department of Natural Resources Model Ordinance, 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 second reading was unanimously passed.

RESOLUTION NO. 11.237.22: Approval to Amendment to City Code Chapter 152.020
FLOOD PLAIN DISTRICT

Following discussion, Councilmember Mike Lorenson introduced Resolution 11.237.22, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City of Thief River Falls has sections in the city code within land usage that controls among other things the zoning code. Chapter 152.020 Flood Plain District (FP) regulates activities in the flood plain. Periodically when warranted these regulations are reviewed and amended to address circumstances as requested.

WHEREAS, This floodplain ordinance would amend the city's floodplain regulations to comply with the standards of the National Flood Insurance Program (NFIP) including adoption of the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report. The City of Thief River Falls must adopt a conforming ordinance by December 1, 2022 in order to continue participation in the National Flood Insurance Program (NFIP). As written, this ordinance prohibits new buildings within the floodplain, but reasonably accommodates for other common types of development (existing buildings can continue as nonconformities).

This model ordinance is intended for communities that have little or no existing structures within the floodplain and that meet the following criteria:

- Floodplains are largely undeveloped or protected as parks or open space.
- Each developable parcel should be able to accommodate for building sites outside of the floodplain.

THEREFORE, BE IT RESOLVED Call for second reading and consider an amendment to City Code Chapter 152.020 FLOOD PLAIN DISTRICT (FP), by removing the current regulations in their entirety and replacing them with the Minnesota Department of Natural Resources Model Ordinance, 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. 11.238.22: Appointment of Rick Beier, Firefighter, as Interim Fire Chief

Following discussion, Councilmember Steve Narverud introduced Resolution 11.238.22, being seconded by Councilmember Curt Howe, that:

WHEREAS, Following both Co-Chiefs returning to their previous position of firefighter, the council and committees have had discussion whether the Fire Department should be managed by a Co-Chief system or a single Fire Chief. A special Public Safety meeting was held on October 26, 2022 for a specific discussion on this issue.

THEREFORE, BE IT RESOLVED Approve the appointment of Rick Beier, Firefighter, as the Interim Fire Chief, effective November 2, 2022. Salary shall be the mid-point between the two positions, which for 2022 equals an increase in hourly wage for Mr. Beier in the amount of \$4.78 per hour. This appointment shall be effective until revoked by the City Council.

The interim Fire Chief position will continue in the firefighter rotation schedule and his performance will be reviewed in 6 months.

On vote being taken, McCraw, Narverud, Lorensen, Howe and Holmer voted aye; Bolduc and Aarestad voted nay. The resolution was passed.

RESOLUTION NO. 11.239.22: Approve the MAPS contract and Memo of Understanding for the City Administrator and Human Resources Coordinator for year 2022

Following discussion, Councilmember Steve Narverud introduced Resolution 11.239.22, being seconded by Councilmember Curt Howe, that:

WHEREAS, The current MAPS bargaining contract expired on December 31, 2021. The MAPS Bargaining Unit and the Ad-Hoc Labor Committee have met in negotiations over the last year and have reached a tentative agreement for year 2022. The proposed contract includes a wage increase in the amount of 1.75% for 2022 retroactive to January 1, 2022.

The MAPS Bargaining unit members have voted on, and approved, the proposed 2022 contract as negotiated.

The City Administrator and Human Resources Coordinator will receive wage increases of 1.75% retroactive to January 1st, 2022.

THEREFORE, BE IT RESOLVED Approve the MAPS contract and Memo of Understanding for the City Administrator and Human Resources Coordinator for year 2022.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Mayor Holmer mentioned FEMA was here assessing damage. Capture of damage done.
- Mayor Holmer also mentioned the City On-line Surplus starts tomorrow through November 16th.
- Councilmember Steve Narverud mentioned leaf pick up ends November 4th. Calendar Parking starts November 15th.
- Councilmember Mike Lorensen would like to request that Administrative Services Committee review a paper reduction for the City.

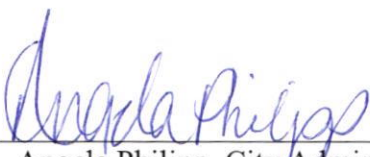
UPCOMING MEETINGS

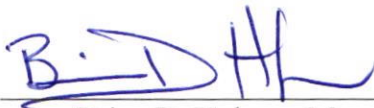
- Utilities Committee - November 7th at 7:00 A.M.
- Public Safety/Liquor Committee - November 7th at 4:30 P.M.
- Administrative Services Committee - November 8th at 4:30 P.M. Room 201 City Hall
(Must Be Done By 6 P.M. - Due to General Election)
- Public Works Committee - November 9th at 4:30 P.M.
- City Council Meeting - November 15th at 5:30 P.M.
- Committee of Whole - Immediately following City Council November 15th

INFORMATIONAL ITEMS

ADJOURNMENT

There being no further discussion, Councilmember Anthony Bolduc, being seconded by Councilmember Mike Lorenson to adjourn at 5:58 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Attest: 
Angela Philipp, City Administrator


Brian D. Holmer, Mayor