# COUNCIL PROCEEDINGS

## Tuesday, June 20, 2023

**CALL TO ORDER**

This meeting is officially called to order at 5:30 p.m. on June 20, 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, Bolduc, Arlt, Aarestad and Lorenson. Mayor Holmer chaired the meeting.

**PUBLIC FORUM**

- Gordy and Mary Jo Myklebust - 1064 Hanson Dr. - Concerns with ditch system for the past seven years. Previous conversations with Mark Borseth related to grass overgrown to 18 inches long. Council will check on the authority of ditch system.

**PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS**

**APPROVE AGENDA**

Councilmember Mike Lorenson motioned, being seconded by Councilmember Jason Aarestad, to approve the agenda with the addition 8.18 and 8.19.

On vote being taken, the resolution was unanimously passed.

**CONSENT AGENDA**

RESOLUTION NO. 06.127.23: Approval of June 6, 2023 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution No. 06.127.23, being seconded by Councilmember Anthony Bolduc, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve June 6, 2023 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.128.23: City of Thief River Falls Bills and Disbursements

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution No. 06.128.23, 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 $1,815,349.06. 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. 06.129.23: Approval of Temporary Intoxicating Liquor License with Addendum to Rivers and Rails Brewing

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution No. 06.129.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The River and Rails has applied for a temporary intoxicating liquor license with addendum to include outdoor area to include the deck.

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 Brewing with Addendum to Rivers and Rails for a private event effective August 10, 2023, from 8 pm to 12 am.

On vote being taken, the resolution was unanimously passed.

**NEW BUSINESS**

RESOLUTION NO. 06.130.23: Resolution Relating To $3,350,000 General Obligation Bonds, Series 2023a; Authorizing The Issuance, Awarding The Sale, Prescribing The Form And Details, Providing For The Payment Thereof.

Following discussion, Councilmember Steve Narverud introduced Resolution No. 06.130.23, being seconded by Councilmember Michele McCraw, that:

BE IT RESOLVED by the City Council (the "Council") of the City of Thief River Falls, Minnesota (the "City"), as follows:

Section 1. Authorization; Purpose. It is hereby determined to be in the best interests of the City to issue its General Obligation Bonds, Series 2023A (the "Bonds"), as authorized pursuant to Minnesota Statutes, Chapters 429, 444, and 475, for the purpose of financing various street and water utility improvement projects within the City and funding costs of issuance of the Bonds.

Section 2. Notice of Sale. Northland Securities, Inc., municipal advisor to the City, has presented to this Council a form of Notice of Sale for the Bonds which is attached hereto and hereby approved and which shall be placed on file by the City

Administrator. Each and all of the provisions of the Notice of Sale are hereby adopted as the terms and conditions of the Bonds and of the sale thereof, subject to adjustment for issue price compliance terms that may be required prior to the date of sale. Northland Securities, Inc., as independent municipal advisor, pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, paragraph (9), is hereby authorized to solicit bids for the Bonds on behalf of the City on a competitive basis without requirement of published notice.

Section 3. Adjustment of Principal Amount of Bonds. The principal amount of the Bond issue shall be adjusted in accordance with staff recommendations upon receipt of bids for the financed projects, provided that the principal amount shall be approximately $3,350,000.

Section 4. Award and Sale. The City Council shall meet at the times and place shown in the attached Notice of Sale for the purpose of considering sealed bids for the purchase of the Bonds and of taking such action thereon as may be in the best interest of the City.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.131.23: Approval to Authorize The City of Thief River Falls to Enter Into a Municipal Advisory Service Agreement with Northland Securities, Inc. for General Obligation Bonds, Series 2023a.

Following discussion, Councilmember Steve Narverud introduced Resolution No. 06.131.23, being seconded by Councilmember Scott Pream, that:

BE IT RESOLVED, by the City Council, to authorize the City of Thief River Falls to enter into an agreement with Northland Securities, Inc. for Financial Planning Services for the General Obligation Bonds, Series 2023A at approximately $22,950.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.132.23: Approve Northern Pride Variance Request

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.132.23, being seconded by Councilmember Scott Pream, that:

WHEREAS, Northern Pride purchased the former Northwest Beverage building in 2021 at 419 Pennington Avenue to further expand their turkey processing business. They have undertaken extensive building improvements and modifications to repurpose the building, as well as significant investment in equipment. They received grant funds through the Minnesota DEED MIF program with support from and in partnership with the City of Thief River Falls to assist with the cost of improvements.

WHEREAS, Northern Pride utilizes this facility to debone and further process smaller quantities. One of these is ground meat which requires refrigeration for safe handling which requires $CO_2$. There is not an area on the north, east, or west sides of this building to add the $CO_2$ tank without a variance. The south side of the building has two public sanitary sewer mains and much needed parking. In addition to the variance, they are requesting a 6' easement from the city for a portion of the $CO_2$ tank foundation. The city would also need to provide an MOU allowing Northern Pride to utilize the Water Plant roadways for truck access. The Fire Chief has approved the location of the tank providing all applicable MN State Fire Codes are followed.

THEREFORE, BE IT RESOLVED Approve a 35' variance to the 35' rear yard setback for Northern Pride to install a $CO_2$ tank on the west side of the former Northwest Beverage facility. This variance is contingent upon the City granting a 6' easement to Northern Pride on the Water Distribution Garage property.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 06.133.23: Approve F4 LLC – Conditional Use Permit Request</u>

**Following discussion, Councilmember Jason Aarestad introduced <u>Resolution No. 06.133.23</u>, being seconded by Councilmember Steve Narverud, that:**

WHEREAS, F4 LLC purchased the vacant property south of Cenex for the purpose of constructing a car and truck wash. This property is located at 2014 US Highway 59 Southeast and is zoned General Business District (C-2). This is an allowable use in this zoning district with a conditional use permit, which has already been granted by the city council.

WHEREAS, The city recently added buffer strips as a conditional use to allow a performance-based approach. Properties adjacent to streets or alleys do not require a 35' buffer strip unless required by a conditional use permit.

THEREFORE, BE IT RESOLVED Approve a Conditional Use Permit for F4 LLC Car and Truck Wash not requiring a 35' buffer due to the project being adjacent to a street that serves as the buffer.

On vote being taken, the resolution was unanimously passed.

<u>RESOLUTION NO. 06.134.23: Approve Comprehensive Housing Needs Analysis</u>

**Following discussion, Councilmember Scott Pream introduced <u>Resolution No. 06.134.23</u>, being seconded by Councilmember Mike Lorenson, 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, Proposals were received from two firms, Community Partners Research for \$16,900 and Maxfield Research & Consulting for \$19,810. Community Partners Research completed the study done in 2012 so they would benefit from community knowledge. However, they are retiring and would not be available for any follow-up work or future site-specific research. We have applied for a grant from the Northwest Minnesota Foundation for \$12,500. The highest quote for \$19,810 would require the local share of \$7,310. The lower quote of \$16,900, which would require the local share of $4,400 local share financed from Economic Development.

THEREFORE, BE IT RESOLVED Approve an agreement with Maxfield Research & Consulting to complete a comprehensive housing needs analysis; and authorize the Mayor and City Administrator to execute the agreement.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.135.23: Approval of MOU with Northwest Minnesota Foundation

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.135.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City of Thief River Falls has a housing shortage. Our previous housing study called for 900 new housing units and there have been 514 constructed since 2012. These have primarily been market rate workforce housing. There is a need for housing at all income levels.

WHEREAS, The Northwest Minnesota Foundation (NWMF) is in the process of developing a Community Land Trust (CLT) in Thief River Falls. They are proposing to build four new homes in 2024. With a CLT the NWMF would own the land with a minimal lease to the home buyer, resulting in a lower cost of ownership. The city would donate two lots that were created as a result of the decommissioning of the former water treatment lime ponds. This donation for affordable housing would leverage two additional new homes at another location in our community.

THEREFORE, BE IT RESOLVED Approve a Memorandum of Understanding with the Northwest Minnesota Foundation to transfer Parcel No. 2 and Parcel No. 3 on Parkview Street into a Community Land Trust for the purpose of affordable housing; and authorize the Mayor and City Administrator to execute the agreement. Subject to final legal review.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.148.23: Approve additional 15' deeded to adjacent landowner with lots on Parkview.

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.148.23, being seconded by Councilmember Scott Pream, that:

THEREFORE, BE IT RESOLVED Approve additional 15' deeded to adjacent landowner with lots on Parkview.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.136.23: Appoint Councilmember Steve Narverud to all City of Thief River Falls Ad Hoc Labor committee meetings

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.136.23, being seconded by Councilmember Megan Arlt, that:

THEREFORE, BE IT RESOLVED Appoint Councilmember Steve Narverud to all City of Thief River Falls Ad Hoc Labor committee meetings. The attendance of these meetings would qualify for a per diem submission.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.137.23: Approval to appoint Brian Jacobson as Director and John Kinsman as Advisor to the NMPA Board of Directors

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.137.23, being seconded by Councilmember Scott Pream, that:

WHEREAS, The City of Thief River Falls is a member of the Northern Municipal Power Agency. Each of the twelve members of the Agency appoints a Director and Advisor as a member of the NMPA Board of Directors.

THEREFORE, BE IT RESOLVED To appoint Brian Jacobson as Director and John Kinsman as Advisor to the Northern Municipal Power Agency Board of Directors. To complete the remaining term of May 1, 2023 through April 30, 2024.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.138.23: Approval to Fill Systems Manager Position

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.138.23, being seconded by Councilmember Michele McCraw, that:

WHEREAS, Brian Jacobson moved to the Electric Superintendent position June 12, 2023, from the Systems Manager position. To continue efficient operations of the Electric Department, the Systems Manager position needs to be filled.

THEREFORE, BE IT RESOLVED To authorize to begin the process to fill the Systems Manager position in the Electric Department. Position shall be opened to Teamster #320 employees for ten days, as per union contract and if not filled through this process, the Systems Manager position will be opened to the public.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.139.23: Approval of Falls Towing Contract

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.139.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, We entered into a contract with K&K towing on January 23, 2023. In May of 2023 the Thief River Falls PD was notified by K&K towing that they were pulling their tow trucks from Thief River Falls and will no longer be providing tow services for the Police Department. Deputy Chief Roff met with Falls Towing following this announcement and received a mutually agreed upon revised contract from Falls Towing.

THEREFORE, BE IT RESOLVED Approve the release of K&K towing contract and accept the revised RFP from Falls towing. We would like to move forward with the new Falls Towing contract starting June 21st 2023 and continuing through December 31, 2024.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.140.23: Approval of Economic/Community Development Director

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.140.23, being seconded by Councilmember Steve Narverud, that:

WHEREAS, Due to the announcement of Mark Borseth's current independent service contract for zoning and economic development ending in July 2023, it was discussed at Committee of the Whole to create an Economic/Community Development Director position and bring back to committees for review. David Drown and Associates (DDA) have created a job description and have graded the position.

THEREFORE, BE IT RESOLVED Approve the Economic/Community Development Director position Job Description, Grading, and open the position to the public for filling. David Drown and Associates (DDA) graded the position, and the Community Development Director position will be a Grade 13. This will be a MAPS management position.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.141.23: Approve the hiring of Sean O'Conner for the position of Patrol Officer

Following discussion, Councilmember Jason Aarestad introduced Resolution No. 06.141.23, being seconded by Councilmember Megan Bourne, that:

WHEREAS, The City Council, by Resolution No. 12-271-22 authorized that the city of Thief River Falls begin the process to fill a Patrol Officer position to replace an officer that moved to Investigator. Applications from the public were accepted and interviews were conducted on April 19th, 2023. Mr. O'Conner successfully completed the background check, and a conditional job offer is pending approval of the City Council.

WHEREAS, This is a budgeted position.

THEREFORE, BE IT RESOLVED To approve the employment of Sean O'Conner for the position of Patrol Officer. Officer O'Conner will have a tentative start date of June 28th, 2023, at Grade 5 step 1 of the LELS salary schedule for starting wage of $29.05 per hour. This is an LELS Union non-exempt position. Employment is contingent upon successful completion of all pre-employment requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.142.23: Approve the hiring of Wayde Jensen for the position of Patrol Officer

Following discussion, Councilmember Scott Pream introduced Resolution No. 06.142.23, being seconded by Councilmember Jason Aarestad, that:

WHEREAS, The City Council, by Resolution No. 02-56-23 authorized that the city of Thief River Falls begin the process to fill a newly created Patrol Officer position. A 17th patrol officer position was added to reduce overtime. Applications from the public were accepted and interviews were conducted on April 19th, 2023. Mr. Jensen successfully completed the background check, and a conditional job offer is pending approval of the City Council.

WHEREAS, This is a budgeted position.

THEREFORE, BE IT RESOLVED To approve the employment of Wayde Jensen for the position of Patrol Officer. Officer Jensen will have a tentative start date of June 28th, 2023, at Grade 5 step 1 of the LELS salary schedule for starting wage of $29.05 per hour. This is an LELS Union non-exempt position. Employment is contingent upon successful completion of all pre-employment requirements.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.143.23: Approval of Revised General Records Retention Schedule for Minnesota Cities

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.143.23, being seconded by Councilmember Michele McCraw, that:

WHEREAS, The Minnesota State Department of Administration, Information Policy Analysis Division, and the Minnesota Historical Society have developed a retention schedule to provide a plan for managing governmental records by giving continuing authority to dispose of records under Minnesota Statutes Section 138.17.

WHEREAS, As required by the State of Minnesota, cities are required to adopt a retention schedule for managing governmental documents. The retention schedule has been revised and updated by the Minnesota Clerks and Finance Officers Association.

THEREFORE, BE IT RESOLVED Approve the General Records Retention Schedule for Minnesota Cities, as revised March 2021.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.144.23: Approval of Mobile Device Policy

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.144.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City of Thief River Falls would like to update the existing Cellular Device Policy with a Mobile Device Policy.

WHEREAS, The City has multiple devices such as cell phones, IPads, and jet packs that should be included in the policy.

- This policy will include all devices in the City and not just limited to Cellular devices.

THEREFORE, BE IT RESOLVED Approve the Mobile Device Policy for the City of

Thief River Falls
On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.145.23: Approval of Elected Officials Mobile Device Policy

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 06.145.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City of Thief River Falls would like an Elected Official Mobile Device Policy.

WHEREAS, Elected Officials use mobile devices owned by the City of Thief River Falls to conduct business and communication for city business.

- This policy will include elected officials for general care, expectations, fees, data, and security.

THEREFORE, BE IT RESOLVED Approve the Elected Officials Mobile Device Policy for the City of Thief River Falls.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 06.146.23: Appoint Councilmember Scott Pream to all City of Thief River Falls MEC Joint Powers Board meetings

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 06.146.23, being seconded by Councilmember Michele McCraw, that: 6

THEREFORE, BE IT RESOLVED Appoint Councilmember Scott Pream to all City of Thief River Falls MEC Joint Powers Board meetings. The attendance of these meetings would qualify for a per diem submission.

On vote being taken, the resolution was unanimously passed.

Informational – Sale of 301 Sherwood Property

Mr. Paggen is no longer interested in the purchase of the real property. Since there has been no consideration paid, the intended use has changed and Mr. Paggen wishes to withdraw the purchase offer. The recommendation is to cancel the purchase agreement and have the City re-list the real property as available for sale.

RESOLUTION NO. 06.147.23: Lift Station 9 Stand by Generator

Following discussion, Councilmember Scott Pream introduced Resolution No. 06.147.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, The City of Thief River Falls operates 15 sanitary sewer lift stations. Lifts 7, 9 and 15 have permanent stand by generators for back up in the event of a power outage. Lifts 7 and 9 have shared one generator that has a manual switch over that has to be operated during power outages. The current generator is inadequate to handle the loads of both lift stations at peak operating during high flow conditions. The Water Systems Department engaged L & S Electric to do an evaluation on upgrading the current equipment.

WHEREAS, The current backup generator will only run one pump in each lift station at a time in the event that both lifts 7 & 9 lose line power simultaneously. The current generator does not have the automatic switch over capability that causes valuable time to be lost getting department personnel to the site to start the generator manually. L & S Electric's recommendation is to install a new generator exclusively for lift 9, and install an automatic switch over on the current generator for lift 7 that will be exclusive to that lift station.

THEREFORE, BE IT RESOLVED Approve the Zeigler Power Systems proposal to provide a new Caterpillar 400kw Stand By with automatic transfer switch in accordance with the Sourcewell Contract that satisfies the State Bid Process.

On vote being taken, the resolution was unanimously passed.

**COUNCIL BOARDS AND COMMISSIONS REPORTS**

**UPCOMING MEETINGS**

- City Council Meeting - July 5th at 5:30 p.m.
- Public Utilities Committee Meeting - July 10th at 7:00 a.m.
- Public Safety Liquor Committee Meeting - July 10th at 4:30 p.m.
- Administrative Services Committee Meeting - July 11th at 4:30 p.m.
- Public Works Committee Meeting - July 12th at 4:30 p.m.
- City Council Meeting - July 18th at 5:30 p.m.

**INFORMATIONAL ITEMS**

- May 2023 Investment Summary

**CLOSE MEETING PURSUANT TO MINNESOTA STATUTES, SECTION 13D.05, SUBDIVISION 3 (A)**

- The City Council may close the council meeting to evaluate the performance of City Administrator, Angela Philipp

Councilmember Mike Lorenson moved, being seconded by councilmember Anthony Bolduc, to close the Council Meeting. On vote being taken, the motion was unanimously passed. The meeting closed at 6:15 p.m.

**RECOVENE MEETING**

Councilmember Steve Narverud moved, being seconded by councilmember Scott Pream, to reconvene the Council Meeting. On vote being taken, the motion was unanimously passed. The meeting closed at 6:36 p.m.

**ADJOURNMENT**

There being no further discussion, Councilmember Mike Lorenson, being seconded by Councilmember Scott Pream to adjourn at 6:37 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Brian D. Holmer, Mayor

Attest: Angela Philipp
Angela Philipp, City Administrator