

COUNCIL PROCEEDINGS

Tuesday, November 15, 2022

CALL TO ORDER

This meeting is officially called to order at 05:30 PM on November 15, 2022. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

PUBLIC FORUM

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

Presentation 2022 City Election Results - Angela Philipp reviewed the 2022 City Election Results.

APPROVE AGENDA

Councilmember Mike Lorensen motioned, being seconded by Councilmember Jason Aarestad, to approve the agenda with addition of 8.3 and 8.4.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 11.240.22: Approval of November 1, 2022 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.240.22, being seconded by Councilmember Anthony Bolduc, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve the November 1, 2022 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.241.22: City of Thief River Falls Bills and Disbursements and Council Per Diems

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.241.22, being seconded by Councilmember Anthony Bolduc, that:

THEREFORE, BE IT RESOLVED By the City Council, to authorize payment of bills and disbursements in the total amount of \$1,083,775.10 and council per diems in the total amount of \$3,510.00. 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. 11.242.22: Approve employment of Amanda Nelson as Billing Clerk II

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.242.22, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City Council, by Resolution No. 8-174-22, authorized that the City of Thief River Falls begin the process to fill the position of Billing Clerk II due to the retirement of Patricia Lindquist, Senior Billing Clerk effective September 1, 2022, and internal transfer of Jeremy Treitline to Senior Billing Clerk. Applications from the public were accepted and interviews conducted on November 7, 2022.

WHEREAS, The filling of the position will complete filling all vacancies in the department.

THEREFORE, BE IT RESOLVED Approve the employment of Amanda Nelson as Billing Clerk II, effective December 1, 2022. Ms. Nelson's salary will start at Step 4 of Grade 4 for \$29.00 per hour with a 2% COLA increase January 1, 2023. Ms. Nelson will be eligible to move to step 5 of Grade 4 on December 1, 2023 with City Council approval. Employment is contingent upon successful completion of all required background pre-employment requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.243.22: Approval of Lisa Hinrichs Beer in the Park Permit

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.243.22, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, Lisa Hinrichs has applied for a Beer in the Park Permit for a wedding rehearsal and wedding at Oakland Park.

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 is allowed.

THEREFORE, BE IT RESOLVED To Approve a Beer in the Park Permit Effective June 23, 2023 for a Wedding Rehearsal at 4 pm and June 24, 2023 for the wedding at 6 pm at Oakland Park.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.244.22: Approval of Uncollectible Utility Account Write-offs

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.244.22, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, Collection of delinquent accounts is done each month rather than wait until year end. The attached is a summary of what has been done with those delinquent accounts.

WHEREAS, Most delinquents are turned over to the Minnesota Revenue Recapture program to be taken from the customers State tax withholdings and end up being paid. A

few are turned over to the Credit Bureau. If the customer who incurred the bill owned the property, we can certify it to the County for collection with taxes.

THEREFORE, BE IT RESOLVED Approve write-off of uncollectible utilities accounts for the previous 12-month period. \$8,882.62 has be turned over to the Credit Bureau; \$60,519.97 has been submitted to the MN Revenue Recapture program, \$2,770.74 in small direct write-offs and \$2,014.07 turned over to tax roll, for a total of \$74,187.40.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.245.22: Approve that the Resolution No. 7-165-22 Approval of General Manager Job Description and Authorization to post to fill the General Manager position is hereby rescinded effective November 16, 2022

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.245.22, being seconded by Councilmember Anthony Bolduc, that:

THEREFORE, BE IT RESOLVED Approve that the Resolution No. 7-165-22 Approval of General Manager Job Description and Authorization to post to fill the General Manager position is hereby rescinded effective November 16, 2022.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.246.22: Open position of Electric Superintendent for Filling

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.246.22, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, Dale Narlock, Electric Superintendent, retired June 11, 2022. John Kinsman was appointed Interim Electric Superintendent on Resolution No. 6-120-22. To continue efficient operations of the Electric Department, the position needs to be filled.

THEREFORE, BE IT RESOLVED Approval to open the position of Electric Superintendent to the public for filling. The Electric Superintendent is a Grade 13 with a starting salary of \$7,585.07 per month with a 2% COLA increase January 1, 2023.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.247.22: Approval to Advertise the Scrap Metal RFP

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution 11.247.22, being seconded by Councilmember Anthony Bolduc, that:

The purpose of this Request for Proposals (RFP) is to invite entities experienced in scrap metal recycling to submit proposals to the City of Thief River Falls Electric Department. The Scope of Work to be performed:

1. Bidder will supply a scrap metal container to be located at 1711 1st ST W, Thief River Falls MN in the gated yard.
 - a. If divided containers are provided – Electric Department will separate metals

- b. If non-divided containers are provided – Bidder will separate metals
2. Bidder will pick up container and haul when notified by the City that it is full
3. Bidder will ensure going rate for scrap metal is used
4. Bidder will mail payments to the City of Thief River Falls, *Renee Olson*, Thief River Falls MN 56701

Submission information:

1. Submit to: Renee Olson, Deputy City Clerk
PO Box 528
Thief River Falls, MN 56701
Email: rolson@citytrf.net
Phone : 218-681-2943
2. The bidder awarded the proposal will have a 2-year contract with the City of Thief River Falls.
3. This RFP may be canceled and any proposal may be rejected at the discretion of the City of Thief River Falls.
4. Bidders must submit proposals no later than noon on 12/9/2022.

Evaluation Procedure:

1. Evaluation of the scope of work to be performed
2. Best scrap metal rates at the time of proposal

THEREFORE, BE IT RESOLVED After proposals are evaluated, the City will review with the City of Thief River Falls Utility Committee and recommend to go for approval at the 12/12/2022 Council meeting. This contract would be effective January 1, 2023 – December 31, 2024.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

Call For Second Reading Of An Ordinance Of The City Of Thief River Falls, Minnesota, Amending City Code Chapter 94 Entitled "Animals" By Adding Sections 94.17 Through 94.30, "Chickens", And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

Councilmember Rachel Prudhomme motioned, being seconded by Councilmember Anthony Bolduc to call for the second reading of an ordinance of The City Of Thief River Falls, Minnesota, Amending City Code Chapter 94 Entitled "Animals" By Adding Sections 94.17 Through 94.30, "Chickens", And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

On vote being taken, the second reading was unanimously passed.

RESOLUTION NO. 11.248.22: Approval of An Ordinance Of The City Of Thief River Falls, Minnesota, Amending City Code Chapter 94 Entitled "Animals" By Adding Sections 94.17 Through 94.30, "Chickens", And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

Following discussion, Councilmember Rachel Prudhomme introduced Resolution

11.248.22, being seconded by Councilmember Anthony Bolduc, that:

Section 1. City Code Chapter 94.17 THROUGH 94.31 is hereby added to read as follows:
§ 94.17. CHICKENS.

Chickens shall be allowed by a permit issued by the Animal Control Officer or designated City Agent. The fee for said permit shall be set by the City Council by Resolution.

No permit shall be issued if a nuisance will be created. A permit may be issued under this section where the chicken(s) were lawfully kept in an area with a permit and subsequently an additional business, church or residence was constructed within five hundred feet. Permit shall be for one year, and may not be renewed without re-inspection. Every such building occupied by chickens by authority of a special permit shall, if located within two hundred feet of any apartment house, retail food store, hotel, restaurant, boarding house, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept, be provided with a water-tight and fly-tight

receptacle for manure, of such dimension as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a

nuisance. The receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle.

94.18. Construction.

Every building wherein any chicken(s) is kept, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times. The Animal Control Officer or designated City Agent may, in order to avoid a nuisance, require that any such building be screened tightly against flies, and/or that it be provided with running water, drain sewer connections, flooring impervious to water, and that such other measures be taken as may be necessary to insure proper protection to public health and safety.

94.19. Restrictions.

1. No chicken coop, building, run or other yard or establishment where chicken(s) are kept shall be maintained closer than forty (40) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail foot traffic store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said chicken(s) are kept.

2. A Resident keeping a chicken(s) shall obtain an annual permit from the City by completing an application and paying an annual fee as set by the City. All issued Permits shall expire on December 31st each year.

3. No more than 4 chicken hens may be kept on any premises. No roosters are allowed. Chickens may be kept in an R-1, R-2, R-3 or AG district.

4. The minimum lot size for keeping a chicken(s) is 7,000 square feet.

94.20. Sanitation.

All structures, coops, or yards in which chicken(s) are kept or permitted shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceilings, floors, partitions, appurtenances of all such structures in which chicken are kept shall be whitewashed or painted annually or more often as the Animal Control Officer or designated City Agent shall direct. The Animal Control Officer or designated City Agent, upon the complaint of any individual, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this chapter.

94.21. Animals at Large. No person shall stake or herd any chicken(s) upon any street, alley, right of way or public grounds of the City. No person shall fasten any animal to a light or utility pole, parking meter, or other fixture attached to a street or sidewalk. No person shall permit any chicken(s) of which he is the owner to be off the premises owned or rented by the chicken(s)' owner, unless accompanied by the owner or his agent or employee.

94.22. Manure. No manure shall be dumped or left on any street, alley, sidewalk, nor on any open area or lot.

94.23. Cruelty. No person shall inhumanly, unnecessarily, or cruelly beat, injure, or abuse any chicken(s).

94.24. Slaughter. No person shall slaughter any chicken(s) within the City.

94.25. Selling Prohibited. No person shall offer any chicken(s) or eggs for sale within the city limits.

94.26. Coop and Run Requirements.

1. All chickens shall be kept and maintained within a detached, stationary structure used exclusively for the keeping of chickens. Temporary or movable devices and structures shall be prohibited. Chickens must be secured in a chicken coop from sunset to sunrise each day.

2. A coop and any attached run/enclosure shall be located in a portion of the rearyard that is not visible from any public right of way at the permit holder's residence. A coop and any attached run/enclosure shall be located at least fifteen (15) feet from any residential structure and at least 10 (ten) feet from all lot lines of the owner of the chickens. Any coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of four (4) feet. Coops shall be constructed in a skillful manner, including being ventilated, insulated, roofed, constructed of moisture resistant materials, and in compliance with current City building and zoning ordinances.

3. All chicken coops must be a minimum of 4 square feet per chicken in size, must not exceed 10 square feet per chicken in size and must not exceed 6 feet in total height. Attached fenced-in chicken runs must not exceed 20 square feet per chicken and fencing must not exceed six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground.

4. Chicken coops must either be:
 - a) Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or,
 - b) The coop floor, foundation, and footings must be constructed using rodent resistant construction.
5. Permit information shall be attached to the coop, including the name of the permit holder, permit number, and an emergency contact telephone number.

94.27. Sanitation and Conditions for Keeping.

A person keeping or maintaining chickens on residential property:

1. Shall keep or maintain not more than four (4) total hen chickens.
2. Shall keep or maintain chickens within a coop or attached coop run/enclosure at all times.
3. Shall not keep or maintain any roosters.
4. Chickens shall, at all times, be provided with access to feed and clean water, proper shelter and protection from the weather, veterinary care when needed, and humane care and treatment.
5. Deceased chickens shall be disposed of immediately in a safe manner, which may include trash disposal after placing the bird in a sealed bag.
6. All waste including manure shall be disposed of, at least weekly, in a safe and adequate manner that does not create a public nuisance. Chicken manure shall not be placed in yard compost piles.
7. Chickens shall be secured within a coop during non-daylight hours, from sunset to sunrise.
8. Chickens shall not roam free outside of a coop or attached run/enclosure, or off of the permitted property.
9. Coops shall be entirely removed from the property within sixty (60) days of the nonrenewal of a permit.
10. Sale of chickens or eggs is prohibited.
11. Chicken feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds, and predators.

12. All coops, attached runs/enclosures and yards where chickens are kept or maintained shall be cleaned regularly to keep them reasonably free from substances, including but not limited to manure, uneaten feed, feathers, and other such waste that does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other animals, or otherwise be a nuisance.

13. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

14. The City reserves the right to eliminate all chickens within the City if a pandemic regarding fowl and poultry is declared.

15. Chickens that become ill must receive veterinary care on-site or at a veterinary office. Chickens ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including but not limited to, salmonella, avian influenza, must be immediately euthanized by a veterinarian or immediately removed from the City and humanely killed outside of the City. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the City.

94.28. Conditions and Inspection.

No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop and chicken run authorized by permit under this Section may be inspected at any reasonable time by the City Animal Control Officer or other designated City Agent. Slaughter and breeding of chickens on any premises within the City is prohibited.

94.29. Existing Protective Covenants Not Affected. Certain existing developments may have existing protective covenants not allowing farm animals, including chickens. This ordinance would not change the existing protective covenants.

94.30. Violations.

1. Revocation. A permit for the keeping of chickens may be revoked or suspended by the Animal Control Officer or designated City Agent for any violation of this ordinance following ten (10) days written notice to the last known address of the permit holder and a public hearing before the City Council, if requested by the permit holder in writing within said ten (10) day written notice period.

2. Nuisance. Violations of this ordinance may constitute a public nuisance, punishable as provided by City ordinance.

3. Other Penalties. Any person who owns, controls, keeps, maintains, or harbors chickens in the City limits of Thief River Falls without obtaining or maintaining a current permit, after a permit has been suspended or revoked by the City, or contrary to the provisions of this section shall be guilty of a violation of this section.

94.31. Remedies. In addition the provisions of this section may be enforced by order of the City requiring removal of the chickens, chicken coop and chicken run by the violator, abatement by the City or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages. In addition, any violation of this section or failure to comply with its requirements shall be subject to enforcement by administrative penalty. Each day a violation exists shall be a separate violation. The fee for administrative penalties shall be set by Council resolution.

Section 2. City Code Chapter 10 entitled "General Provisions", Section 152.998 entitled "Violation" AND Section 94.00 entitled "Penalty" 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.

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

RESOLUTION NO. 11.249.22: Approve Thief River Falls Amateur Hockey Application to Conduct Off-Site Gambling at River & Rails Brewing Company

Following discussion, Councilmember Curt Howe introduced Resolution 11.249.22, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The Thief River Falls Amateur Hockey is required to obtain the City's approval to conduct lawful gambling on the premises of River & Rails Brewing Company prior to submitting an application to the State of Minnesota.

WHEREAS, Gambling Activity will consist of Twelve off-site events are allowed each calendar year not to exceed a total of 36 days. From 11/23/22 to 12/29/22 for Tipboards. No Fee for LG230 Application to Conduct Off-Site Gambling to the State of MN.

THEREFORE, BE IT RESOLVED Authorize the Thief River Falls Amateur Hockey to conduct lawful gambling on the premises of River & Rails Brewing Company at 324 2nd St E Thief River Falls.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11.250.22: Approve Progression Raise for Jeremy Kasprzak, Apprentice Lineworker

Following discussion, Councilmember Anthony Bolduc introduced Resolution 11.250.22, being seconded by Councilmember Michele McCraw, that:

WHEREAS, Jeremy Kasprzak has completed all requirements to progress to Step 8, including Journey License of the Journey Lineworker apprentice schedule effective November 11, 2022.

WHEREAS, This is a 2022 budgeted wage increase.

THEREFORE, BE IT RESOLVED Approve Jeremy Kasprzak, Apprentice Lineworker, a progression raise to Step 8 of 8 of the Grade Level 6/Pay Range 8 of the current Apprentice Lineworker salary schedule, for a new hourly salary of \$33.70 effective November 11, 2022.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Mayor Holmer enacted a snow emergency at midnight on November 10th. Discussion regarding Public Works and Law Enforcement confusion. Many streets did not get plowed. Travis Giffen commented on the mechanics of the blades and an issue with melting. Now that it is compacted they can start skimming. Need to mark manholes that are raised, look at manholes on 8th street. Travis to use discretion on when to go out – maybe more than 1” to 1.5”.

UPCOMING MEETINGS

- City Council Meeting - December 6th at 5:30 P.M.
- Truth-in-Taxation December 6th at 6:00 P.M.
- Utilities Committee - December 12th at 7:00 A.M.
- Public Safety/Liquor Committee - December 12th at 4:30 P.M.
- Administrative Services Committee - December 13th at 4:30 P.M. Room 201 City Hall
- Public Works Committee - December 14th at 4:30 P.M.
- Holiday Train – December 15th at 7:30 P.M.

INFORMATIONAL ITEMS

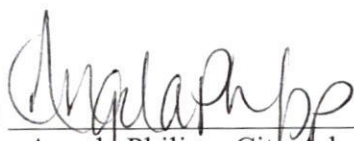
- Investment Summary 10/2022

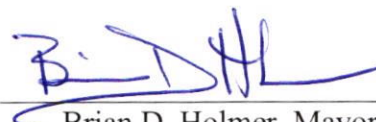
ADJOURNMENT

There being no further discussion, Councilmember Jason Aarestad, being seconded by Councilmember Anthony Bolduc to adjourn at 5:57 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Committee of Whole Meeting - Immediately following tonight's City Council Meeting

Attest:


Angela Philipp, City Administrator


Brian D. Holmer, Mayor