COUNCIL PROCEEDINGS

Tuesday, October 17, 2023

CALL TO ORDER
This meeting is officially called to order at 05:30 PM on October 17, 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, Lorenson, Aarestad, Arlt and Bolduc. Mayor Holmer chaired the meeting.

PUBLIC HEARING
Travis Giffen reviewed the 2023 Street and Utilities Improvements – Assessment Roll
Community members were present, no comments.
Public Hearing closed at 5:37 p.m.

PUBLIC FORUM

- Cheryl Snetting Mobile Home Park Manager expressed ongoing concerns with water meter replacement and end date.

PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS

APPROVE AGENDA
Councilmember Mike Lorenson motioned, being seconded by Councilmember Scott Pream, to approve the agenda with the addition of 9.12 and 9.13.

On vote being taken, the resolution was unanimously passed.

CONSENT AGENDA

RESOLUTION NO. 10.230.23: Approval of October 3, 2023 Council Proceedings

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution No. 10.230.23, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED By the City Council, to approve October 3, 2023 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.231.23: City of Thief River Falls Bills and Disbursements

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution No. 10.231.23, 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 $685,745.60. 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. 10.232.23: Appoint Councilmember Scott Pream to all Thief River Falls Bike meetings.

Presented as part of the Consent Agenda, Councilmember Michele McCraw introduced Resolution No. 10.232.23, being seconded by Councilmember Steve Narverud, that:

THEREFORE, BE IT RESOLVED appoint Councilmember Scott Pream to all Thief River Falls Bike meetings.. The attendance of this meeting would qualify for a per diem submission.

On vote being taken, the resolution was unanimously passed.

NEW BUSINESS

RESOLUTION NO. 10.233.23: United Parcel Service (UPS) – Conditional Use Permit Request

Following discussion, Councilmember Steve Narverud introduced Resolution No. 10.233.23, being seconded by Councilmember Scott Pream, that:

WHEREAS, UPS has operated a commercial terminal for several years at 1324 Third Street West. They have recently completed an addition and are required to provide a buffer along their south property line. The original site plan had the fence through a wetland. The Minnesota Board of water and Soil has approved a fence through the wetland as long as the bottom of the fence is 6-inches above the ground. UPS is requesting the fence be allowed further than 35 feet from their property line adjacent to their parking lot.

WHEREAS, The city recently added buffer strips as a conditional use to allow a performance-based approach. A conditional use permit is required on all buffers.

WHEREAS, Costs associated with the Conditional Use Permit are paid by the applicant.

WHEREAS, A Public Hearing was held by the Planning Commission to review this request.

THEREFORE, BE IT RESOLVED Approve a Conditional Use Permit for United Parcel Service to construct a 6-feet high sight obscuring fence as a buffer on their property greater than 35 feet from the south property line.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.234.23: RISE Adult Daycare – Conditional Use Permit Request

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 10.234.23, being seconded by Councilmember Anthony Bolduc, that:

WHEREAS, RISE Adult Day Services will be located in the E Free Church located at 211 Arnold Avenue North. Their mission statement is "RISE Adult Day Services promotes healthy aging with the focus to improve and enhance overall wellness. Through a system of supportive services in one location, the program cost-effectively assists people experiencing isolation due to physical and psychosocial demands, to maintain and/or increase independence, and remain an active part of family and community." RISE will be operating Mon-Fri 7-5, excluding all holidays, allowing participants to choose their schedule. The services that will be provided include transportation to/from RISE (if needed, within a 35mile radius), noon meal and snacks, assistance with medications, structured daily exercises, daily social/recreational/educational activities, assistance with personal care needs, privacy while resting (if needed), and personal support for participants and caregivers.

WHEREAS, The E Free church is located in a General Residential District (R-2). Daycare is allowed in this zoning district for up to 12 persons, and 13 or more persons requires a conditional use permit.

WHEREAS, Costs associated with the Conditional Use Permit are paid by the applicant.

WHEREAS, A Public Hearing was held by the Planning Commission to review this request.

THEREFORE, BE IT RESOLVED Approve a Conditional Use Permit for Rise adult Daycare.

On vote being taken, the resolution was unanimously passed.

<u>Call for a First Reading Rezoning - Fricke Properties, LLC (ODC) Property</u>

Councilmember Jason Aarestad motioned, being seconded by Councilmember Mike Lorenson to call for the first reading to consider rezoning the following described parcel from Light Industrial District (I-1) to General Business District (C-2). Lot 3, Block 1, Oxbow First Addition to the City of Thief River Falls.

WHEREAS, Scott Fricke is purchasing the current Occupational Development Center (ODC) property located at 1520 Highway 32. His purchase is contingent upon city approval to repurpose the facilities for general business use, and he has applied for rezoning.

WHEREAS, This property is currently zoned Light Industrial District (I-1) and does not allow general business or retail use. It is surrounded by industrial use property.

WHEREAS, Costs associated with the rezoning are paid by the applicant.

WHEREAS, This action requires a public hearing held at the Planning Commission meeting and two readings of the proposed zoning amendment.

THEREFORE, BE IT RESOLVED Call for First Reading to consider rezoning the following described parcel from Light Industrial District (I-1) to General Business District (C-2).

Lot 3, Block 1, Oxbow First Addition to the City of Thief River Falls.

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

RESOLUTION NO. 10.235.23: Approve 2022 Street and Utilities Improvements Final Estimate #3

Following discussion, Councilmember Anthony Bolduc introduced Resolution No. 10.235.23, being seconded by Councilmember Scott Pream, 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 Agassiz Asphalt, Inc. in the amount of $1,657,013.45. This project included the following items of work:

The 2022 Street and Utilities improvement plan for the city of Thief River Falls includes resurfacing of base and pavement on portions of State, Arnold, Duluth, and Knight Avenues located between 3rd street and 9th street. It would also include portions of resurfacing of pavement on streets located between the Avenues of resurfaced base and pavement.

Bids for this project were received on 05/05/2022, from 3 different contractors. The low bid was received from Agassiz Asphalt 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.

WHEREAS, Minnesota Statute Chapter 429 requirements apply.

THEREFORE, BE IT RESOLVED Approve Application for Payment Estimate #3 in the amount of $18,301.49, for Agassiz Asphalt for work completed on the 2022 Street and Utilities Improvement project.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.236.23: Approve Consultation Contract Agreement for Norman Betland

Following discussion, Councilmember Steve Narverud introduced Resolution No. 10.236.23, being seconded by Councilmember Megan Arlt, that:

WHEREAS, Norman Betland previously worked for the city of Thief River Falls in the Public Works GIS Department. Norman has valuable detailed GIS application knowledge for the City of Thief River Falls. It is in the best interests of the City and the residents of Thief River Falls to enter into a service contract with Norman Betland Consulting for the continuation of GIS services.

WHEREAS, A full-time GIS mapping technician is a full-time budgeted position. Currently, this position is vacant.

THEREFORE, BE IT RESOLVED Approve to enter an Independent Service Contract with Norman Betland for continued services associated with the City of Thief River Falls Geographic Information System effective October 20, 2023. The City shall pay the Contractor the sum of Fifty-five dollars ($55.00) per hour for the services provided herein. The City will pay for a maximum of Twenty (20) hours per week. Additional hours may be paid only upon written consent from City.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.237.23: 2023 Street and Utilities Improvements – Assessment Roll

Following discussion, Councilmember Steve Narverud introduced Resolution No. 10.237.23, being seconded by Councilmember Scott Pream, 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 Agassiz Asphalt in the amount of $1,262,015.40. The project total cost is $1,317, 788.41.

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

THEREFORE, BE IT RESOLVED Adopt Assessment Roll for the 2023 Street & Utilities Improvements. The amount to be assessed is $682,614.03.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.238.23: Approve 2023 Street and Utilities Improvement Final Estimate #2

Following discussion, Councilmember Michele McCraw introduced Resolution No. 10.238.23, 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 Agassiz Asphalt, Inc. in the amount of $1,262,015.40.

Bids for this project were received on May 10th, 2023, from three contractors. The low bid was received from Agassiz Asphalt, LLC in the amount of $1,262,015.40. The Engineer's Estimate was $1,405,359.00. The low bid was 11% below the engineer's estimate.

WHEREAS, Minnesota Statute Chapter 429 requirements apply.

THEREFORE, BE IT RESOLVED Approve Application for Payment Estimate #2 in the amount of $94,932.24, for Agassiz Asphalt for work completed on the 2023 Street and Utilities Improvement project.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.239.23: Approval of the Harris Smartworks Statement of Work to revise the maintenance and hosting agreements.

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 10.239.23, being seconded by Councilmember Scott Pream, that:

WHEREAS, The City of Thief River Falls has increased the daily processing reads from 324,000 to 684,000 in our compass production system. This was due to going to a 15-minute reading on residential electric from a 60-minute reading.

WHEREAS, The annual hosting fee will be increased by $3,328 to accommodate the additional readings. Since the readings changed in July 2023 and additional $277.33 is also due.

THEREFORE, BE IT RESOLVED Authorize the City Administrator to fully execute the Harris Smartworks statement of work.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. : Call for Second Reading of An Ordinance Creating Chapter 114 "Cannabis" And Section 114.01 "Use Of Cannabis In Public", In The City Code, And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

Councilmember Anthony Bolduc motioned, being seconded by Councilmember Steve Narverud to call for the second reading of an ordinance of Creating Chapter 114 "Cannabis" And Section 114.01 "Use Of Cannabis In Public", In The City Code, And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

Chapter 114 Cannabis

Section 114.01 Use of Cannabis in Public Places.

Subd. 1. It is unlawful to use or consume cannabis flower, cannabis products, lower-potency hemp edibles and hemp-derived consumer products, as defined in Minn. Stat. Section 342.01, in public places anywhere in the City.

(1) City parks, City streets, avenues, roadways, alleys, sidewalks and any private parking lots to which the public has access, except where permission has specifically been granted or licensed by the Council;

(2) City public property; or

Subd. 2. As used in this Section, public places include all areas contained within the City boundaries, except the following:

A. Private residences, including the curtilage and yard; and

B. Private property not generally accessible by the public, unless a person is explicitly prohibited from using or consuming cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products on the property by the owner of the property; and

C. The premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower potency hemp edibles or hemp-derived consumer products.

Subd. 3. Violation of this Section is a petty misdemeanor as defined by Minnesota law.

Subd. 4. 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.

Subd. 5. This ordinance shall be in force and effect from and after its passage, approval, and publication.

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

RESOLUTION NO. 10.240.23: Approval of An Ordinance Creating Chapter 114 "Cannabis" And Section 114.01 "Use Of Cannabis In Public", In The City Code, And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

Following discussion, Councilmember Scott Pream introduced Resolution No. 10.240.23, being seconded by Councilmember Anthony Bolduc, that: Ordinance of Creating Chapter 114 "Cannabis" And Section 114.01 "Use Of Cannabis In Public", In The City Code, And Adopting By Reference City Code Chapter 10, Which, Among Other Things, Contain Penalty Provisions.

On vote being taken, the resolution was unanimously passed.

Informational discussion on removal 91.7 Leaf Burning and revising 91.62 Permitting

Rick Beier, Fire Chief presented information on his recommendations for updating the current ordinance. The council recommended bringing the information for review to the Public Safety Committee and then possibly to legal.

RESOLUTION NO. 10.241.23: Approve Hiring of Austin Stavenes as Water Systems Operator

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 10.241.23, being seconded by Councilmember Scott Pream, that:

WHEREAS, It was approved on resolution number 8-191-23 to open the Water Systems Operator position to the public for filling. Interviews were conducted on October 16, 2023.

WHEREAS, This is a 2023 budgeted position.

THEREFORE, BE IT RESOLVED To approve the hiring of Austin Stavenes as Water Systems Operator. Mr. Stavenes will start at a Grade 5 Step 1 for $29.05 per hour. This is a Teamster 320 position. Mr. Stavenes's start date will be November 6, 2023. Employment is contingent upon successful completion of all pre-employment requirements and a background check.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 10.242.23: Approval of the Thief River Falls Regional Airport Easement

Following discussion, Councilmember Mike Lorenson introduced Resolution No. 10.242.23, being seconded by Councilmember Steve Narverud, that:

WHEREAS, The Thief River Falls Regional Airport is served with natural gas from Minnesota Energy Resources. The existing gas lines may not be in recorded easements.

WHEREAS, Minnesota Energy Resources (MERC) recently received a request to extend gas service to the new hangar being constructed at 13015 Airport Dr. This request will require new facilities to be installed on property owned by the City of Thief River Falls, in locations shown on the attached easement which, when executed, would grant them the right to install and maintain the necessary facilities.

WHEREAS, Subject to review by City Attorney.

THEREFORE, BE IT RESOLVED Approve a permanent easement and subordination agreement for existing natural gas lines and a construction and permanent easement for proposed gas lines to serve the new multi-purpose hangar at the Regional Airport. This resolution will allow the installation of a new gas line that will be defined by survey after installation is completed for the final permanent easement. Existing gas lines will also be surveyed for accurate description language to be included in the permanent easements. The final easements and subordination agreement are subject to review by the City Attorney. Thief River Falls Airport Authority and the City of Thief River Falls, are to be notified of any future repair or maintenance. Also, to include the Thief River Falls Regional Airport signature.

On vote being taken, the resolution was unanimously passed.

COUNCIL BOARDS AND COMMISSIONS REPORTS

- Councilmember Jason Aarestad asked for scheduling a Building Committee to discuss updates.
- Angela Philipp mentioned that Moody's rating increased to an AA2 rating.
- Councilmember Jason Aarestad mentioned that annual volunteer firefighter fundraiser meal last night.
- Mayor mentioned the Governor was in town and participated in a Digi-Key tour and luncheon followed by a visit at the airport.
- Councilmember Jason Aarestad mentioned that the Business Development Association is asking to have a tree lighting during small business Saturday. Travis Giffen will follow-up with Brian Jacobson.
- Mayor mentioned that the Corp of Engineers will be here to discuss Red Lake on November 13 from 6 pm to 8 pm.
- Mayor also asked the council to review the League of Minnesota Cities and the Coalition of Greater MN Cities policies before November 2nd. If they have any suggestions to let him know.
- Mayor mentioned the Holiday Train is December 14, 2023.

UPCOMING MEETINGS

- LMC Training Session in the Imperial Room - October 25th from 2 - 6:00 p.m.
- Joint City, County and School in the Imperial Room - October 30th at 5:30 p.m.
- City Council Meeting - November 7th at 5:30 p.m.
- Utilities Committee Meeting - November 13th at 7:00 a.m.
- Public Safety Liquor Committee Meeting @ Arena Dakota Room - November 13th at 4:30 p.m.
- Administrative Services Committee Meeting - November 14th at 4:30 p.m.
- Public Works Committee Meeting - November 15th at 4:30 p.m.
- City Council Meeting - November 21st at 5:30 p.m.

INFORMATIONAL ITEMS

- September 2023 Investment Summary

ADJOURNMENT

There being no further discussion, Councilmember Mike Lorenson, being seconded by Councilmember Scott Pream to adjourn at 6:30 p.m. On vote being taken, the Chair declared the motion unanimously carried.

Brian D. Holmer, Mayor

Attest:

Angela Philipp, City Administrator