

**THIEF RIVER FALLS CITY COUNCIL  
AGENDA  
TUESDAY – JULY 3, 2018**

**COUNCIL CHAMBERS  
CITY HALL – 405 3<sup>RD</sup> STREET EAST  
5:30 PM**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. PUBLIC FORUM** – *Individuals may address the City Council about any item not included on the regular agenda. A maximum of 5 minutes is allotted for the public forum. Speakers are requested to come to the microphone, state their name and address for the record, and limit their remarks to five minutes. The City Council will not take official action on items discussed at this time, with the exception of referral to staff or a committee, board or commission for a future report.*

**5. PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION  
ANNOUNCEMENTS**

- Zehlians Art/Wine Walk – July 26<sup>th</sup> – Natasha Reiersen & Jodi Beeson
- Advance Thief River – Michelle Landsverk

**6. APPROVE AGENDA** – *Council members may add items to the agenda for discussion purposes or staff direction. The Council will not normally take official action on items added to the agenda.*

**7. CONSENT AGENDA** – *These items are considered routine in nature and are approved with one motion without discussion/debate. The Mayor will ask if any Council member wishes to remove an item and place it on the regular agenda for discussion and consideration. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.*

7.01 Approval of June 19, 2018 Council Proceedings (page 3-8)

7.02 City of Thief River Falls Bills and Disbursements

7.03 Approval of Pennington County Easement – Electric Department Facility (page 9-13)

7.04 Approval of VFW Post 2793 Liquor License Addendum (page 14-18)

**8. NEW BUSINESS**

8.01 2017 Audit - Hoffman, Philipp & Knutson

8.02 Second Reading of Ordinance regarding Water Usage in a Critical Water Deficiency (page 19-21)

Approval of Ordinance regarding Water Usage in a Critical Water Deficiency

8.03 Second Reading of Ordinance Amendment – Dynamic Display Signs for Churches (page 22-23)

Approval of Ordinance Amendment – Dynamic Display Signs for Churches

**9. COUNCIL BOARDS AND COMMISSIONS REPORTS** – *Not all boards or commissions will have met prior to the Council meeting. These reports are intended to keep the other council members informed of actions or proposed actions taken by these boards and commissions. Only those with something to report would be on the agenda.*

**10. UPCOMING MEETINGS**

10.01 Utilities Committee Meeting – July 9<sup>th</sup> at 7:00 a.m.

10.02 Public Safety/Liquor Committee Meeting – July 9<sup>th</sup> at 4:30 p.m.

10.03 Administrative Services Committee Meeting – July 10<sup>th</sup> at 4:30 p.m.

10.04 Public Works Committee Meeting – July 11<sup>th</sup> at 4:30 p.m.

10.05 City Council Meeting – July 17<sup>th</sup> at 5:30 p.m.

**11. ADJOURNMENT**

## COUNCIL PROCEEDINGS

#7.01

**JUNE 19, 2018**

The City Council of Thief River Falls, Minnesota, met in regular session at 5:30 p.m. on June 19, 2018 in the Council Chambers of City Hall. The following Councilmembers were present: Holmer, Narverud, Sollom, Howe, Prudhomme, Aarestad, Hagen and Brown. No Councilmembers were absent. Mayor Holmer chaired the meeting.

### **APPROVAL OF AGENDA**

Councilmember Brown motioned, being seconded by Councilmember Prudhomme, to approve the agenda as presented. On vote being taken, the motion was unanimously approved.

### **RESOLUTION NO. 6-136-18: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-136-18, being seconded by Councilmember Howe, that:

RESOLVED, by the City Council, to approve June 5, 2018 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 6-137-18: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-137-18, being seconded by Councilmember Howe, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$1,275,169.48. A printout of the approved payments and disbursements is attached hereto and made a part hereof.

On vote being taken, the resolution was unanimously passed.

### **RESOLUTION NO. 6-138-17: APPROVAL OF PROGRESSION RAISE FOR TERRY BENSON, WATER TREATMENT PLANT OPERATOR**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-138-18, being seconded by Councilmember Howe, that:

WHEREAS, Mr. Benson has successfully completed his six-month probationary period and is eligible for progression to Step 2.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and grant a progression raise for Terry Benson, Water Treatment Plant Operator, to Step 2 of the Water Treatment Plant Operator salary schedule, for a new salary of \$18.21 per hour effective June 4, 2018.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-139-18: APPROVAL OF PROGRESSION RAISE FOR DUSTIN ARLT, PATROL OFFICER/SRO**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-139-18, being seconded by Councilmember Howe, that:

WHEREAS, Officer Arlt was hired on June 16, 2015 at Step 1 of the LELS salary schedule and has successfully completed the required progression steps. Officer Arlt is also the designated School Resources Officer.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety Committee recommendation to grant Dustin Arlt, Patrol Officer/SRO, a progression raise. Officer Arlt shall progress to Step 4 (top) of the LELS Patrol Officer/SRO salary schedule for a new salary of \$30.49 per hour, effective June 18, 2018.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-140-18: APPROVAL OF TRANSFER OF EVERGREEN EATING EMPORIUM ON-SALE INTOXICATING LIQUOR LICENSE TO RIVER WALK PUBLIC HOUSE LLC, D.B.A. RIVER WALK PUBLIC HOUSE**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-140-18, being seconded by Councilmember Howe, that:

BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to approve the transfer of On-sale Intoxicating Liquor License of Evergreen Eating Emporium to River Walk Public House LLC, dba: River Walk Public House, effective July 1, 2018.

License is contingent on all fees, background checks and insurance requirements being met.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-141-18: APPROVAL OF ASSIGNMENT OF MORTGAGE DOCUMENT FOR "BUILDING A BETTER NEIGHBORHOOD" IMPACT FUND AGREEMENT #10-2014-08**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-141-18, being seconded by Councilmember Howe, that:

BE IT RESOLVED, by the City Council, to accept the administrative Services Committee recommendation to approve the authorization of the City Administrator Otterness and Mayor Holmer to sign the assignment of mortgage document for Impact award 10-2014-08.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-142-18: APPROVAL OF REA RINK LIGHT REPLACEMENT PURCHASE FROM DAKOTA SUPPLY GROUP**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-142-18, being seconded by Councilmember Howe, that:

WHEREAS, the existing metal halide lights are an inefficient use of energy and by replacing them with a 60,000 lumen LED highbays these light would have a pay back of 3.5 year. The city electrical department will install the lights.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the Administrative Services Committee recommendation to authorize the approval to purchase from Dakota Supply Group (50) 60,000 Lumen LED Highbays at \$449.00 per fixture and pendant mount adaptors for \$500.00 for a total cost of \$22,950.00.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-143-18: APPROVAL OF LOW BID FROM B & K STUMP GRINDING FOR SERVICES**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-143-18, being seconded by Councilmember Howe, that:

WHEREAS, a request for sealed quotes was mailed to all local qualified vendors in Thief River Falls. Only one quote was submitted by B & K Stump Grinding. B & K was under contract with the city over the past year. They were very responsive, timely and did a great job.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the Public Works Committee recommendation to approve the low bid of B & K Stump Grinding for services to be provided from July 1, 2018 to June 30, 2019.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-144-18: APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 1 WITH R. J. ZAVORAL AND SONS**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 6-144-18, being seconded by Councilmember Howe, that:

WHEREAS, the Minnesota Department of Transportation is reconstructing Highway No. 1 from Highway 32 to C.S.A.H. No. 18 and completing a mill and overlay of Highway No. 59 (Third Street) from Atlantic Avenue to First Street in 2018. The City of Thief River Falls has requested they include the construction of a sidewalk on the south side of Highway 59 from Merriam Avenue to Spruce Avenue and along Spruce Avenue from Highway No. 59 to First Street in this project. The city is installing a rapid flashing crosswalk system on First Street at Spruce Avenue in our 2018 project; and

WHEREAS, the Minnesota Department of Transportation is able to add this segment of sidewalk to their contract but in that scenario we are not able to use Municipal State Aid (MSA) funds. If we include it in our City of Thief River Falls project we are able to fully fund the improvements with MSA funds.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the Public Works Committee recommendation to approve Supplemental Agreement No. 1 with R.J. Zavoral and Sons Inc. for sidewalk construction on the east side of Spruce Avenue from First Street to Mussey Street at an estimated project cost of \$11,958.85.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-145-18: APPROVAL OF REVISIONS TO FOOD AND BEVERAGE SPECIALIST POSITION AND OPENING POSITION TO PUBLIC**

A Request for Council Action was reviewed. Following discussion, Councilmember Brown introduced Resolution No. 6-145-18, being seconded by Councilmember Prudhomme, that:

WHEREAS, the current non-union Food and Beverage part-time position is being vacated by the resignation of Sara Waldorf. As a result of increased rentals of the arena and recreational facilities, the position will better be utilized by a full-time position.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the Administrative Services Committee recommendation to revise the part-time Food and Beverage Specialist position to a full-time position, retitle the position as Concession Coordinator, and update the job description with minor revisions to reflect the current duties.

BE IT FURTHER RESOLVED, to authorize opening the position to the public for filling.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 6-146-18: APPROVAL TO FILL OFF SALE CLERK POSITION IN LIQUOR DEPARTMENT**

A Request for Council Action was reviewed. Following discussion, Councilmember Brown introduced Resolution No. 6-146-18, being seconded by Councilmember Narverud, that:

BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to fill a part-time Off Sale Clerk position at Falls Liquors and open the position to Teamster No. 320 Union employees as part of the internal transfer process. In the event that the position is not filled through the Teamster internal transfer process, the position will be opened to the public.

On vote being taken, the resolution was unanimously passed.

**FIRST READING OF ORDINANCE OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, REGULATING NONESSENTIAL WATER USAGE UPON CRITICAL WATER DEFICIENCY AS AUTHORIZED BY MINN. STAT. § 103G.291, SUBD. 1 AND 2.**

Councilmember Howe motioned, being seconded by Councilmember Narverud, to call for the first reading regulating nonessential water usage upon critical water deficiency as authorized by Minn. Stat. § 103g.291, subd. 1 and 2. The motion was unanimously carried.

City Attorney Sparby read the proposed ordinance. No action was taken at this time and this ordinance will again be presented at the next council meeting.

**FIRST READING OF ORDINANCE OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 152 ENTITLED "ZONING CODE" BY AMENDING 152.097, A, (6), TO ALLOW A CHURCH WITHIN A RESIDENTIAL DISTRICT TO HAVE A DYNAMIC DISPLAY, SUBJECT TO RESIDENTIAL SPACING REQUIREMENTS, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 152.998, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS**

Councilmember Narverud motioned, being seconded by Councilmember Sollom, to call for the first reading of an ordinance amending Chapter 152 "Zoning code by amending 152.097, a, (6), to allow a church within a residential district to have a dynamic display, subject to residential spacing requirements, and by adopting by reference city code chapter 10 and section 152.998, which, among other things, contain penalty provisions. The motion was unanimously carried.

City Attorney Sparby read the proposed ordinance. No action was taken at this time and this ordinance will again be presented at the next council meeting.

**RESOLUTION NO. 6-147-18: APPROVAL OF AMERICAN LEGION POST 117 LIQUOR LICENSE ADDENDUM**

A Request for Council Action was reviewed. Following discussion, Councilmember Aarestad introduced Resolution No. 6-147-18, being seconded by Councilmember Prudhomme, that:

BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to approve temporary extensions of the American Legion Post 117 On-Sale Intoxicating Liquor License to an outside fenced designated area effective July 20<sup>th</sup> and July 21<sup>st</sup> from 8:30 p.m. – 1:00 a.m.

On vote being taken, the resolution was unanimously passed with Howe abstaining.

**UPCOMING MEETINGS/EVENTS**

- City Council Meeting – July 3<sup>rd</sup> at 5:30 p.m.
- Utilities Committee Meeting – July 9<sup>th</sup> at 7:00 a.m.
- Public Safety/Liquor Committee Meeting – July 9<sup>th</sup> at 4:30 p.m.
- Administration Committee Meeting – July 10<sup>th</sup> at 4:30 p.m.

- Public Works Committee Meeting – July 11<sup>th</sup> at 4:30 p.m.
- City Council Meeting – July 17<sup>th</sup> at 5:30 p.m.

**INFORMATIONAL ITEMS**

- Investment Summary dated 5/31/2018

**ADJOURNMENT**

There being no further discussion, Councilmember Brown moved, being seconded by Councilmember Sollom to adjourn. On vote being taken, the Chair declared the motion unanimously carried.

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Brian D. Holmer, Mayor

Attest: \_\_\_\_\_  
Rodney Otterness, City Administrator





# City of Thief River Falls

DIRECTOR OF PUBLIC WORKS

405 Third Street East • PO Box 528  
Thief River Falls MN 56701-0528

#7.03

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www.citytrf.net

## Request for Council Action

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**DATE:** July 3, 2018

**SUBJECT:** Pennington County Easement - Electric Department Facility

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Electric Department Building Committee recommendation:

**Motion to:** Approve an easement agreement with Pennington County for ingress and egress across the Pennington County Joint Use Facility property as a secondary access to the new Electric Department Facility and authorize the Mayor to execute the agreement.

**BACKGROUND:** Digi-Key Electronics has purchased the former Electric Department facility and has constructed a new parking lot to support their existing business and current expansion. The Electric Department is currently functioning out of several locations on a temporary basis until a new facility can be completed. The city awarded the construction contract for this facility to Winkelman Building Company and the project is currently under construction.

The City Council appointed Mayor Brian Holmer, along with Councilmen Don Sollum and Steve Narverud to serve on the Building Committee.

**KEY ISSUES:** The primary access for the facility is from First Street West. There is a secondary access across the Pennington County Joint Use Facility property. Verbal Authorization was granted to cross their property as the construction plans were being developed. A formal easement agreement is now ready for execution.

**FINANCIAL CONSIDERATIONS:** None.

**LEGAL CONSIDERATION:** None.

**DEPARTMENT/RESPONSIBLE PERSON:** Dale Narlock, Electric Department Superintendent and Mark Borseth, Public Works Director.

Encl: (1)

## EASEMENT

Pennington County, Grantor, hereby does grant and convey onto City of Thief River Falls, Grantees, and their or it's successors and assigns, permanent, non-exclusive right of way and easement for ingress and egress, over the following-described property situated in the County of Pennington, State of Minnesota, to-wit:

An Easement for ingress and egress purposes over and across the Southern 150 feet and Western 150 feet of the following described property:

That part of the Northeast Quarter (NE1/4) of Section Thirty-two (32), Township One-Hundred Fifty Four (154) North, Range Forty-three (43) West of the 5<sup>th</sup> Principal Meridian, described as follows:

Commencing at an iron monument at the northwest corner of said Northeast Quarter (NE1/4); thence South 02 degrees 21 minutes 33 seconds West, assumed bearing, along the west line of the said Northeast Quarter (NE1/4) a distance of 750.00 feet to the southwest corner of NOPER'S SECOND ADDITION TO THIEF RIVER FALLS, MINNESOTA, according to the recorded plat thereof; thence South 88 degrees 51 minutes 57 seconds East along the south line of said NOPER'S SECOND ADDITION 100.00 feet to the point of beginning of the tract to be described; thence continuing South 88 degrees 51 minutes 57 seconds East along said south line 619.77 feet; thence South 59 degrees 49 minutes 23 seconds East along said south line 79.35 feet; thence South 02 degrees 20 minutes 55 seconds West 705.16 feet; thence North 88 degrees 51 minutes 57 seconds West 690.10 feet; thence North 02 degrees 21 minutes 33 seconds East parallel with the said west line of the said Northeast Quarter (NE 1/4) a distance of 743.57 feet to the point of beginning.

1. TERM – This easement is perpetual.
2. Use of easement by Grantees. Grantees shall have the non-exclusive right to use the easement for ingress and egress to the real property located in Pennington County, State of Minnesota.
3. Grantor's use: The Grantors reserve the right to full use and enjoyment of the easement for roadway purposes and shall have the right to grant other the right to use the roadway for roadway purposes.
4. Governing law. The conveyance shall be governed and constructed in accordance with the laws of the State of Minnesota.
5. Liability. Grantees shall use the easement at their own risk. Grantor shall have no responsibility for any injury or damage to person or properties occurring on the easement area.

- 6. Binding. This easement shall be binding of the parties hereto, their heirs, personal representatives, successors and assigns.
- 7. Entire agreement and invalidity. This conveyance sets forth the entire arrangement between the parties and there are no representation or warranties except expressly set out herein. No amendment or modifications shall be valid unless in writing and signed by the parties hereto. Should any clause or provision of this conveyance become valid for any reason, such invalidity shall not result in the invalidity of any other clause or provision of this conveyance.

IN WITNESS WHEREOF, the undersigned Grantors has set their hand and seal this \_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairman of the County Board

STATE OF MINNESOTA       )  
  )SS.  
COUNTY OF PENNINGTON )

On this \_\_\_ day of \_\_\_\_\_, 2018, before me personally appeared Neil Peterson, to me known to be the person described in and who executed the forgoing instrument, and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
Notary

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2018

IN WITNESS WHEREOF, the undersigned Grantees has set their hand and seal  
this \_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor City of Thief River Falls

STATE OF MINNESOTA     )  
  )SS.  
COUNTY OF PENNINGTON )

On this \_\_\_ day of \_\_\_\_\_, 2018, before me personally appeared Brian  
Holmer, Mayor of City of Thief River Falls, to me known to be the person described in and who  
executed the forgoing instrument, and acknowledged that they executed the same as their free act  
and deed.

\_\_\_\_\_  
Notary

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 2018

THIS INSTRUMENT WAS DRAFTED BY:

SEAMUS P. DUFFY  
PENNINGTON COUNTY ATTORNEY  
P O BOX 616  
THIEF RIVER FALLS, MN 56701

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.03

**RESOLUTION NO. : APPROVAL OF PENNINGTON COUNTY EASEMENT –  
ELECTRIC DEPARTMENT FACILITY**

Presented as part of the Consent Agenda, Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, Digi-Key Electronics has purchased the former Electric Department facility and has constructed a new parking lot to support their existing business and current expansion. The Electric Department is currently functioning out of several locations on a temporary basis until a new facility can be completed. The city awarded the construction contract for this facility to Winkelman Building Company and the project is currently under construction; and

WHEREAS, the primary access for the facility is from First Street West. There is a secondary access across the Pennington County Joint Use Facility property. Verbal Authorization was granted to cross their property as the construction plans were being developed. A formal easement agreement is now ready for execution.

THEREFORE, BE IT RESOLVED, by the City Council, to approve an easement agreement with Pennington County for ingress and egress across the Pennington County Joint Use Facility property as a secondary access to the new Electric Department Facility and authorize the Mayor to execute the agreement.

**Presented at the July 3, 2018 Council Meeting**

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Roll Call (if required):**

\_\_\_ Holmer \_\_\_ Howe \_\_\_ Sollom \_\_\_ Hagen \_\_\_ Brown \_\_\_ Prudhomme \_\_\_ Aarestad \_\_\_ Narverud

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# City of Thief River Falls

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#7.04

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## REQUEST FOR COUNCIL ACTION

**DATE:** July 3, 2018

**SUBJECT:** VFW Liquor License Addendum

**RECOMMENDATION:** It is respectfully requested the Council consider the following:

**MOTION TO:** to approve an Intoxicating Liquor License addendum effective July 20, 2018 from 8pm-midnight.

**BACKGROUND:** The VFW has applied for an additional liquor license addendum to include outdoor area for July 20<sup>th</sup>.

**KEY ISSUES:** None

**FINANCIAL CONSIDERATION:** None

**LEGAL CONSIDERATION:** None

**DEPARTMENT/RESPONSIBLE PERSON:** Jennifer Nelson/Deputy City Clerk



CITY OF THIEF RIVER FALLS

On-Sale Intoxicating Liquor License Application Addendum  
\*\*\*\*TEMPORARY\*\*\*\*

- Attach a detailed drawing of the outside premises
- Applicant must submit a Certificate of Insurance specifically adding the approved outside premises to the applicant's liquor liability coverage.

VFW POST 2793  
LICENSEE NAME (Corp, Partnership, Individual)

123 NTH HANCOCK TRF, MN 56701  
LICENSEE ADDRESS (Street, City, State, Zip)

VFW POST 2793                      681-1211                      1  
BUSINESS NAME/TRADE NAME                      BUSINESS PHONE                      HOME PHONE

TRF, MN  
BUSINESS ADDRESS

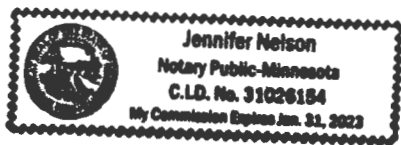
DATE OF EVENT: 7/20/18                      HOURS: 8pm - 12AM

I, hereby, under oath, state that the information contained in this application is true and correct to the best of my knowledge. I will notify the City of Thief River Falls immediately should any of the information in this application change. I further acknowledge that the falsification of any information contained in this application or willful omission will be cause for denial of the license or for revocation of a license which has been issued.

[Signature]                      Commander                      6/27/18  
SIGNATURE OF APPLICANT                      TITLE                      DATE

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF PENNINGTON)

On this 27<sup>th</sup> day of June, 2018, before me, a Notary Public within aforesaid County, the applicant personally appeared before me and is known to be the person who completed this application and acknowledge that said application was signed of applicant's own free will and accord.



A handwritten signature in blue ink, appearing to read "Jennifer Nelson". Below the signature is a horizontal line, and below the line, the words "Notary Public" are printed in a small, black, sans-serif font.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF PENNINGTON)

On this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public within aforesaid County, the applicant personally appeared before me and is known to be the person who completed this application and acknowledge that said application was signed of applicant's own free will and accord.

\_\_\_\_\_  
Notary Public



2nd St

3rd St

Horace Ave

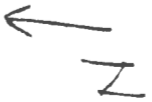
Labrea Ave

VFW Post 2193

Parking Lot

Tamp Barriers

Post Office



**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.04

**RESOLUTION NO. : APPROVAL OF VFW POST 2793 LIQUOR LICENSE  
ADDENDUM**

Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

RESOLVED, by the City Council, to approve temporary extension of the VFW Post 2793 On-Sale Intoxicating Liquor License to an outside fenced off designated area effective July 20, 2018 from 8:00 p.m. – midnight.

**Presented at the June 19, 2018 Council Meeting**

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Roll Call (if required):**

\_\_\_ Holmer \_\_\_ Howe \_\_\_ Sollom \_\_\_ Hagen \_\_\_ Brown \_\_\_ Prudhomme \_\_\_ Aarestad \_\_\_ Narverud

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Water Usage in a Critical Water Deficiency

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE REGULATING NONESSENTIAL WATER USAGE UPON CRITICAL WATER DEFICIENCY AS AUTHORIZED BY MINN. STAT. § 103G.291, SUBD. 1 AND 2.

**The City Council of Thief River Falls, Minnesota ordains:**

### SECTION 1. PURPOSE.

This ordinance establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291.

### SECTION 2. DEFINITIONS.

**2.1 Clerk** in statutory cities means the person assigned duties pursuant to Minn. Stat. § 412.151; or the city manager pursuant to Minn. Stat. § 412.601 – 412.751 or in charter cities as determined by city charter.

**2.2 Department** means the city water department.

**2.3 Emergency** means the declaration of a critical water deficiency by the governor.

**2.4 Irrigation** means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

**2.5 Notification to public** means notification through local media, including interviews and issuance of news releases.

**2.6 Public water supplier** means the city or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.

**2.7 Reclaimed water** means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

**2.8 Water recirculation system** means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

### SECTION 3. APPLICATION.

**3.1** This ordinance applies to all customers of public water suppliers who own or control water use on any premises.

**3.2** No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.

**3.3** Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

**SECTION 4. DECLARATION OF CRITICAL WATER DEFICIENCY.**

Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the city council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

**SECTION 5. MANDATORY EMERGENCY WATER CONSERVATION MEASURES.**

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

- (1) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.
- (2) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
- (3) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
- (3) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
- (5) Operation of outdoor misting systems used to cool public areas is prohibited.
- (6) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
- (7) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

**SECTION 6. VARIANCES.**

The City Clerk or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

**SECTION 7. VIOLATION.**

7.1 Violations shall be determined and cited by the City Clerk or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

7.2 Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.

7.3 Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

**SECTION 8. ENFORCEMENT.**

The City Clerk or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this ordinance.

**SECTION 9. SEVERABILITY.**

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

**SECTION 10. EFFECTIVE DATE.**

This ordinance becomes effective \_\_\_\_\_.

Passed by the City Council of Thief River Falls, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
City Clerk



# City of Thief River Falls

DIRECTOR OF PUBLIC WORKS

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Thief River Falls MN 56701-0528

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## Request for Council Action

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**DATE:** July 3, 2018

**SUBJECT:** Ordinance Amendment – Dynamic Display Signs for Churches

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Planning Commission recommendation:

**Motion to:** Call for Second Reading and consider approval of Ordinance No. xxx to approve amending 152.097 (A) (6) as follows:

The proposed amendment allows a Dynamic Display to be located on church real property located within a residential district as long as said Dynamic Display is not located within 100 feet of the nearest neighboring residential district property boundary line.

**BACKGROUND:** Dynamic display signs have been allowed several years at any location a sign is allowed and under the same conditions with the exception of hold times for messages. The city recently added restrictions to the sign ordinance for dynamic displays that include reduced hold times, brightness standards, number of signs and distance from residential zoning districts.

**KEY ISSUES:** A conflict with dynamic display signs has been identified with churches. The distance from the nearest residential zoning district cannot be met by a church that is located within a residential zoning district. The proposed amendment will allow a dynamic display sign on church property within a residential zoning district as long as the sign is not within 100 feet of the nearest residential zoning district property line.

**FINANCIAL CONSIDERATIONS:** None.

**LEGAL CONSIDERATION:** This ordinance amendment typically receives two readings. It is requested that this ordinance be considered for approval with one reading to allow a church to proceed with ordering a sign for placement this summer.

**DEPARTMENT/RESPONSIBLE PERSON:** Mark Borseth, Public Works Director.

Encl: (1)

**ORDINANCE NO. \_\_\_\_\_, 3rd SERIES**

AN ORDINANCE OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 152 ENTITLED "ZONING CODE" BY AMENDING 152.097, A, (6), TO ALLOW A CHURCH WITHIN A RESIDENTIAL DISTRICT TO HAVE A DYNAMIC DISPLAY, SUBJECT TO RESIDENTIAL SPACING REQUIREMENTS, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 152.998, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THIEF RIVER FALLS ORDAINS:

Section 1. City Code Chapter 152.097, A, (6) is hereby amended to read as follows:

(6) Spacing from residential uses: No Dynamic Display shall be located within 100 feet of a residential district. The distance shall be measured based upon a horizontal line beginning at the nearest residential property line and the leading edge of the Dynamic Display, or viewing radius of 45 degrees, whichever is closer. A church located in a residential zone may be allowed a Dynamic Display, subject to the spacing requirements, as applied to the nearest adjacent residential property line.

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.

Passed by the City Council of Thief River Falls, Minnesota, on the \_\_\_\_ day of June, 2018.

Voting Aye:

Voting No:

Abstaining:

Absent:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

If recommended, said proposed ordinance amendment would be submitted for review and approval by the City Council of the City of Thief River Falls.