COUNCIL PROCEEDINGS

Tuesday, June 6, 2023

CALL TO ORDER

This meeting is officially called to order at 5:30 p.m. on June 6, 2023. This meeting is being presided over by Mayor Brian Holmer.

PLEDGE OF ALLEGIANCE

ROLL CALL

The following Councilmembers were present: Holmer, McCraw, Narverud, Pream, Aarestad and Lorenson. Councilmembers absent were: Bolduc and Arlt. Mayor Holmer chaired the meeting.

PUBLIC FORUM

- Glen K. stated water stations would be a plus to the city. Glen also mentioned a bike swap tomorrow from 3 pm to 7 pm at the ITS building.

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

APPROVE AGENDA

Councilmember Mike Lorenson motioned, being seconded by Councilmember Michele McCraw, to approve the agenda.

THEREFORE, BE IT RESOLVED By the City Council, to approve May 16, 2023 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 06.117.23: Approval of May 16, 2023 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Steve Narverud introduced Resolution No. 06.117.23, being seconded by Councilmember Scott Pream, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve May 16, 2023 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.118.23: City of Thief River Falls Bills and Disbursements and Council Per Diems

Presented as part of the Consent Agenda, Councilmember Steve Narverud introduced Resolution No. 06.118.23, 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 $2,111,907.23 and council per diem in the amount of $1,332.50. 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. 06.119.23: Approval VFW Post 2793 Temporary Intoxicating Liquor License with Addendum June 9, 2023

Presented as part of the Consent Agenda, Councilmember Steve Narverud introduced Resolution No. 06.119.23, being seconded by Councilmember Scott Pream, 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 To Approve an Intoxicating Liquor License with Addendum to VFW Post 2793, effective June 9, 2023, from 8 pm to 12 am.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.120.23: Approval VFW Post 2793 Temporary Intoxicating Liquor License with Addendum July 7, 2023

Presented as part of the Consent Agenda, Councilmember Steve Narverud introduced Resolution No. 06.120.23, being seconded by Councilmember Scott Pream, 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 To Approve an Intoxicating Liquor License with Addendum to VFW Post 2793, effective July 7, 2023, from 8 pm to 12 am.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.121.23: Approval VFW Post 2793 Temporary Intoxicating Liquor License with Addendum August 18, 2023

Presented as part of the Consent Agenda, Councilmember Steve Narverud introduced Resolution No. 06.121.23, being seconded by Councilmember Scott Pream, 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 To Approve an Intoxicating Liquor License with Addendum to VFW Post 2793, effective August 18, 2023, from 8 pm to 12 am.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

RESOLUTION NO. 06.122.23: Approve Northwest Minnesota Foundation Grant Application

Following discussion, Councilmember Scott Pream introduced Resolution No. 06.122.23, being seconded by Councilmember Jason Aarestad, that:

WHEREAS, The City of Thief River Falls completed a housing study in 2012 that indicated 900 new housing units were needed in Thief River Falls over the following ten years. Since that time 514 new housing units have been constructed. This study is now outdated and needs to be updated.

WHEREAS, The Northwest Minnesota Foundation has grant funds available for a housing study. A resolution authorizing the submission is required. The city has received two proposals for the housing study, which will be reviewed at the June Public Works Committee meeting with a recommendation to the City Council on June 20th. The highest quote is for $19,810, which would require the local share to be $7,310. The lower quote is for $16,900, which would require the local share to be $4,400.

THEREFORE, BE IT RESOLVED Approve submitting a grant application to the Northwest Minnesota Foundation requesting $12,500 towards the cost for a housing study and agreeing to fund the local share; and authorize the Mayor and City Administrator to execute the agreement.

On vote being taken, the resolution was unanimously passed.

<u>Call for second reading and consider an amendment to City Code Chapter 151.42 EASEMENTS</u>

Councilmember Steve Narverud motioned, being seconded by Councilmember Scott Pream to call for second reading and consider an amendment to City Code Chapter 151.42 EASEMENTS, amending easement requirements, 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.

<u>RESOLUTION NO. 06.123.23: Approval of an Ordinance Of The City Of Thief River Falls, Minnesota, Amending City Code Chapter 151 Entitled "Zoning Code" By Adding Section 151.42, "Easements", And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.</u>

Following discussion, Councilmember Steve Narverud introduced <u>Resolution No. 06.123.23</u>, being seconded by Councilmember Scott Pream, that:

Section 1. City Code Chapter 151.42 is hereby added to read as follows:

151.42. EASEMENTS.

(A) Utilities. Easements at least ten feet wide centered, overlapping, or adjacent to lot lines shall be provided for utilities where necessary. Easements for water lines or storm or sanitary sewer lines shall be at least 20 feet wide. Easements containing or proposed for more than one utility over six feet in depth shall be at least 30 feet wide. Wider permanent easements or temporary construction easements may be required where installation depths are greater than ten feet. Easements shall have continuity of alignment from block to block. Utility easements shall be kept free of any vegetation, obstructions, fences and structures which would interfere with the free movement of utility service vehicles. The City of Thief River Falls has the right to keep all utility easements free from hazards, structures and other improvements which might hinder the City's ability to serve and maintain such utilities. No fence, structure or trees can be planted or built in a utility easement area without permission from the City through the encroachment permit process.

(B) Encroachments. The City can require any obstructions in an easement or right of way be removed at the owner's expense. In non-emergency situations, the City will try to give the property owner a reasonable amount of time to remove the obstruction. However, if the property owner does not remove the obstruction as requested or if there is an emergency situation, the City can remove the obstruction and charge the property owner for the expenses. The City will not be required to compensate the property owner for the cost of repair, replacement or removal of the obstruction.

(C) Water courses. When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses and with such further width or construction as may be determined to be necessary by the Public Works Director.

Section 2. City Code Chapter 10 entitled "General Provisions" and Section 152.998 entitled "Violation" 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.

THEREFORE, BE IT RESOLVED Approving an amendment to City Code Chapter 151.42 EASEMENTS, amending easement requirements, 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. 06.124.23: Approval of Appointment of Brian Jacobson as Electric Superintendent

Following discussion, Councilmember Scott Pream introduced Resolution No. 06.124.23, being seconded by Councilmember Mike Lorenson, that:

WHEREAS, Dale Narlock retired June 11, 2022, from the Electric Superintendent position. To continue efficient operations of the Electric Department, the position needed to be filled. The City Council adopted Resolution No. 11-246-22 authorizing that the position of Electric Superintendent be opened to the public for filling.

WHEREAS, This is a budgeted position.

THEREFORE, BE IT RESOLVED Approve the Internal Transfer of Brian Jacobson from Systems Manager to Electric Superintendent, effective June 12, 2023. Mr. Jacobson's wage effective June 12, 2023 will be Grade 13 Step 4 of the Electric Superintendent salary schedule for a starting salary of $50.20 per hour. On June 12, 2024, Mr. Jacobson would be eligible to move to Grade 13 step 5. With the approval of Mr. Jacobson as Electric Superintendent, then the current Interim Electric Superintendent, John Kinsman, would move back to the Electric Foreman position at Grade 10 Step 4 for $44.63 per hour.

On vote being taken, the resolution was passed Councilmember Jason Aarestad abstained.

RESOLUTION NO. 06.125.23: Juneteenth, June 19th Passed Legislation as a State Holiday

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.125.23, being seconded by Councilmember Michele McCraw, that:

WHEREAS, The holiday is to recognize the date on which slavery was abolished in the United States. Public business cannot be conducted on June 19 in observance of the holiday.

WHEREAS, The new law was set to go into effect on Aug. 1,2023, however, a provision contained in HF 1830 (Rep. Ginny Klevorn, DFL-Plymouth/Sen. Samakab Hussein, DFL-St. Paul), the state and local government omnibus bill, changes the effective date to make the new holiday effective before June 19 of this year, requiring that the day be observed.

THEREFORE, BE IT RESOLVED To Recognize the Newly State Approved Juneteenth Holiday to be effective this year, 2023. In accordance with the new law public businesses may not transact public business on Juneteenth.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

UPCOMING MEETINGS

- Committee of Whole Meeting - June 6th Immediately following City Council
- Utilities Committee Meeting - June 12th at 7:00 a.m.
- Public Safety Liquor Committee Meeting - June 12th at 4:30 p.m.
- Administrative Services Committee Meeting - June 13th at 4:30 p.m.
- Public Works Committee Meeting - June 14th at 4:30 p.m.
- City Council Meeting - June 20th at 5:30 p.m.

INFORMATIONAL ITEMS

- Councilmember Mike Lorenson mentioned the swimming pool fund has $257,348.50 in the account. Mike requests the Building Committee to see if it is cost effective.
- Councilmember Jason Aarestad mentioned he received an email regarding the Brady Martz audit has final numbers. Suggests a Labor Committee meeting. Jason will work with Delray Sparby.
- Councilmember Jason Aarestad also asked if Public Safety money could be used for water stations. Referred to Public Safety Committee.
- Councilmember Mike Lorenson asked about Port a Pots being available during Music in Park at Floyd B. Olson park. Travis Giffen confirmed there would be two available, one being ADA compliant. The first event was canceled due to weather. A back up plan has been confirmed for all future canceled events to be held at the Eagles. The events are pet friendly, follow leash law and pick up after animals. Mike also mentioned signs will be placed at the cemetery due to residents not picking up after animals. Animals should

be on the outside walk area.

CLOSE MEETING PURSUANT TO MN STATUTE §13D.05 TO DEVELOP OR CONSIDER OFFERS OR COUNTEROFFERS FOR THE SALE OF REAL PROPERTY

- Sale of 301 Sherwood Property
- Community Land Trust Property

Councilmember Steve Narverud 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 6:05 p.m.

RECOVENE MEETING

Councilmember Mike Lorenson moved, being seconded by councilmember Jason Aarestad, to reconvene the Council Meeting. On vote being taken, the motion was unanimously passed. The meeting closed at 6:25 p.m.

RESOLUTION NO. 06.124.23: Approval of Sale of 301 Sherwood Property

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.126.23, being seconded by Councilmember Scott Pream, that:

THEREFORE, BE IT RESOLVED Approve the sale of 301 Sherwood Ave N with legal of S120' of N255' of lots 58-59 less E 14' of lot 59 Parcel B of Rustad's Addition to Alvin Paggen in the amount of $25,000 and authorize Mayor and City Administrator to sign any and all documents for the sale.

On vote being taken, the resolution was unanimously passed.

ADJOURNMENT

There being no further discussion, Councilmember Mike Lorenson, being seconded by Councilmember Scott Pream to adjourn at 6:31 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Brian D. Holmer, Mayor

Attest:
Angela Philipp, City Administrator