

**THIEF RIVER FALLS CITY COUNCIL  
AGENDA  
TUESDAY – SEPTEMBER 18, 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**
  - Northwest Regional Library – Kristi Hanson (page 3-5)
- 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 September 4, 2018 Council Proceedings (page 6-11)
  - 7.02 City of Thief River Falls Bills and Disbursements
  - 7.03 Approval of off-site gambling application for TRFAHA to conduct raffle at the REA (page 12-15)
  - 7.04 Approval of progression raise for Wyatt Wheeler, Apprentice Lineworker (page 16-17)
  - 7.05 Approval of progression raise for Jamison Karlberg-Steer, Patrol Officer (page 18-19)
  - 7.06 Approval of progression raise for Marah Froiland, part-time Off-Sale Clerk (page 20-21)
  - 7.07 Approval of progression raise for Wade Cota, Public Works Maintenance (page 22-23)
  - 7.08 Approval of Eagles liquor license addendum (page 24-27)
  - 7.09 Approval of fee for temporary liquor license at City-Owned Facility (page 28-30)
  - 7.10 Approve the park use for “Holiday Lights in Tourist Park” (page 31-32)
  - 7.11 Approval of motor grader rental agreement with Butler Machinery and declare 1991 John Deere motor grader as surplus property (page 33-35)
  - 7.12 Approval to set Tourist Park rates (page 36-37)

## 8. NEW BUSINESS

- 8.01 Approval of employment of Ian Lund as Apprentice Lineworker in the Electric Department (page 38-39)
- 8.02 Approval of proposed 2019 Tax Levy, collectible in 2019 (page 40-43)
- 8.03 Approval of preliminary 2019 budget summary (page 44)
- 8.04 Second Reading of Ordinance amending Calendar Parking (page 45-47)  
Approval of Ordinance amendment amending Calendar Parking
- 8.05 Approval of 2018 Snow Removal Policy (page 48-56)
- 8.06 Approval to purchase Annie Park playground equipment (page 57-72)
- 8.07 Resolution declaring cost to be assessed and ordering preparation of assessment roll for the 2018 Street & Utilities Project (page 73-75)
- 8.08 Resolution establishing a Public Hearing with regard to proposed assessments on the 2018 Street & Utilities Improvements Project (page 76)
- 8.09 Approval of Conditional Use Permit for the State of MN for Allied Radio Matrix for Emergency Response (ARMER) Tower (page 77-97)
- 8.10 Approval of John Leopold Variance request (page 98-113)
- 8.11 Approval of replacement process for filling Ward 3 Councilmember vacancy (page 114-115)

## 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 City Council Meeting – October 2<sup>nd</sup> at 5:30 p.m.
- 10.02 Committee of the Whole – October 2<sup>nd</sup> following City Council Meeting
- 10.03 Utilities Committee Meeting – October 8<sup>th</sup> at 7:00 a.m.
- 10.04 Public Safety/Liquor Committee - Committee of the Whole – October 8<sup>th</sup> at 4:30 p.m.
- 10.05 Administrative Services Committee Meeting – October 9<sup>th</sup> at 4:30 p.m.
- 10.06 Public Works Committee – Committee of the Whole – October 10<sup>th</sup> at 4:30 p.m.
- 10.07 City Council Meeting – October 16<sup>th</sup> at 5:30 p.m.
- 10.08 Joint City Council/School District Meeting – November 15<sup>th</sup> at 5:30 p.m. at District Service Center

## 11. INFORMATIONAL ITEMS

- Investment summary dated 8/31/18 (page 116-117)

## 12. ADJOURNMENT

**Northwest Regional Library  
Profit Loss Budget Overview 2018**

2018 worksheet		Jan - Dec 18	% of Rev/Exp
	<b>Income</b>		
	3349 State Grants - RLBS	299,900.11	23.98%
	3352 State Telecom Grant	61,461.73	4.91%
	3353 State Grants - Legacy	96,629.85	7.73%
3% increase (less Kittson)	3362 County Allocation (% hrs in County)	390,086.00	31.91%
3% increase	3371 City Allocation*	361,816.16	28.93%
	3384 Local Operating Grant	8,350.00	0.67%
	3513 Fines & Fees (estimate)	15,000.00	1.20%
	3700 Encumbered Funds		0.00%
	3826 Private Donations	5,000.00	0.40%
	3826 Misc Other Revenue	3,500.00	0.28%
	9999 Bremer Bank Grant	0.00	0.00%
	<b>Total Income</b>	<b>1,250,743.85</b>	<b>100.00%</b>
	<b>Expense</b>		
Facilities Operating Costs:	4503 Delivery	5,400.00	0.42%
	4530 Headquarters Phone	1,500.00	0.12%
	4532 Branch Phone	6,500.00	0.51%
	4561 Insurance	16,000.00	1.25%
	4731 Utilities	3,500.00	0.27%
	4742 Building Maintenance & Repairs	4,000.00	0.31%
	<b>Total Facilities Operating Costs</b>	<b>36,900.00</b>	<b>2.89%</b>
Materials	4302 Reference	500.00	0.04%
	4304 Electronic Books	15,000.00	1.17%
	4305 E-Platforms	7,000.00	0.55%
	4307 Books	70,000.00	5.48%
	4308 Magazines	4,100.00	0.32%
	4308 Newspapers	5,000.00	0.39%
	4312 Video/CD	28,200.00	2.05%
	<b>Total Materials</b>	<b>127,800.00</b>	<b>10.09%</b>
Office Expenses	4401 Maintenance & Repair Contracts	2,500.00	0.20%
	4518 Furniture	4,000.00	0.31%
	4519 Hospitality	1,500.00	0.12%
	4520 Office Supplies	18,000.00	1.41%
	4522 Postage	2,000.00	0.16%
	4570 Bank Charge, Direct Deposit Fee	500.00	0.04%
	<b>Total Office Expenses</b>	<b>28,500.00</b>	<b>2.23%</b>
Professional Services	4301 Auditing Services	6,850.00	0.54%
	4502 Accounting	2,000.00	0.16%
	4504 Legal Fees	800.00	0.06%
	4506 Unique Management		0.00%
	4507 CRPSLA Fund	1,350.00	0.11%
	<b>Total Professional Services</b>	<b>11,000.00</b>	<b>0.86%</b>
Program Expenses:	4350 Marketing	5,500.00	0.43%
	4352 Programs	8,900.00	0.67%
	4954 State Legacy Grant Expense	96,629.85	7.56%
	<b>Total Program Expenses</b>	<b>110,629.85</b>	<b>8.66%</b>
Staff Development, Payroll and Benefits:	4160 Continuing Education	1,000.00	0.08%
	4968 Conference Expense	6,000.00	0.47%
	4101 Salaries & Wages	628,870.43	49.21%
	4120 Payroll Taxes	48,108.59	3.76%
	4121 PERA Contributions	45,827.59	3.59%
	4131 Health Insurance	74,354.92	5.86%
	4133 Life Insurance	1,441.44	0.11%
	4153 Delivery Driver Payroll Expense	16,184.43	1.27%
	<b>Total Staff Payroll and Benefits</b>	<b>822,287.40</b>	<b>64.35%</b>
Technology	4370 Automation Contract	49,050.00	3.84%
	4371 Automation Equipment	17,000.00	1.33%
	4961 State Telecom Grant Expense	61,461.73	4.81%
	<b>Total Technology</b>	<b>127,611.73</b>	<b>9.98%</b>
Travel	4544 Automobile Expense	1,500.00	0.12%
	4562 Travel - Administration	2,000.00	0.16%
	4964 Travel - Board	3,750.00	0.29%
	4566 Travel - Staff	6,000.00	0.47%
	<b>Total Travel</b>	<b>13,250.00</b>	<b>1.04%</b>
	<b>Total Expense</b>	<b>1,277,878.98</b>	<b>100%</b>
	<b>Net Income</b>	<b>(27,135.13)</b>	

\*City Income does not include any building maintenance and utilities as these are paid directly by the cities

**Northwest Regional Library  
Profit Loss Budget Overview 2018**

2018 worksheet

Thief River Falls Public Library

Income		
	3349 State Grants - RLBSS	141,123.96
	3352 State Telecom Grant	7,582.72
	3353 State Grants - Legacy	13,808.41
3% increase (less Kitson)	3362 County Allocation (% hrs in County)	112,519.90
3% Increase	3371 City Allocation*	169,052.76
	3364 Local Operating Grant	422.00
	3513 Fines & Fees (estimate)	11,500.00
	3700 Encumbered Funds	-
	3625 Private Donations	685.63
	3626 Misc Other Revenue	479.94
	9999 Bremer Bank Grant	-
	<b>Total Income</b>	<b>272,695.36</b>
Expense		
Facilities Operating Costs:	4503 Delivery	675.00
	4530 Headquarters Phone	390.00
	4532 Branch Phone	721.50
	4561 Insurance	3,296.00
	4731 Utilities	721.00
	4742 Building Maintenance & Repairs	824.00
	<b>Total Facilities Operating Costs</b>	<b>6,548.50</b>
Materials:	4302 Reference	105.00
	4304 Electronic Books	3,090.00
	4305 E-Platforms	1,342.00
	4307 Books	14,420.00
	4308 Magazines	845.00
	4309 Newspapers	1,030.00
	4312 Video/CD	5,397.00
	<b>Total Materials</b>	<b>26,127.00</b>
Office Expenses:	4401 Maintenance & Repair Contracts	515.90
	4518 Furniture	824.00
	4519 Hospitality	769.00
	4520 Office Supplies	3,708.00
	4522 Postage	412.00
	4570 Bank Charge, Direct Deposit Fee	103.00
	<b>Total Office Expenses</b>	<b>5,871.00</b>
Professional Services:	4301 Auditing Services	1,411.00
	4502 Accounting	412.00
	4504 Legal Fees	100.00
	4506 Unique Management	-
	4507 CRPSLA Fund	278.00
	<b>Total Professional Services</b>	<b>2,201.00</b>
Program Expenses:	4350 Marketing	887.50
	4352 Programs	1,062.50
	4884 State Legacy Grant Expense	13,808.41
	<b>Total Program Expenses</b>	<b>15,558.41</b>
Staff Development, Payroll and Benefits:	4160 Continuing Education	208.00
	4968 Conference Expense	1,236.00
	4101 Salaries & Wages	148,060.00
	4120 Payroll Taxes	19,730.00
	4121 PERA Contributions	9,440.00
	4131 Health Insurance	13,838.25
	4133 Life Insurance	180.18
	4153 Delivery Driver Payroll Expense	2,023.05
	<b>Total Staff Payroll and Benefits</b>	<b>194,653.48</b>
Technology:	4370 Automation Contract	10,104.00
	4371 Automation Equipment	2,125.00
	4981 State Telecom Grant Expense	7,602.72
	<b>Total Technology</b>	<b>19,911.72</b>
Travel:	4544 Automobile Expense	187.50
	4562 Travel - Administration	260.00
	4564 Travel - Board	488.75
	4566 Travel - Staff	720.00
	<b>Total Travel</b>	<b>1,626.25</b>
	<b>Total Expense</b>	<b>272,695.36</b>
	<b>Net Income</b>	<b>-</b>

\*City Income does not include any building maintenance and utilities as these are paid directly by the cities.

Entity	2016	2017	% Incr	2018	%Incr	2019 Projected Increase				
						1%	2%	3%	4%	5%
City-Greenbush	14,065	14,768	5.0%	\$15,063.00	2.00%	151	301	452	603	753
City-Hallock	16,980	17,217	1.4%	\$17,905.00	4.00%	179	358	537	716	895
City-Karlstad	6,100	6,222	2.0%	\$6,500.00	4.47%	65	130	195	260	325
City-Red Lake Falls	20,322	20,750	2.1%	\$21,175.00	2.05%	212	424	635	847	1,059
City-Roseau	51,187	52,210	2.0%	\$53,254.00	2.00%	533	1,065	1,598	2,130	2,663
City-Thief River Falls	160,911	165,738	3.0%	\$169,052.76	2.00%	1691	3,381	5,072	6,762	8,453
City-Warren	9,102	10,000	9.9%	\$10,200.00	2.00%	102	204	306	408	510
City-Warroad	66,000	67,320	2.0%	\$68,666.40	2.00%	687	1,373	2,060	2,747	3,433
County-Kittson	63,000	64,000	1.6%	\$65,000.00	1.56%	650	1,300	1,950	2,600	3,250
County-Marshall	86,000	86,000	0.0%	\$86,000.00	0.00%	860	1,720	2,580	3,440	4,300
County-Pennington	108,150	110,313	2.0%	\$112,519.00	2.00%	1125	2,250	3,376	4,501	5,626
County-Red Lake	26,732	26,732	0.0%	\$26,732.00	0.00%	267	535	802	1,069	1,337
County-Roseau	97,500	100,000	2.6%	\$102,000.00	2.00%	1020	2,040	3,060	4,080	5,100
<b>Total</b>	<b>726,049</b>	<b>741,270</b>	<b>2.1%</b>	<b>\$754,067.16</b>	<b>1.73%</b>	<b>7541</b>	<b>15,081</b>	<b>22,622</b>	<b>30,163</b>	<b>37,703</b>

SEPTEMBER 4, 2018

The City Council of Thief River Falls, Minnesota, met in regular session at 5:30 p.m. on September 4, 2018 in the Council Chambers of City Hall. The following Councilmembers were present: Holmer, Howe, Aarestad, Narverud, Sollom, Prudhomme and Brown. No Councilmembers were absent. Mayor Holmer chaired the meeting.

**PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS**

- Veterans Association – Scotty Allison & Steve Stone

**APPROVAL OF AGENDA**

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

**RESOLUTION NO. 9-199-18: APPROVAL OF COUNCIL PROCEEDINGS**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 9-199-18, being seconded by Councilmember Narverud, that:

RESOLVED, by the City Council, to approve August 21, 2018 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-200-18: APPROVAL OF PAYMENT OF BILLS**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 9-200-18, being seconded by Councilmember Narverud, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$2,200,691.17. 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. 9-201-18: APPROVAL OF SCHOOL RESOURCE OFFICER SERVICES AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 564**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 9-201-18, being seconded by Councilmember Narverud, that:

WHEREAS, the school district and the city maintain a cooperative and coordinated approach to deterring and addressing criminal activity on school property and at school sponsored events and activities. The School Resources Officer is a key part of this coordinated approach.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to approve the School Resource Officer Services Agreement with Independent School District No. 564.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-202-18: APPROVAL OF THE SALE OF OUT OF SERVICE SQUAD CAR**

Presented as part of the Consent Agenda, Councilmember Brown introduced Rcresolution No. 9-202-18, being seconded by Councilmember Narverud, that:

BE IT RESOLVED, by the City Council, Approve the sale of the out of service 2011 Chev Impala, VIN# 2G1WD5EM0B1121456, via the MNBID auction procedure. The car has been placed out of service, and all police equipment and markings have been removed.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-203-18: APPROVAL TO DECLARE SURPLUS PROPERTY**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 9-203-18, being seconded by Councilmember Narverud, that:

WHEREAS, the City of Thief River Falls owns numerous equipment, vehicles, tools and miscellaneous items that are used to carry out work functions. These items are typically declared surplus to be sold in the most efficient manner when no longer needed.

THEREFORE, BE IT RESOLVED, by the City Council, to declare a 1987 Chevrolet C70 Dump Truck (Vin Number 1GBJ7D1B2HV100434) as surplus property.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-204-18: APPROVAL TO AUTHORIZE THE CITY OF THIEF RIVER FALLS TO ENTER INTO AN AGREEMENT WITH NORTHLAND SECURITIES, INC. FOR FINANCIAL PLANNING SERVICES FOR THE STORM WATER UTILITY**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 9-204-18, being seconded by Councilmember Narverud, that:

BE IT RESOLVED, by the City Council, to accept the Utilities Committee recommendation to authorize the City of Thief River Falls to enter into an agreement with Northland Securities, Inc. for Financial Planning Services for the Storm Water utility at approximately \$11,340.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-205-18: APPROVAL OF CONTRACT WITH ENGINEERING AND ENVIRONMENTAL SERVICES FOR THE PRELIMINARY ENGINEERING OF THE WASTEWATER FORCE MAIN PROJECT**

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 9-205-18, being seconded by Councilmember Narverud, that:

WHEREAS, the existing Force Main has developed major corrosion from the hot soil it is encased in on the outside and the acidic wastewater on the inside that causes the pipe to leak. The new PVC Main will resist corrosion and will be bedded in sand to extend the life of the pipe. The proposal would be to have the project completed in 2019 in advance of the Digi Key storm water outlet project completion and the West Side Flood Damage Reduction Project in 2020 so the Force Mains will be placed so they don't conflict with those projects.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the Engineering Contract with Advanced Engineering and Environmental Services for the preliminary engineering of the 20" Wastewater Force Main Project.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-206-18: APPROVAL OF ORDINANCE NO. 114, 3<sup>RD</sup> SERIES, OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 150 ENTITLED "BUILDING REGULATIONS" BY ADOPTING MINNESOTA STATE FIRE CODE APPENDIX "K" RELATING TO FIRES AND BARBEQUES ON BALCONIES OR PATIOS, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10, WHICH, AMONG OTHER THINGS, CONTAINS PENALTY PROVISIONS**

Councilmember Brown motioned, being seconded by Councilmember Howe, to call for the second reading amending City code chapter 150 entitled "building regulations" by adopting Minnesota state fire code appendix "k" relating to fires and barbeques on balconies or patios. The motion was unanimously carried. City Attorney Sparby read the proposed ordinance.

Councilmember Narverud introduced Resolution No. 9-206-18, being seconded by Councilmember Sollom, that:

THE CITY COUNCIL OF THIEF RIVER FALLS ORDAINS:

Section 1. Section 150.01 (D) (4) is hereby added to read as follows:

- (4) *Minnesota State Fire Code Appendix K:*
- (i) Open Flame Prohibited. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of a structure.



- (ii) Fuel Storage Prohibited. No person shall store or use any fuel, barbeque, torch, or other similar heating or lighting chemical or device in the locations designated in Section 1.1.
- (iii) Exception. Listed electric or gas-fired barbeque grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.

Section 2. City Code Chapter 10 entitled "General Provisions" is hereby adopted in its entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall be in force and effect from and after its passage, approval, and publication.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-207-18: APPROVAL OF ORDINANCE NO. 115, 3<sup>RD</sup> SERIES, OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 152 ENTITLED "ZONING CODE" BY AMENDING THE CITY ZONING DISTRICTS MAP, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 152.998, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS**

Councilmember Aarestad motioned, being seconded by Councilmember Prudhomme, to call for the second reading amending city code chapter 152 entitled "zoning code" by amending the city zoning districts map. The motion was unanimously carried. City Attorney Sparby read the proposed ordinance.

Councilmember Brown introduced Resolution No. 9-207-18, being seconded by Councilmember Aarestad, that:

THE CITY COUNCIL OF THIEF RIVER FALLS ORDAINS:

Section 1. The City Zoning Districts Map is hereby amended by changing the zoning designation of the following described real property from General Industrial District (I-2) to General Business District (C-2):

Lot Two (2), Lot Three (3) and the North Eighty feet (80') feet of Lot Four (4), Block One (1), Millyard Subdivision to Thief River Falls, Minnesota.

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.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-208-17: APPROVAL OF COMPREHENSIVE PLAN AMENDMENT**

A Request for Council Action was reviewed. Following discussion, Councilmember Brown introduced Resolution No. 9-208-17, being seconded by Councilmember Narverud, that:

WHEREAS, the City of Thief River Falls has a comprehensive plan in place to use as a tool for development and planning. The city's zoning regulations reference certain aspects of the comprehensive plan for compatibility; and

WHEREAS, The JPK Enterprises, LLC property, legally described above, is identified in the Comprehensive Plan as Industrial. This property has been rezoned to General Business District (C-2) to facilitate the construction of a commercial building. This use is consistent with the adjacent use along that portion of Pennington Avenue. This change requires an amendment to the Comprehensive Plan.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation to amend the Comprehensive Plan to designate Lots 2, 3 and the north 80 feet of Lot 4, Block 1, Millyard Subdivision as General Neighborhood Commercial.

On vote being taken, the resolution was unanimously passed.

**RESOLUTION NO. 9-209-17: APPROVAL OF JPK ENTERPRISES, LLC PROPERTY VARIANCE REQUEST**

A Request for Council Action was reviewed. Following discussion, Councilmember Sollom introduced Resolution No. 9-209-17, being seconded by Councilmember Prudhomme, that:

WHEREAS, the JPK Enterprises, LLC property described above was platted as a part of Millyard Subdivision in 1986. The property had been zoned industrial as with the majority of the properties along the railroad. These properties historically used rail service as a part of their business, but that is no longer the case. The use of this property was for coal storage and warehouse that eventually was transitioned into a contractor yard and office; and

WHEREAS, the owner of JPK Enterprises, LLC, John Kertz, would like to build a strip mall on the property. This property currently has an access to Pennington Avenue. The city should not allow a second access at this location. To prevent a second access the developer must use 90 degree parking. The proposed use will likely require two rows of parking. The minimum dimension for two rows of parking and a driving lane is 62 feet, which leaves 36 feet remaining for the 20' rear yard setback and the building.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Planning Commission recommendation to approve a 20' rear yard setback variance for JPK Enterprises,

LLC property, legally described as Lot 2, and the north 56 feet of Lot 3, Block 1, Mil-lyard Subdivision to Thief River Falls, Minnesota .

On vote being taken, the resolution was unanimously passed.

**SECOND READING OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 72 ENTITLED "PARKING REGULATIONS" BY AMENDING 72.08 (A) AND ADDING SUBDIVISION (C), TO AMEND THE DATES OF EFFECTIVENESS AND TIMES OF PARKING RESTRICTIONS, AND ALSO ESTABLISHES A PARKING RESTRICTION ON ALL STREETS AND AVENUES IN THE CENTRAL BUSINESS DISTRICT AT DESIGNATED TIMES ALL YEAR ROUND, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS**

Councilmember Prudhomme motioned, being seconded by Councilmember Aarestad, to table and refer to the Public Works Committee. On vote being taken, the motion was unanimously approved.

**APPROVAL OF 2018 SNOW REMOVAL POLICY**

Councilmember Prudhomme motioned, being seconded by Councilmember Aarestad to table the matter and refer to the Public Works Committee. On vote being taken, the motion was unanimously approved.

**UPCOMING MEETINGS/EVENTS**

- Utilities Committee Meeting – September 10<sup>th</sup> at 7:00 a.m.
- Public Safety/Liquor Committee of the Whole Meeting – September 10<sup>th</sup> at 4:30 p.m.
- Administrative Services Committee Meeting – September 11<sup>th</sup> at 4:30 p.m.
- Public Works Committee of the Whole Meeting – September 12<sup>th</sup> at 4:30 p.m.
- City Council Meeting – September 18<sup>th</sup> at 5:30 p.m.

**ADJOURNMENT**

There being no further discussion, Councilmember Narverud 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

# Thief River Falls Amateur Hockey Association

SERVING YOUTH  
OF  
THIEF RIVER FALLS, MINNESOTA 56701



City of TR Falls:

8/31/18

TRFAHA will be having its 16<sup>th</sup> Annual fundraiser 'Mega Raffle'. We are applying for a one day, off-site license for the Ralph Englestad Arena. TRFAHA will need a Resolution of approval from the local unit of the City Government.

Thank you for your continued support.  
Forms are attached to be signed.

Mega Raffle Information  
Date of Raffle 1-26-19  
Place Ralph Englestad Arena  
License # 05-02008-999

Thank you Roy Kufe ~~Home~~ Manager  
Cell # 218.791.4417

LG230 Application to Conduct Off-Site Gambling

No Fee

ORGANIZATION INFORMATION

Organization Name: Thief River Falls Amateur Hockey License Number: 02008  
 Address: Box 6 City: TR Falls MN Zip: 56701  
 Chief Executive Officer (CEO) Name: Kip O'Neer Fontaine Daytime Phone: 218-280-1657  
 Gambling Manager Name: Rosalind Mae Keefe Daytime Phone: 218-741-4417

GAMBLING ACTIVITY

Twelve off-site events are allowed each calendar year not to exceed a total of 36 days.

From 1/26/19 to 1/26/19

Check the type of games that will be conducted:

- Raffle     Pull-Tabs     Bingo     Tipboards     Paddlewheel

GAMBLING PREMISES

Name of location where gambling activity will be conducted: Ralph Engestad Arena  
 Street address and City (or township): 575 Brooks Ave N Zip: 56701 County: Fennelton  
 • Do not use a post office box.  
 • If no street address, write in road designations (example: 3 miles east of Hwy. 63 on County Road 42).

Does your organization own the gambling premises?

- Yes If yes, a lease is not required.  
 No If no, the lease agreement below must be completed, and signed by the lessor.

LEASE AGREEMENT FOR OFF-SITE ACTIVITY (a lease agreement is not required for raffles)

Rent to be paid for the leased area: \$ \_\_\_\_\_ (if none, write "0")

All obligations and agreements between the organization and the lessor are listed below or attached.

- Any attachments must be dated and signed by both the lessor and lessee.
- This lease and any attachments is the total and only agreement between the lessor and the organization conducting lawful gambling activities.
- Other terms, if any:

Lessor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Lessor's Name: \_\_\_\_\_

CONTINUE TO PAGE 2

**Acknowledgment by Local Unit of Government: Approval by Resolution**

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: _____	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date Signed: _____	Title: _____ Date Signed: _____
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p><b>Local unit of government must sign.</b></p> </div>	<p>TOWNSHIP NAME: _____</p> <p><b>Complete below only if required by the county.</b> On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date Signed: _____</p>

**CHIEF EXECUTIVE OFFICER (CEO) ACKNOWLEDGMENT**

The person signing this application must be your organization's CEO and have their name on file with the Gambling Control Board. If the CEO has changed and the current CEO has not filed a LG200B Organization Officers Affidavit with the Gambling Control Board, he or she must do so at this time.

I have read this application, and all information is true, accurate, and complete and, if applicable, agree to the lease terms as stated in this application.

Signature of CEO (must be CEO's signature; designee may not sign)
 

 ✓  
 9/5/18  
 Date

<p><b>Mail or fax to:</b></p> <p>Minnesota Gambling Control Board Suite 300 South 1711 West County Road B Roseville, MN 55113 <b>Fax: 651-639-4032</b></p>	<p><b>No attachments required.</b></p> <p>Questions? Contact a Licensing Specialist at 651-539-1900.</p>
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This publication will be made available in alternative format (i.e. large print, braille) upon request.

**Data privacy notice:** The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public.

If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor; national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.03

**RESOLUTION NO. : APPROVAL OF OFF-SITE GAMBLING APPLICATION FOR  
THIEF RIVER FALLS AMATEUR HOCKEY ASSOCIATION (TRFAHA) TO  
CONDUCT RAFFLE AT THE RALPH ENGELSTAD ARENA**

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

WHEREAS, the Thief River Falls Amateur Hockey Association (TRFAHA) is required to obtain the City’s approval to conduct a raffle at the Ralph Engelstad Arena, prior to TRFAHA submitting an Off-Site Gambling application to the State of Minnesota.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation to authorize the Thief River Falls Amateur Hockey Association to conduct a raffle at the Ralph Engelstad Arena, 525 Brooks Avenue North, Thief River Falls; property located in the City limits of Thief River Falls, on January 26, 2019.

**Presented at the September 18, 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

#7.04

## ELECTRIC DEPARTMENT

*HISTORIC SOO LINE R.R. DEPOT*  
405 Third Street East . P.O. Box 528  
Thief River Falls, MN 56701-0528

PHONE: 218 681-5816

email: [dnarlock@citytrf.net](mailto:dnarlock@citytrf.net)

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### Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** Approval of Progression Raise for Wyatt Wheeler, Apprentice Lineworker

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

**MOTION TO:** Accept the Public Utilities Committee recommendation to grant Wyatt Wheeler, Apprentice Lineworker, a progression raise. Mr. Wheeler shall progress to Step 5 of the Apprentice Lineworker salary schedule for a new hourly wage of \$28.79 effective September 21, 2018.

**BACKGROUND:** Mr. Wheeler was hired as an Apprentice Lineworker on September 21, 2016 and has successfully progressed through the salary schedule and is now eligible for Step 5.

**FINANCIAL CONSIDERATIONS:** This a budgeted wage increase.

**DEPARTMENT/RESPONSIBLE PERSON:** Dale Narlock, Electric Superintendent



**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.04

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR WYATT  
WHEELER, APPRENTICE LINEWORKER**

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

WHEREAS, Mr. Wheeler was hired as an Apprentice Lineworker on September 21, 2016 and has successfully progressed through the salary schedule and is now eligible for Step 5.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Utilities Committee recommendation to grant Wyatt Wheeler, Apprentice Lineworker, a progression raise. Mr. Wheeler shall progress to Step 5 of the Apprentice Lineworker salary schedule for a new hourly wage of \$28.79 effective September 21, 2018.

**Presented at the September 18, 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

#7.05

**Police Department**

102 West First Street, P.O. Box 413  
Thief River Falls, MN 56701

PHONE: 218 681-6161  
FAX: 218 683-7006

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## Request for Council Action

**Date:** September 18, 2018

**Subject:** Approve progression raise for Jamison Karlberg-Steer, Patrol Officer.

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

**Motion To:** Accept the Public Safety Committee recommendation and grant Jamison Karlberg-Steer, Patrol Officer, a progression raise. Officer Karlberg-Steer shall progress to Step 3 of the LELS Patrol Officer salary schedule for a new salary of \$27.64 per hour, effective September 26, 2018.

**Background:** Officer Karlberg-Steer is eligible for progression to Step 3.

**Financial Consideration:** This is a budgeted item for 2018.

**Department Head:** Dick Wittenberg, Chief of Police.

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.05

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR JAMISON  
KARLBERG-STEER, PATROL OFFICER**

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

BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to grant Jamison Karlberg-Steer, Patrol Officer, a progression raise. Officer Karlberg-Steer shall progress to Step 3 of the LELS Patrol Officer salary schedule for a new salary of \$27.64 per hour, effective September 26, 2018.

**Presented at the September 18, 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

#7.06

## Liquor

*Falls Liquors*  
P.O. Box 528  
Thief River Falls, MN 56701-0528

PHONE: 218 681-1992  
email: fallsliquor@citytrf.net

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### Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** Approval of Progression Raise for Marah Froiland, Part-time Off-Sale Clerk

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

**MOTION TO:** To grant Marah Froiland, part-time Off-Sale Clerk, a progression raise to Step 3 of the Off-Sale Clerk salary schedule. Ms. Froiland's new hourly wage shall be \$19.19 per hour, retroactive to her completion of 2,080 hours of employment (August 17, 2018).

**BACKGROUND:** Ms. Froiland has completed the required 2,080 hours of part-time employment.

**FINANCIAL CONSIDERATIONS:** This is a budgeted salary adjustment.

**DEPARTMENT/RESPONSIBLE PERSON:** Steve Olson, Liquor Store Manager

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.06

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR MARAH  
FROILAND, PART-TIME OFF-SALE CLERK**

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

WHEREAS, Ms. Froiland has completed the required 2,080 hours of part-time employment.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to grant Marah Froiland, part-time Off-Sale Clerk, a progression raise to Step 3 of the Off-Sale Clerk salary schedule. Ms. Froiland's new hourly wage shall be \$19.19 per hour, retroactive to her completion of 2,080 hours of employment (August 17, 2018).

**Presented at the September 18, 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

*DIRECTOR OF PUBLIC WORKS*

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

#7.07

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

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**DATE:** September 18, 2018

**SUBJECT:** Wade Cota, Public Works Maintenance, Progression Raise

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Public Works Committee recommendation:

Motion to: Grant Wade Cota, Public Works Maintenance (Streets/Sanitation), a progression raise to Step 4 of 5 of the Public Works Maintenance salary schedule, for a new hourly salary of \$23.28 per hour, effective September 27, 2018.

**BACKGROUND:** Mr. Cota has successfully followed the salary schedule for this position.

**FINANCIAL CONSIDERATIONS:** This is a budgeted salary increase.

**LEGAL CONSIDERATION:** None.

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

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.07

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR WADE COTA,  
PUBLIC WORKS MAINTENANCE**

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

WHEREAS, Mr. Cota has successfully followed the salary schedule for this position.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Works Committee recommendation to grant Wade Cota, Public Works Maintenance (Streets/Sanitation), a progression raise to Step 4 of 5 of the Public Works Maintenance salary schedule, for a new hourly salary of \$23.28 per hour, effective September 27, 2018.

**Presented at the September 18, 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

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

#7.08

PHONE: 218-681-2943  
FAX: 218-681-6223  
email: jnelson@citytrf.net  
www.citytrf.net

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## REQUEST FOR COUNCIL ACTION

**DATE:** September 18, 2018

**SUBJECT:** Eagles Liquor License Addendum

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

**MOTION TO:** to approve an Intoxicating Liquor License addendum effective September 28<sup>th</sup>-29<sup>th</sup>.

**BACKGROUND:** The Eagles has applied for a liquor license addendum to include outdoor area for a wedding.

**KEY ISSUES:** Occasionally the Eagles use the outside area for events.

**FINANCIAL CONSIDERATION:** None

**LEGAL CONSIDERATION:** None

**DEPARTMENT/RESPONSIBLE PERSON:** Jennifer Nelson, Deputy 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.

TRF Eagles Club  
LICENSEE NAME (Corp, Partnership, Individual)

305 Red Lake Blvd  
LICENSEE ADDRESS (Street, City, State, Zip)

TRF Eagles Club                      218-681-2406                      —  
BUSINESS NAME/TRADE NAME                      BUSINESS PHONE                      HOME PHONE

305 Red Lake Blvd  
BUSINESS ADDRESS

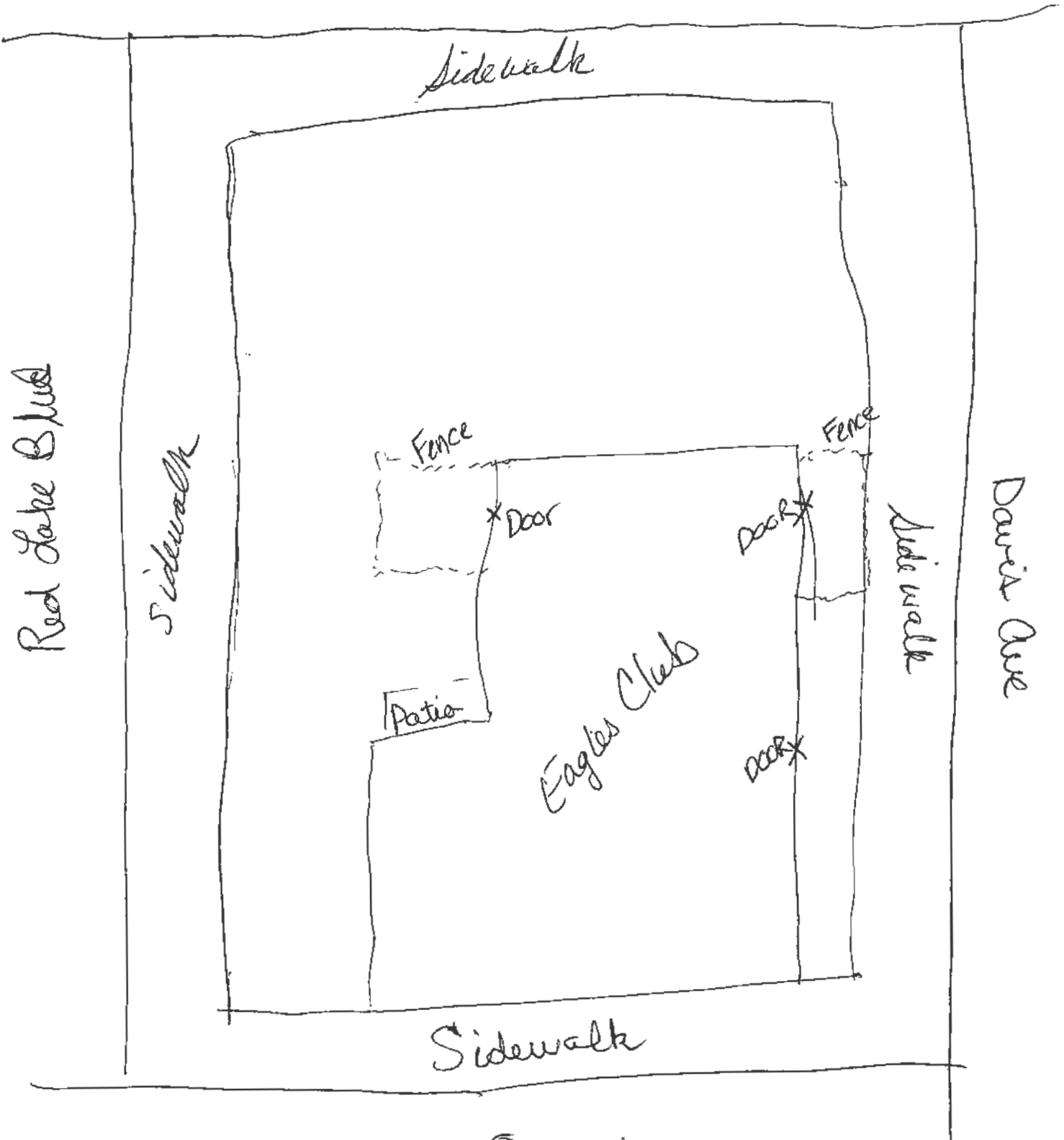
DATE OF EVENT: Sept 28<sup>th</sup>, 2018 8AM - HOURS: ~~8AM - 10PM~~  
Sept 29<sup>th</sup>, 2018 12AM

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.

Stephen Myrdal                      Manager                      9-5-18  
SIGNATURE OF APPLICANT                      TITLE                      DATE  
Stephen Myrdal

(5)

Highway #5A



Red Lake Blvd

Sidewalk

Sidewalk

Fence

\*Door

Fence

\*Door

Sidewalk

Davis Ave

Patio

Eagles Club

\*Door

Sidewalk

(N) 4th St East

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.08

**RESOLUTION NO. : APPROVAL OF EAGLES LIQUOR LICENSE ADDENDUM**

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

RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to approve temporary extension of the Eagles On-Sale Intoxicating Liquor License to an outside fenced off designated area effective September 28-29, 2018 from 8:00 a.m. – midnight.

**Presented at the September 18, 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

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

#7.09

PHONE: 218-681-2943  
FAX: 218-681-6223  
email: [rotterness@citytrf.net](mailto:rotterness@citytrf.net)  
[www.citytrf.net](http://www.citytrf.net)

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## REQUEST FOR COUNCIL ACTION

**DATE:** September 18, 2018

**SUBJECT:** Special Liquor License Fee

**RECOMMENDATION:** it is respectfully requested the Council approve the recommendation of the Administrative Services Committee and pass

**MOTION TO:** to set fee of \$150 for a special license to dispense intoxicating liquor at city owned facility.

**BACKGROUND:** City Code §111.085 provides: *“Any holder (except a club) of an intoxicating liquor license issued by the City may apply to the Council for a special license to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports or convention facility owned by the City and located within the City.”* The cost of the license fee is presently is set at \$25.

**FINANCIAL CONSIDERATION:** most holders of liquor licenses who routinely use city facilities have a caterer license which costs \$300.

**LEGAL CONSIDERATION:** City Code §11.085(C) provides that the fee for the license is established by the Council by resolution.

**DEPARTMENT/RESPONSIBLE PERSON:** Rod Otterness, City Administrator

**ATTACHMENT:** application



# CITY OF THIEF RIVER FALLS

## Temporary Intoxicating Liquor License Application for sale at a City-owned Sports or Convention Facility

City Code Section 111.085

**APPLICANT:** \_\_\_\_\_  
(applicant must be a current holder of an on-sale intoxicating liquor license issued by the City of Thief River Falls)

**CONTACT PERSON:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

**LICENSING PERIOD:** \_\_\_\_\_

**HOURS OF OPERATION:** \_\_\_\_\_

**FACILITY/PLACE TO BE USED:** \_\_\_\_\_

Applicant will present this request to the City Administrator's Office who will forward the application to the Public Safety Committee for review. The application must be presented to the City Administrator's Office at least one month before the event. The Public Safety Committee will present their recommendation to the City Council for action.

If approved, the applicant must provide suitable Proof of Insurance covering liquor liability. The City of Thief River Falls shall be named as an additional insured.

Cost of the license is \$25.00 per day.

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 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.

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

\_\_\_\_\_  
DATE

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.09

**RESOLUTION NO. : APPROVAL TO SET FEE FOR TEMPORARY INTOXICATING LIQUOR LICENSE AT A CITY-OWNED SPORTS OR CONVENTION FACILITY**

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

WHEREAS, City Code §111.085 provides: “*Any holder (except a club) of an intoxicating liquor license issued by the City may apply to the Council for a special license to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports or convention facility owned by the City and located within the City.*” The cost of the license fee is presently is set at \$25.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation to set fee of \$150 for a special license to dispense intoxicating liquor at city owned facility.

**Presented at the September 18, 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

DIRECTOR OF PUBLIC WORKS

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

#7.10

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

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**DATE:** September 18, 2018

**SUBJECT:** Holiday Lights in Tourist Park

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

Motion to: Approve the park use for "Holiday Lights in Tourist Park" by Brenna Drevlow

**BACKGROUND:** For the past three Holiday seasons Brenna Drevlow has used the Tourist Park for operating Brenna's Brigade fundraiser, "Holiday Lights in Tourist Park," benefitting the Arthritis Foundation. Over the first three years they have raised over \$20,000 towards this important cause. The City has allowed use of the park free of cost to help raise funds for Juvenile Arthritis research and ultimately, to find a cure for JA so that kids like Brenna can live free from the pain of this auto-immune disease.

**KEY ISSUES:** They are beginning plans for the fourth year and would like to request use of the park as in the past. They generally start decorating the week before Thanksgiving and remove the majority of them the first week in January. Last year there were nearly 60 displays. This event provides a holiday attraction in our community that attracts many visitors while providing an opportunity to fundraise for a cure to this debilitating disease. Last year was the first year there was no admittance charge, only a free will offering. This is proposed again this year.

The City has allowed use of the park without cost and has kept the roadway plowed as required.

**FINANCIAL CONSIDERATIONS:** Minimal plowing expense

**LEGAL CONSIDERATION:** None

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

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.10

**RESOLUTION NO. : APPROVE THE PARK USE FOR “HOLIDAY LIGHTS IN TOURIST PARK” BY BRENNA DREVLOW**

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

WHEREAS, for the past three Holiday seasons Brenna Drevlow has used the Tourist Park for operating Brenna’s Brigade fundraiser, “Holiday Lights in Tourist Park,” benefitting the Arthritis Foundation. Over the first three years they have raised over \$20,000 towards this important cause. The City has allowed use of the park free of cost to help raise funds for Juvenile Arthritis research and ultimately, to find a cure for JA so that kids like Brenna can live free from the pain of this auto-immune disease.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Works Committee recommendation to approve the park use for “Holiday Lights in Tourist Park” by Brenna Drevlow

**Presented at the September 18, 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

DIRECTOR OF PUBLIC WORKS

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

#7.11

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** Motor Grader Rental

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Public Works Committee recommendation:

**Motion to:** Approve a motor grader rental agreement with Butler Machinery and declare a 1991 John Deere 770 motor grader with wing as surplus property.

**BACKGROUND:** The city owns and maintains a fleet of vehicles and equipment for snow removal and other street maintenance operations. The efficient plowing of streets and removing snow in the central business district requires two motor graders. The city currently owns a 2011 John Deere 770 and a 1991 John Deere 770 with wings. The 1991 is 27 years old in need of replacement.

**KEY ISSUES:** The city requires two motor graders in the winter months, November through March, but only needs one motor grader in the summer. A new motor grader with wing costs a little over \$300,000.00. Rather than purchasing one at this time staff recommends selling the 1991 John Deere, which is valued at approximately \$20,000.00, and rent the second motor grader during the winter months. Substantial investments are anticipated to sustain the 1991 John Deere as a reliable piece of snow removal equipment.

**FINANCIAL CONSIDERATIONS:** Rental costs will be approximately \$25,000/year with the majority of the first year being covered by the sale of the 1991 John Deere. There is \$50,000/year in the budget for motor grader purchase/rent. The excess amount above rental fees would be saved to purchase a replacement for the 2011 motor grader in the future.

**LEGAL CONSIDERATION:** None.

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

Encl: (1)

**City of Thief River Falls**

**Rental - Late Model Motor Grader W/Wing**

Sep-18

	<b>Butler Machinery</b>	Butler Machinery	Ziegler	RDO
Model	<b>Cat 140 M2 AWD</b>	Cat 140 M Standard	Cat 140 M2 AWD	John Deere 772 G AWD
Monthly Base	<b>\$2,370.00 (0 Hours)</b>	\$2,310.00 (0 Hours)	\$7,700.00 (50Hrs./Month)	\$8,000.00 (160 Hrs./Month)
Additional Hourly Rate	<b>\$75.00</b>	\$71.00	\$55.60	NA
Additional Delivery Charge	<b>Yes</b>	Yes	Yes	Yes
Additional Setup Charge	<b>No</b>	No	NA	Yes
Estimated cost November through March - 150 hours	<b>\$23,100.00</b>	\$22,200.00	\$38,500.00	\$40,000.00
Estimated cost November through March - 200 hours	<b>\$26,850.00</b>	\$25,750.00	\$38,500.00	\$40,000.00

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.11

**RESOLUTION NO. : APPROVAL OF MOTOR GRADER RENTAL AGREEMENT  
WITH BUTLER MACHINERY AND DECLARE 1991 JOHN DEERE MOTOR GRADER  
AS SURPLUS PROPERTY**

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

WHEREAS, the city owns and maintains a fleet of vehicles and equipment for snow removal and other street maintenance operations. The efficient plowing of streets and removing snow in the central business district requires two motor graders. The city currently owns a 2011 John Deere 770 and a 1991 John Deere 770 with wings. The 1991 is 27 years old in need of replacement; and

WHEREAS, the city requires two motor graders in the winter months, November through March, but only needs one motor grader in the summer. A new motor grader with wing costs a little over \$300,000.00. Rather than purchasing one at this time staff recommends selling the 1991 John Deere, which is valued at approximately \$20,000.00, and rent the second motor grader during the winter months. Substantial investments are anticipated to sustain the 1991 John Deere as a reliable piece of snow removal equipment.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Works Committee recommendation to approve a motor grader rental agreement with Butler Machinery and declare a 1991 John Deere 770 motor grader with wing as surplus property.

**Presented at the September 18, 2018 Council Meeting**

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

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

**Roll Call (if required):**

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

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



# City of Thief River Falls

#7.12

Ralph Engelstad Arena  
525 Brooks Avenue North  
Thief River Falls MN 56701-0528

PHONE: 218-681-2183  
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## Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** Tourist Park Rates

**RECOMMENDATION:** it is respectfully requested the Council consider the following motion:

**MOTION:** to approve the recommendation of the Administrative Services Committee to set Tourist Park Rates as follows:

	<u>Daily</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Seasonal</u> <u>(May 15-Sept 15)</u>
Primitive Camping	\$20	\$120		
Electricity w/ cable	\$25	\$150	\$450	\$1300
Full Hook-Up	\$30	\$180	\$550	\$1650
Wood	\$6/bundle			

Canadian Currency will no longer be accepted.

**BACKGROUND:** the weakness of the Canadian Dollar makes the practice of accepting Canadian Currency at par as a marketing tool for Canadian tourists no longer feasible.

**LEGAL:** N/A

**FINANCIAL CONSIDERATIONS:** rates are established after a review of costs as well as rates for comparable facilities in the region.

**DEPARTMENT/RESPONSIBLE PERSON:** Missy Sletten, Arena Manager

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#7.12

**RESOLUTION NO. : APPROVAL TO SET TOURIST PARK RATES**

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

WHEREAS, the weakness of the Canadian Dollar makes the practice of accepting Canadian Currency at par as a marketing tool for Canadian tourists no longer feasible.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation to approve the recommendation of the Administrative Services Committee to set Tourist Park Rates as follows:

	<u>Daily</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Seasonal</u> ( <u>May 15-Sept 15</u> )
Primitive Camping	\$20	\$120		
Electricity w/ cable	\$25	\$150	\$450	\$1300
Full Hook-Up	\$30	\$180	\$550	\$1650
Wood	\$6/bundle			

Canadian Currency will no longer be accepted.

**Presented at the September 18, 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

#8.01

## ELECTRIC DEPARTMENT

*HISTORIC SOO LINE R.R. DEPOT*  
405 Third Street East . P.O. Box 528  
Thief River Falls, MN 56701-0528

PHONE: 218 681-5816

email: [dnarlock@citytrf.net](mailto:dnarlock@citytrf.net)

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### Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** Fill Apprentice Line Worker Position in the Electric Department

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

**MOTION TO:** To approve the employment of Ian Lund as an Apprentice Lineworker in the Electric Department. Mr. Lund shall be placed at Step 1 of the Apprentice Lineworker salary schedule for a starting wage of \$25.67 per hour, effective October 1, 2018. Employment is based upon successful completion of required background evaluations and shall serve a six month probation as required by Teamster Union contract.

**BACKGROUND:** The City Council authorized filling of this Apprentice Lineworker position by Resolution No. 8-197-18. This Apprentice Lineworker position is replacing the Lineworker position vacated by Chris Klie.

**KEY ISSUES:** Filling of the position will assist the department in completing the required workloads of the Electric Department.

**FINANCIAL CONSIDERATIONS:** The position of Lineworker is paid at a Grade Level 8 and is a budgeted position.

**DEPARTMENT/RESPONSIBLE PERSON:** Dale Narlock, Electric Superintendent

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.01

**RESOLUTION NO. : APPROVAL OF EMPLOYMENT OF IAN LUND AS APPRENTICE  
LINEWORKER IN THE ELECTRIC DEPARTMENT**

The City Council reviewed a request for council action regarding proposed 2018 tax levy. Following discussion, Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, the City Council authorized filling of this Apprentice Lineworker position by Resolution No. 8-197-18. This Apprentice Lineworker position is replacing the Lineworker position vacated by Chris Klie.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the employment of Ian Lund as an Apprentice Lineworker in the Electric Department. Mr. Lund shall be placed at Step 1 of the Apprentice Lineworker salary schedule for a starting wage of \$25.67 per hour, effective October 1, 2018. Employment is based upon successful completion of required background evaluations and shall serve a six month probation as required by Teamster Union contract.

**Presented at the September 18, 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

FINANCE DIRECTOR

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

#8.02

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## REQUEST FOR COUNCIL ACTION

September 18, 2018

**SUBJECT:** Proposed 2019 Tax Levy

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

**Motion to:** Approve a tax levy collectible in 2019, upon taxable property in the City of Thief River Falls, for a total proposed levy of \$2,245,511. This represents a 6.12% increase over last year's levy. By taking into account the proposed tax capacity increase in 2018, a 6.12% levy increase results in a 0% tax rate increase. Also, the Truth-n-Taxation meeting for the City of Thief River Falls will be held at 6:00 p.m. on December 4<sup>th</sup>, 2018 with approval of Final budget and levy on December 18<sup>th</sup>, 2018.

**BACKGROUND:** By State law the City needs to approve a proposed tax levy and select a date for final 2019 budget and levy approval on or before September 30<sup>th</sup>. It is recommended to set the 2019 proposed levy at \$2,245,511. It is further recommended to set the public meeting on December 4, 2018 at 6:00 pm and to adopt the final budgets and tax levy on December 18, 2018.

**KEY ISSUES:**

- A 2019 preliminary levy of \$2,245,511.
- 0% Tax rate increase
- A Truth-n-Taxation public meeting for the 2019 budgets and levy is set for December 4, 2018 at 6 pm.
- Adoption of Final Budget and Levy on December 18, 2018

**FINANCIAL CONSIDERATIONS:** State law allows a city to reduce the 2019 levy from this point forward, but not raise it.

**LEGAL CONSIDERATIONS:** In order to comply with State law these actions need to occur on or before September 30<sup>th</sup>.

**DEPARTMENT/RESPONSIBLE PERSON:** Angela Philipp, Finance Director



**CITY OF THIEF RIVER FALLS  
2010-2019 TAX LEVY DATA**

	2010 Levy	2011 Levy	2012 Levy	2013 Levy	2014 Levy	2015 Levy	2016 Levy	2017 Levy	2018 Levy	2019 Proposed Levy
General Fund Levy	\$1,482,406	\$1,416,778	\$1,416,778	\$1,416,778	\$1,416,778	\$1,452,281	\$1,600,107	\$1,663,597	\$1,792,344	\$1,876,028
Bonded Debt Levy	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$110,000	\$274,630	\$323,625	\$323,625	\$369,483
<b>NET TAX LEVY - LOCAL</b>	<b>\$1,582,406</b>	<b>\$1,516,778</b>	<b>\$1,516,778</b>	<b>\$1,516,778</b>	<b>\$1,516,778</b>	<b>\$1,562,281</b>	<b>\$1,874,737</b>	<b>\$1,987,222</b>	<b>\$2,115,969</b>	<b>\$2,245,511</b>
Percent Increase/Decrease - Local Levy	0.0%	-4.15%	0.00%	0.00%	0.00%	3.00%	20.00%	6.00%	6.48%	6.12%

	2010	2011	2012	2013	2014	2015 Levy	2016 Levy	2017 Levy	2018 Levy	2019 Proposed Levy
<u>General Fund dollars available</u>										
General Fund Tax levy (-delinquency)	\$1,292,434	\$1,229,745	\$1,374,275	\$1,374,275	\$1,374,275	\$1,408,713	\$1,552,104	\$1,613,689	\$1,738,574	\$1,819,747
Market Value Homestead Credit	\$19	\$19	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Local Government Aid	\$2,418,906	\$2,418,906	\$2,418,906	\$2,418,906	\$2,892,050	\$2,948,554	\$2,963,530	\$2,970,836	\$3,056,996	\$3,061,444
<b>TOTAL</b>	<b>\$3,711,359</b>	<b>\$3,648,670</b>	<b>\$3,793,181</b>	<b>\$3,793,181</b>	<b>\$4,266,325</b>	<b>\$4,357,267</b>	<b>\$4,515,634</b>	<b>\$4,584,525</b>	<b>\$4,795,570</b>	<b>\$4,881,191</b>
Dollar increase over previous year	-\$296,524	-\$62,689	\$144,511	\$0	\$473,144	\$90,942	\$158,367	\$68,891	\$211,045	\$85,621

**2019 6.12% PROPOSED TAX LEVY**

<u>2018</u>		<u>2019</u>		
Current tax levy	2,115,969	Proposed tax levy	2,245,511	129,542
Current tax Capacity	4,936,704	Proposed Tax capacity	5,239,054	
Current Tax capacity Rate	42.861%	Proposed tax capacity Rate	42.861%	
			<b>Tax rate change from 2017</b>	<b>0%</b>

Examples:

**\$200,000 Commercial Property:**

1.50% x	150,000 =	2,250	
2.00% x	50,000 =	1,000	
		<u>3,250</u>	Total Tax Capacity

Tax Cap	Tax Rate change	
3,250 x	0% =	\$0 Tax \$ difference

City Tax:

	Tax Cap	Tax Rate	
2018	3250 x	42.861 =	1392.98
2019	3250 x	42.861 =	1392.98
		Increase/decrease	\$0

**\$100,000 Residential Home:**

100,000	Residential Home
<u>(28,200)</u>	Homestead Exclusion
71,800	Taxable Value

1.00% x	71,800 =	718 Total Tax Capacity
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Tax Cap	Tax Rate change	
718 x	0% =	\$0 Tax \$ difference

City Tax:

	Tax Cap	Tax Rate	
2018	718 x	42.861 =	307.74
2019	718 x	42.861 =	307.74
		Increase/decrease	\$0

**\$200,000 Residential Homestead:**

200,000	Residential Home
<u>(19,200)</u>	Homestead Exclusion
180,800	Taxable Value

1.00% x	180,800 =	1,808 Total Tax Capacity
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Tax Cap	Tax Rate change	
1,808 x	0% =	\$0 Tax \$ difference

	Tax Cap	Tax Rate	
2018	1808 x	42.861 =	774.93
2019	1808 x	42.861 =	774.93
		Increase/decrease	\$0

**CITY OF THIEF RIVER FALLS**  
**PROPOSED RESOLUTION**

#8.02

**RESOLUTION NO. : APPROVAL OF PROPOSED 2019 TAX LEVY, COLLECTIBLE IN 2019**

The City Council reviewed a request for council action regarding proposed 2019 tax levy. Following discussion, Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

RESOLVED, by the City Council of Thief River Falls, County of Pennington, Minnesota, that the following sums of money be levied for the current year, collectible in 2019, upon taxable property in the City of Thief River Falls, for a total proposed levy of \$2,245,511. This represents \$129,542 or approximately 6.12% increase over last year's levy.

It should be noted that with the proposed tax capacity increase for 2019, a 6.12% tax levy increase in 2018 results in a 0% tax capacity rate change.

BE IT FURTHER RESOLVED, that the Truth-n-Taxation public meeting will be held on December 4, 2018 at 6:00 p.m. to discuss the 2019 budget & levy. Final budget and levy will be adopted at the December 18, 2018 council meeting.

**Presented at the September 18, 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  
PROPOSED RESOLUTION**

**#8.03**

**RESOLUTION NO. : APPROVAL OF PRELIMINARY 2019 BUDGET SUMMARY**

The City Council reviewed a request for council action regarding 2019 Budget. Following discussion, Councilmember \_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

RESOLVED, by the City Council, to adopt the City of Thief River Falls Preliminary 2019 Budget. A summary of the 2019 revenue and expenditures is as follows:

	2019	2019	FUND BALANCE
	<u>REVENUE</u>	<u>EXPENSE</u>	<u>RESERVES</u>
			<u>+ OR -</u>
General Fund	\$ 9,680,404	\$10,000,736	\$ (320,332)
Liquor Dispensary	\$ 4,702,909	\$ 4,798,238	\$ (95,329)
Electric Utility Fund	\$14,885,000	\$15,266,594	\$ (381,594)
Storm Water Utility Fund	\$ 237,000	\$ 93,545	\$ 143,455
Water Utility Fund	\$ 2,666,617	\$ 2,508,639	\$ 157,978
Wastewater Utility Fund	\$ 1,009,050	\$ 747,017	\$ 262,033
Police Relief Pension Fund	\$ 9,813	\$ 11,158	\$ (1,345)
Debt Service Fund	\$ 646,448	\$ 702,300	\$ (55,852)
<b>TOTALS</b>	<b>\$33,837,241</b>	<b>\$34,128,227</b>	<b>\$ (290,986)</b>

**Presented at the September 18, 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

DIRECTOR OF PUBLIC WORKS

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

#8.04

PHONE: 218-681-8506  
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## Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** Ordinance Amendment – Calendar Parking

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Public Works Committee recommendation:

**Motion to:** Call for Second Reading and consider approval of Ordinance No. xxx to approve amending 72.08 CALENDAR PARKING as follows:

The proposed amendment allows the Mayor the ability to declare a snow emergency and start calendar parking city wide before November 15th or after March 15th of the following year.

The proposed amendment also establishes a parking restriction on all streets and avenues in the central business district between the hours of 2:00 a.m. and 6:00 a.m. every day from November 15<sup>th</sup> to March 15<sup>th</sup> of the following year, defined as the area bordered by Fourth Street on the north, Knight Avenue on the west, First Street on the south, and the Canadian Pacific Railroad on the east (including LaBree Avenue east of the former hospital emergency entrance). This restriction excludes state highways.

**BACKGROUND:** The city has a snow removal policy to direct how and when staff remove snow from streets, parking lots, sidewalk and trails. The city also establishes and enforces calendar parking to clear streets and parking lots of cars to facilitate the ability to remove the snow.

**KEY ISSUES:** The ability for the Mayor to declare a snow emergency will clear the way for snow events prior to November 15<sup>th</sup> or after March 15<sup>th</sup>. The addition of parking restrictions in the central business district will allow a thorough job to be done each time it snows on both streets and avenues in the winter months.

**FINANCIAL CONSIDERATIONS:** None.

**LEGAL CONSIDERATION:** An ordinance amendment typically receives two readings.

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

Encl: (2)

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

AN ORDINANCE OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 72 ENTITLED "PARKING REGULATIONS" BY ADDING 72.08 SUBDIVISION (C) AND (D), TO ALLOW THE MAYOR TO DECLARE A SNOW EMERGENCY TO AMEND THE DATES OF EFFECTIVENESS OF PARKING RESTRICTIONS, AND ALSO ESTABLISHES A PARKING RESTRICTION ON ALL STREETS AND AVENUES IN THE CENTRAL BUSINESS DISTRICT AT DESIGNATED TIMES AND DATES, AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THIEF RIVER FALLS ORDAINS:

Section 1. City Code Chapter 72.08 (C) and (D) are hereby added to read as follows:

(C) CENTRAL BUSINESS DISTRICT STREETS AND AVENUES. It is a Petty Misdemeanor for any person to park or leave standing, between November 15<sup>th</sup> and March 15<sup>th</sup> of the following year, any motor vehicle on any street or avenue in the Central Business District between 2:00 a.m. and 6:00 a.m. on any day. This area is bordered by Fourth Street on the north, Knight Avenue on the west, First Street on the south, and the Canadian Pacific Railroad on the east (including LaBree Avenue east to the former hospital emergency entrance). This restriction excludes state highways.

(D) SNOW EMERGENCY. The Mayor has the ability to declare a snow emergency and start calendar parking city wide before November 15<sup>th</sup> or after March 15<sup>th</sup> of the following year.

Section 2. City Code Chapter 10 entitled "General Provisions" 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 September, 2018.

Voting Aye:

Voting No:

Abstaining:

Absent:

---

Mayor

ATTEST:

§ 72.08 CALENDAR PARKING.

(A) STREETS AND AVENUES. It is a petty misdemeanor for any person to park or leave standing, between November 15 and March 15 of the following year, any motor vehicle on any street designated as an "avenue" between 6:00 a.m. and 9:00 a.m. on Mondays, Wednesdays, and Fridays, or on any designated street, road, boulevard, circle, court, cul-de-sac, drive, or lane between the hours of 6:00 a.m. and 9:00 a.m. on Tuesdays, Thursdays, and Saturdays.

(B) PARKING LOTS. It is a petty misdemeanor for any person to park or leave standing, between November 15 and March 15 of the following year, any motor vehicle in City parking lots identified as parking lot west of LaBree Avenue and north of First Street, west half of parking lot located between Second Street and Third Street west of Knight Avenue, and the west half of the parking lot located between LaBree Avenue and Horace Avenue north of Fourth Street between the hours of midnight and 6:00 a.m. on Mondays, Wednesday, and Fridays, or in City parking lots identified as parking lot east of LaBree Avenue and from Second Street to 150 feet south of Second Street, east half of the parking lot between Second Street and Third Street west of Knight Avenue, and the east half of the parking lot between LaBree Avenue and Horace Avenue north of Fourth Street between the hours of midnight and 6:00 a.m. on Tuesdays, Thursdays, and Saturdays

(C) CENTRAL BUSINESS DISTRICT STREETS AND AVENUES. It is a petty misdemeanor for any person to park or leave standing year around, any motor vehicle on any street or avenue in the Central Business District between 2:00 a.m. and 6:00 a.m. on any day between November 15 and March 15 of the following year. This area is bordered by Fourth Street on the north, Knight Avenue on the west, First Street on the south, and the Canadian Pacific Railroad on the east (including LaBree Avenue east to the former hospital emergency entrance). This restriction excludes state highways.



# City of Thief River Falls

DIRECTOR OF PUBLIC WORKS

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## Request for Council Action

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**DATE:** September 18, 2018

**SUBJECT:** 2018 Snow Removal Policy

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Public Works Committee Recommendation:

Motion to: Approve the 2018 Snow Removal Policy

**BACKGROUND:** The City of Thief River Falls has a snow removal policy for streets, trails and sidewalks. This policy provides direction for staff on snow removal operations and protects the city from liability relating to the amount of snow on streets and sidewalks and the time and order in which it is removed.

**KEY ISSUES:** Each year the policy is reviewed, new streets and sidewalks are added and the updated policy is adopted. The existing policy was incorporated with the League of Minnesota Cities model ordinance and reviewed in great detail with the Public Works Committee. The Public Works Department this policy merges snow removal efforts between the Street/Sanitation and Park staff to better utilize people and equipment.

**FINANCIAL CONSIDERATIONS:** None.

**LEGAL CONSIDERATION:** The policy protects the city from liability.

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

Encl. (1)



**City of Thief River Falls, Minnesota**  
**Snowplowing Policy**  
September, 2018

**1. Introduction**

The city of Thief River Falls, Minnesota, finds that it is in the best interest of the residents of the city to assume basic responsibility for control of snow and ice on city streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The city will attempt to provide such control in a safe and cost effective manner, keeping in mind safety, budget, personnel, and environmental concerns. The city will use city employees, equipment and/or private contractors to provide this service. This policy does not relieve the operator of private vehicles, pedestrians, property owners, residents and all others that may be using public streets, of their responsibility to act in a reasonable, prudent and cautious manner, given the prevailing street conditions.

**2. Start Snow or Ice Control Operations**

The Street/Sanitation Foreman will decide when to begin snow or ice control operations for streets based on a scheduled starting time of 2:00 A.M. The criteria for that decision are:

- A. Snow accumulation of two (2) inches or more;
- B. Drifting of snow that causes problems for travel;
- C. Icy conditions which seriously affect travel; and
- D. Time of snowfall in relationship to heavy use of streets.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently, snowplowing operations will not generally be conducted for snowfall of less than two (2) accumulative inches.

The Park Foreman will decide when to begin snow or ice control operations for sidewalks based on a scheduled starting time of 4:00 A.M. The criteria for that decision are:

- A. Snow accumulation with no minimum depth;
- B. Drifting of snow;
- C. Icy conditions; and
- D. Opening of sidewalks filled in by street and avenue plowing operations.

Scheduling overtime weekend work is determined by snow amounts, time of snowfall and financial considerations.

**3. How Snow will be Plowed**

Snow will be plowed in a manner so as to minimize traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right on two-way streets. On one-way streets or where there is a center boulevard, snow may be pushed in either direction. The discharge shall go onto the boulevard area of the street. Snow on cul-de-

sacs will normally be plowed to the center in an attempt to provide the largest turning radius possible for emergency vehicle ingress and egress. When a plow goes on a bridge, the driver shall slow down so snow does not go over the bridge, if possible. In times of extreme snowfall, streets will not always immediately be able to be completely cleared of snow.

#### 4. **Priorities and Schedule of Streets to be Plowed**

During significant and severe storms, the city must be prepared to move personnel and equipment to maintain priority routes first. In fulfilling the need to have all priority streets safe and passable, when resources are limited, plowing of all other streets may be stopped at any time so resources can be shifted to priority routes.

Priority routes are high volume streets that connect major sections of the city and provide access for emergency fire, police, medical services and schools. These are generally the Central Business Area and Priority 1 streets and avenues.

Unforeseeable circumstances may cause delays in completing assigned plow routes. Such circumstances may include weather conditions that endanger the safety of snowplow operators and/or safe and effective operation of equipment, commuter traffic, disabled vehicles, poor visibility conditions, parked cars along streets, assistance to emergency response vehicles, equipment breakdown, and personnel shortages.

The city has classified city streets based on the street function, traffic volume and importance to the welfare of the community. The first area plowed will be Central Business Area – This area is bordered by Fourth Street on the north, Knight Avenue on the west, First Street on the south, and the Canadian Pacific Railroad on the east (including LaBrec Avenue east to the former hospital emergency entrance).

The motor graders will plow the Central Business Area roadways first and then proceed to clean streets based on the following priorities (see attached map):

##### Priority 1

Atlantic Avenue, First Street, Barzen Avenue, Technology Street, Digi-Key Drive, Brooks Avenue, Pennington Avenue, Evergreen Street to Challenger Elementary School entrance road, Nora Street, Spruce Avenue, Greenwood Street, Arnold Avenue south of Third Street, Sixth Street, Davis Avenue, Edgewood Drive, and the frontage roads.

While the motor graders are plowing the Central Business Area and main arteries, two loaders will plow snow from the municipal parking lots as per the City's calendar parking ordinance. When the lots are cleaned, one loader with a snow plow will assist the motor graders and the other will plow alleys in the Central Business Area.

##### Priority 2

At approximately 6:00 a.m., after the Central Business Area and main arteries are cleared, the two motor graders will separate and clear the streets and avenues on either side of town (the east and the west sides of the river) based on the following schedule:

Monday, Wednesday and Friday: Avenues, including Red Lake Boulevard  
Tuesday, Thursday and Saturday: Streets, Courts, Cul-de-sacs, Drives and Lanes

### Priority 3

Once the Priority 1 and Priority 2 streets and/or avenues have been plowed of snow, the remainder of all roads in the City will be plowed and all township or county roads where executed agreements are in place.

Two pickup trucks with snow plows will plow residential alleys and assist in the Central Business Area.

After an unusually heavy snowfall, additional equipment will assist the two motor graders and loaders to open up all City streets and avenues as soon as possible.

## **5. Snow Removal**

The Street/Sanitation Foreman will determine if and when snow will be removed from the area by truck. Such snow removal will occur in areas where there is no room on the boulevard for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage area will be located so as to minimize environmental problems.

After completion of snow plowing, typically the third day if no additional snow events occur, snow removal will be scheduled in the Central Business Area and the MnDoT highway system using one loader with snow blower, two motor graders and four trucks starting at 2:00 a.m.

Removal of snow piles from private and public businesses will be on a time available basis.

## **6. Work Schedule for Snowplow Operators**

Snowplow operators will be expected to work their assigned shifts. In severe snow emergencies, operators sometimes have to work longer shifts, but will be paid overtime for hours in excess of 40 per week, or pursuant to any collective bargaining contract language.

## **7. Traffic Regulations**

The city recognizes that snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while actually engaged in work on streets, except for

regulations related to driving while impaired and the safety of school children. Pursuant to this authority, snowplow operators engaged in snow removal or ice control on city streets have discretion to disregard traffic laws set forth in Chapter 169, except for laws relating to impaired driving and school children safety, when in their judgment, it is safe to disregard such laws. The privileges granted herein to operators of snow removal and ice control vehicles shall apply only if the vehicle is equipped with one lighted lamp displaying a flashing, oscillating, or rotating amber light placed in such a position on the vehicle as to be visible throughout an arc of 360 degrees.

## **8. Weather Conditions**

Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of snowplow operators and equipment. Factors that may delay snow and ice control operations include: severe cold, significant winds, and limited visibility.

## **9. Use of Sand, Salt, and Other Chemicals**

The city will use sand, salt, and other chemicals when there are hazardous ice or slippery conditions. The city is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

Anti-Icing techniques will be used prior to snow and ice events when appropriate with sanding operations beginning 2 hours after snow plowing starts in the same priority order.

## **10. Sidewalks**

The City will remove most of the snow from the following designated public sidewalks, sidewalks adjacent to city owned property and trails not designated as seasonal within 48 hours of a snowfall. It is the responsibility of the resident and/or property owner to remove all accumulated snow from all other sidewalks along public streets adjoining their property within 48 hours. Reoccurring snow and wind events will extend the 48 hour timeline for the event. This includes any snow plowed from public streets onto the sidewalk. The list of these sidewalks and trails is as follows (see attached map):

- Falls Liquor, City Hall, former HDR Building, former ITS Building, Fire Department, Public Library, Carnegie Library (includes parking lots at these facilities)
- Old Arena and former City Auditorium as per lease with Pennington County
- Municipal Lot #4, Floyd B. Olson Park
- Sidewalks adjacent to Ralph Engelstad Arena and Huck Olson Arena
- The north side of First Street from Main Avenue to Pennington Avenue
- River Walk from First Street to Sioux Street
- The north side of First Street from Pennington Avenue to Crocker Avenue
- The west side of Crocker Avenue from First Street to Mussey Street

in the best interest of the city or is necessary because of budget needs or other circumstances. Changes in priorities (lasting more than 4 hours) will be documented as to what caused such actions, why the change was necessary, and for how long the change is to be in effect. Those city employees and/or contractors affected will be notified immediately by radio or cell phone of such changes with all communications logged. Information logged will include the time and date of the communication, name of employee contacted, and how they were contacted. Any changes of priorities lasting more than 24 hours should be made in a written record and the public should be informed of such changes through normal methods used by the city for emergency notifications.

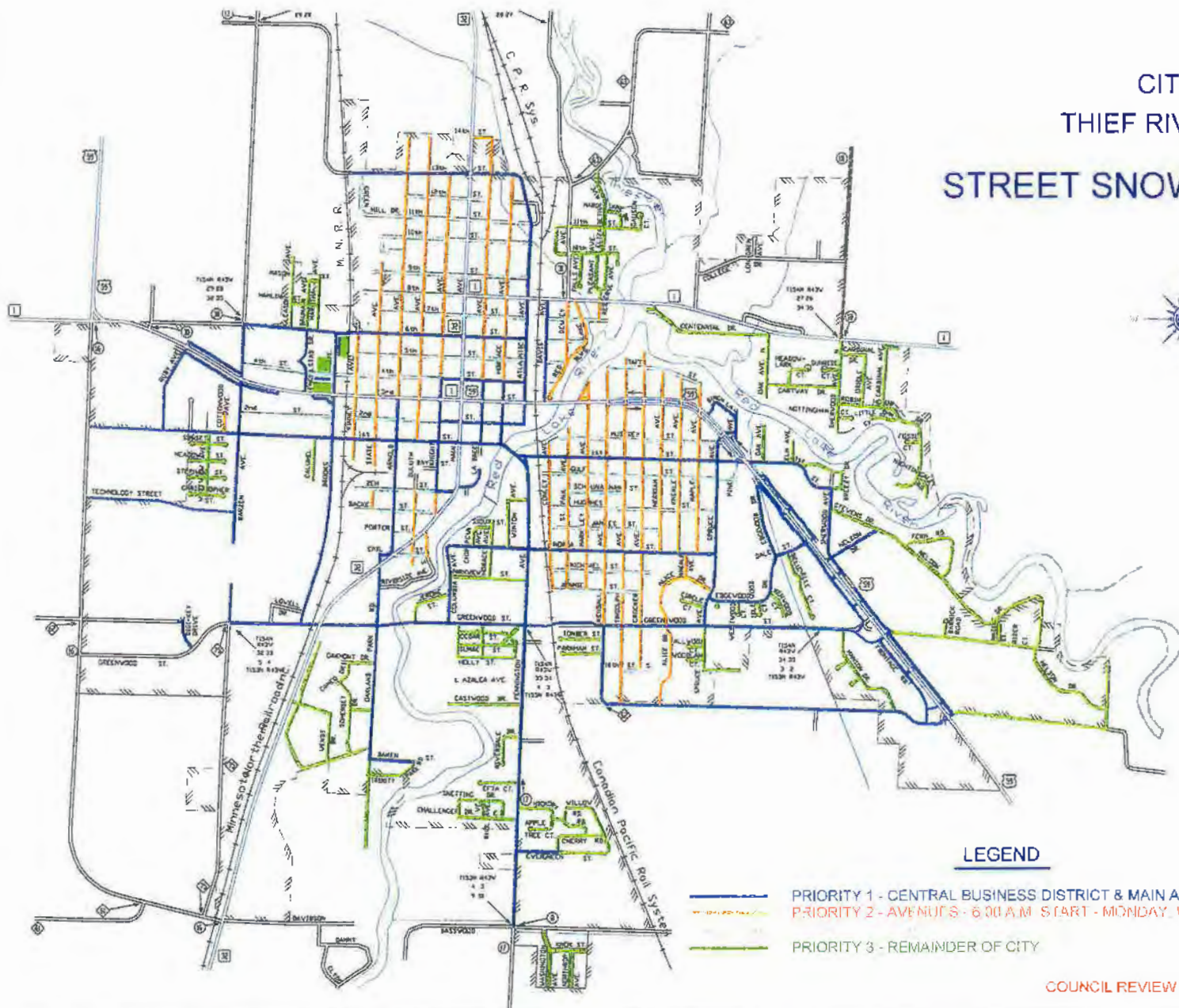
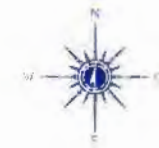
#### **14. Review and Modification of Policy**

The Public Works Director shall keep on file all comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

#### **15. Deviation from Policy**

The Street/Sanitation Foreman and Park Division Foreman, under the direction of the Public Works Director, shall be responsible for the City's snow removal and shall use their best judgement in directing snow and ice control operations. The decisions shall be based on the best interest of the City with due regard for safety of the operators, traveling public, capabilities of the equipment, and budget constraints.

# CITY OF THIEF RIVER FALLS STREET SNOW REMOVAL MAP

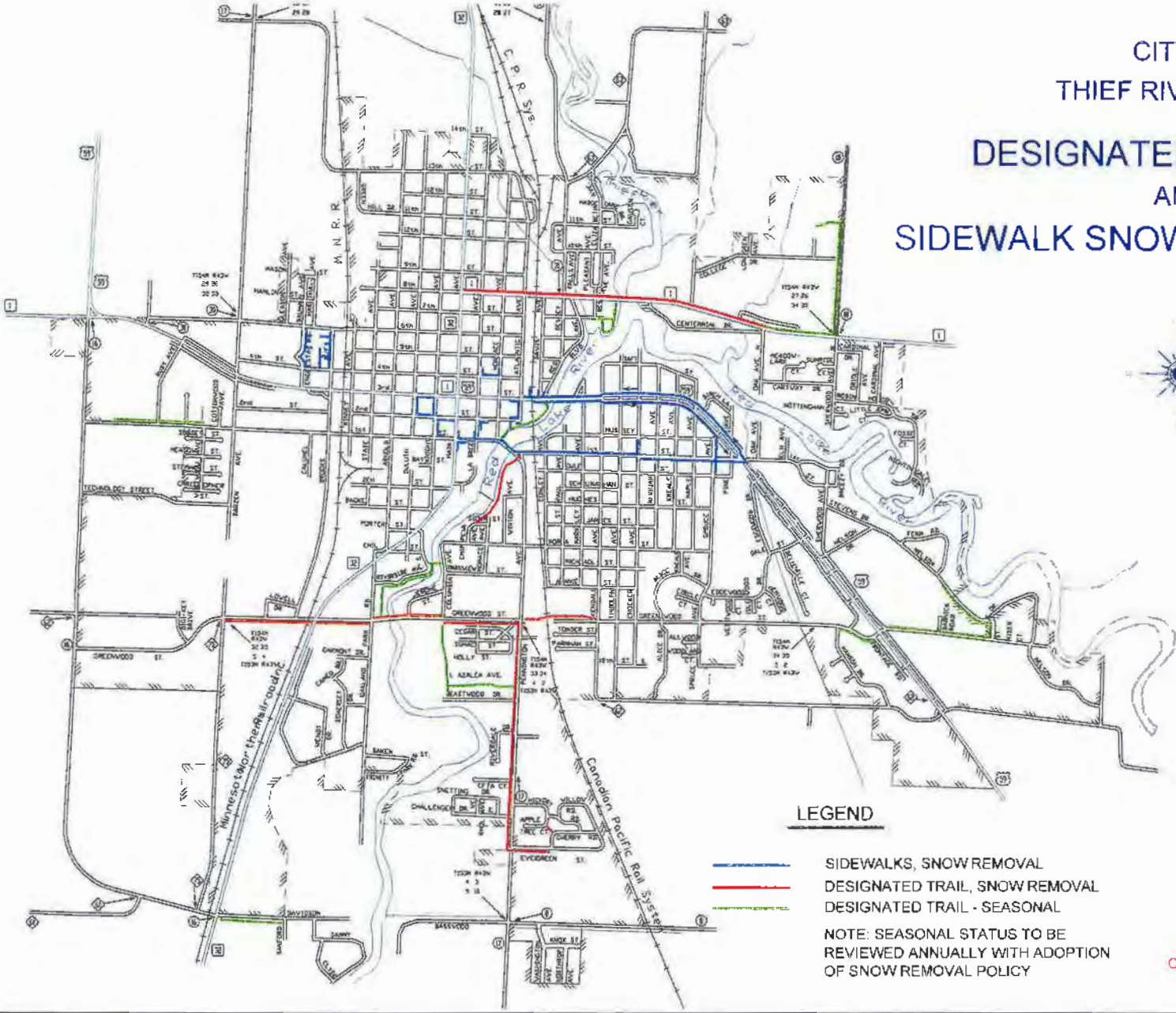


## LEGEND

- PRIORITY 1 - CENTRAL BUSINESS DISTRICT & MAIN ARTERIES - 2:00 A.M. START - FIRST DAY
- PRIORITY 2 - AVENUES - 6:00 A.M. START - MONDAY, WEDNESDAY, FRIDAY
- PRIORITY 3 - REMAINDER OF CITY

COUNCIL REVIEW - SEPTEMBER 18, 2018

CITY OF  
THIEF RIVER FALLS  
DESIGNATED TRAIL MAP  
AND  
SIDEWALK SNOW REMOVAL MAP



**LEGEND**

- SIDEWALKS, SNOW REMOVAL
  - DESIGNATED TRAIL, SNOW REMOVAL
  - DESIGNATED TRAIL - SEASONAL
- NOTE: SEASONAL STATUS TO BE REVIEWED ANNUALLY WITH ADOPTION OF SNOW REMOVAL POLICY

COUNCIL REVIEW - SEPTEMBER 18, 2018

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.05

**RESOLUTION NO. : APPROVAL OF 2018 SNOW REMOVAL POLICY**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No. \_\_\_\_\_, being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, the City of Thief River Falls has a snow removal policy for streets, trails and sidewalks. This policy provides direction for staff on snow removal operations and protects the city from liability relating to the amount of snow on streets and sidewalks and the time and order in which it is removed; and

WHEREAS, each year the policy is reviewed, new streets and sidewalks are added and the updated policy is adopted. The existing policy was incorporated with the League of Minnesota Cities model ordinance and reviewed in great detail with the Public Works Committee. The Public Works Department this policy merges snow removal efforts between the Street/Sanitation and Park staff to better utilize people and equipment.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Works Committee recommendation to approve the 2018 Snow Removal Policy.

**Presented at the September 18, 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

DIRECTOR OF PUBLIC WORKS

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

#8.06

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

---

**DATE:** September 18, 2018

**SUBJECT:** Annie Park Playground Equipment

**RECOMMENDATION:** It is respectfully requested that the Council consider the following Public Works Committee recommendation:

**Motion to:** Approve the purchase and supervised installation of playground equipment for Annie Park from St. Croix Recreation Company, Inc. in the amount of \$76,002.71.

**BACKGROUND:** Annie Park is situated between Greenwood Street and Annie Street just east of the Canadian Pacific Railroad. This four acre parcel was purchased from Florentine Kozojed in 1966 for \$1.00. This park had limited playground equipment and was given consideration to be sold for a housing development in 2012. The neighborhood requested the park be retained and improved. This effort by the neighborhood and the added visibility and awareness brought to the park with the construction of the Greenwood Street Underpass has created a desire to improve and enhance the park. Fencing along Greenwood Street and a backstop installation along Annie Street in 2017 were the first improvements. Youth baseball used the park in the summer of 2018 for regular programming with great success.

**KEY ISSUES:** This Park desperately needs playground equipment to be utilized to its full potential. Fundraising efforts led by Councilman and neighbor Jason Aarestad, through concerts in the park, have raised significant funds for the project and proven the community's support for the improvements. Proposals were received and presented to the Public Works Committee by two vendors, with St. Croix Recreation Company Inc. being the recommended supplier. The equipment would be purchased this fall with installation and grand opening in the spring of 2019.

**FINANCIAL CONSIDERATIONS:** The total cost of the equipment and supervised installation is \$76,002.71. Funding would come from \$13,301.27 in fundraising proceeds and \$62,701.44 in capital project reserves for park improvements. This will leave a balance of \$1,928.05 in park improvement reserves.

**LEGAL CONSIDERATION:** None.

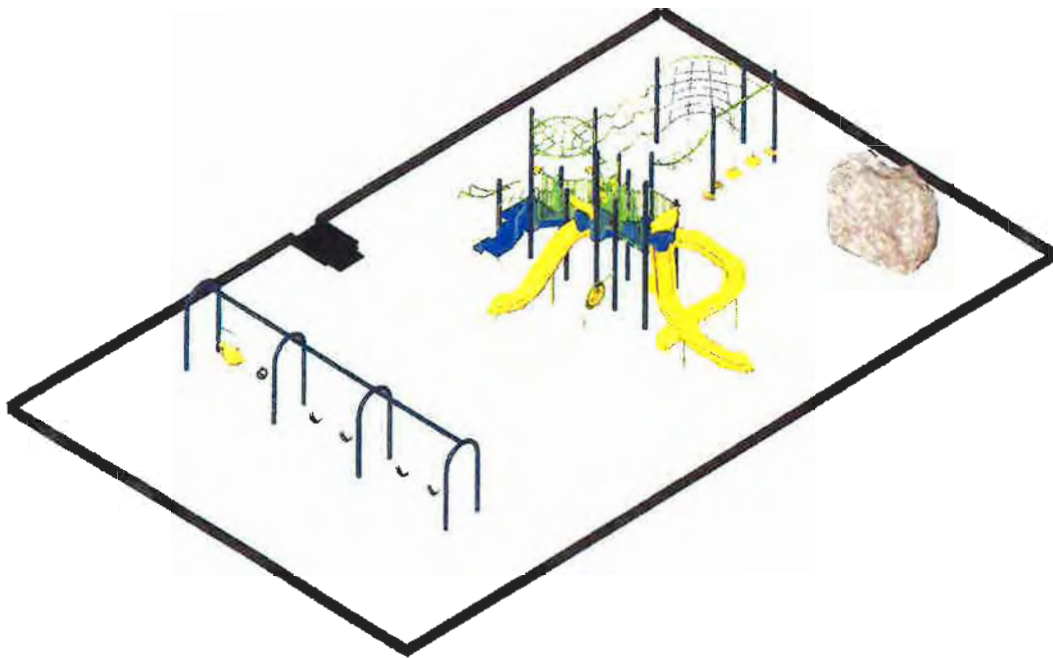
**DEPARTMENT/RESPONSIBLE PERSON:** Mark Borseth, Public Works Director.

Encl: (1)

# City of Thief River falls Annie Street Park

Proposal # 100-111344-3  
September 04, 2018

Presented by  
St. Croix Recreation Company, Inc.



# Burke®



September 04, 2018

Mark Borseth  
City of Thief River falls  
405 Third Street East  
Thief River Falls, MN 56701

Dear Mark Borseth :

St. Croix Recreation Company, Inc. is delighted to provide City of Thief River falls with this playground equipment proposal.

This design was developed with your specific needs in mind, and we look forward to discussing this project further with you to ensure your complete satisfaction. St. Croix Recreation Company, Inc. is confident that this proposal will satisfy City of Thief River falls's functional, environmental, and safety requirements -- and most importantly -- bring joy and excitement to the children and families directly benefiting from your new playground.

You have our personal commitment to support this project and your organization in every manner possible, and we look forward to continue developing a long-standing relationship with City of Thief River falls. We appreciate your consideration and value this opportunity to earn your business.

Sincerely,

Christopher Johnsen  
St. Croix Recreation Company, Inc.  
225 N. Second Street  
Stillwater, MN 55082

## **Design Summary**

St. Croix Recreation Company, Inc. is very pleased to present this Proposal for consideration for the Annie Street Park located in Thief River Falls. BCI Burke Company, LLC has been providing recreational playground equipment for over 90 years and has developed the right mix of world-class capabilities to meet the initial and continuing needs of City of Thief River falls. We believe our proposal will meet or exceed your project's requirements and will deliver the greatest value to you.

The following is a summary of some of the key elements of our Proposal:

- Project Name: Annie Street Park
- Project Number: 100-111344-3
- User Capacity: 124
- Age Groups: Ages 5-12 years
- Dimensions: 50' 9" x 81' 10"
- Designer Name: Kari Champeau

St. Croix Recreation Company, Inc. has developed a custom playground configuration based on the requirements as they have been presented for the Annie Street Park playground project. Our custom design will provide a safe and affordable playground environment that is aesthetically pleasing, full of fun for all users and uniquely satisfies your specific requirements. In addition, proposal # 100-111344-3 has been designed with a focus on safety, and is fully compliant with ASTM F1487 and CPSC playground safety standards.

We invite you to review this proposal for the Annie Street Park playground project and to contact us with any questions that you may have.

Thank you in advance for giving us the opportunity to make this project a success.

INFORMATION  
MINIMUM FALL ZONE  
SURFACED WITH  
RESILIENT MATERIAL  
AREA

3101 SQ. FT.

PERIMETER

438 FT.

STRUCTURE SIZE

50' 9" x 81' 10"

STRUCTURE IS DESIGNED  
FOR CHILDREN AGES:

- 6-23 MONTH OLDS
- 2-5 YEAR OLDS
- 5-12 YEAR OLDS
- 13 + YEAR OLDS



Registered to ISO 9001  
Registered to ISO 14001

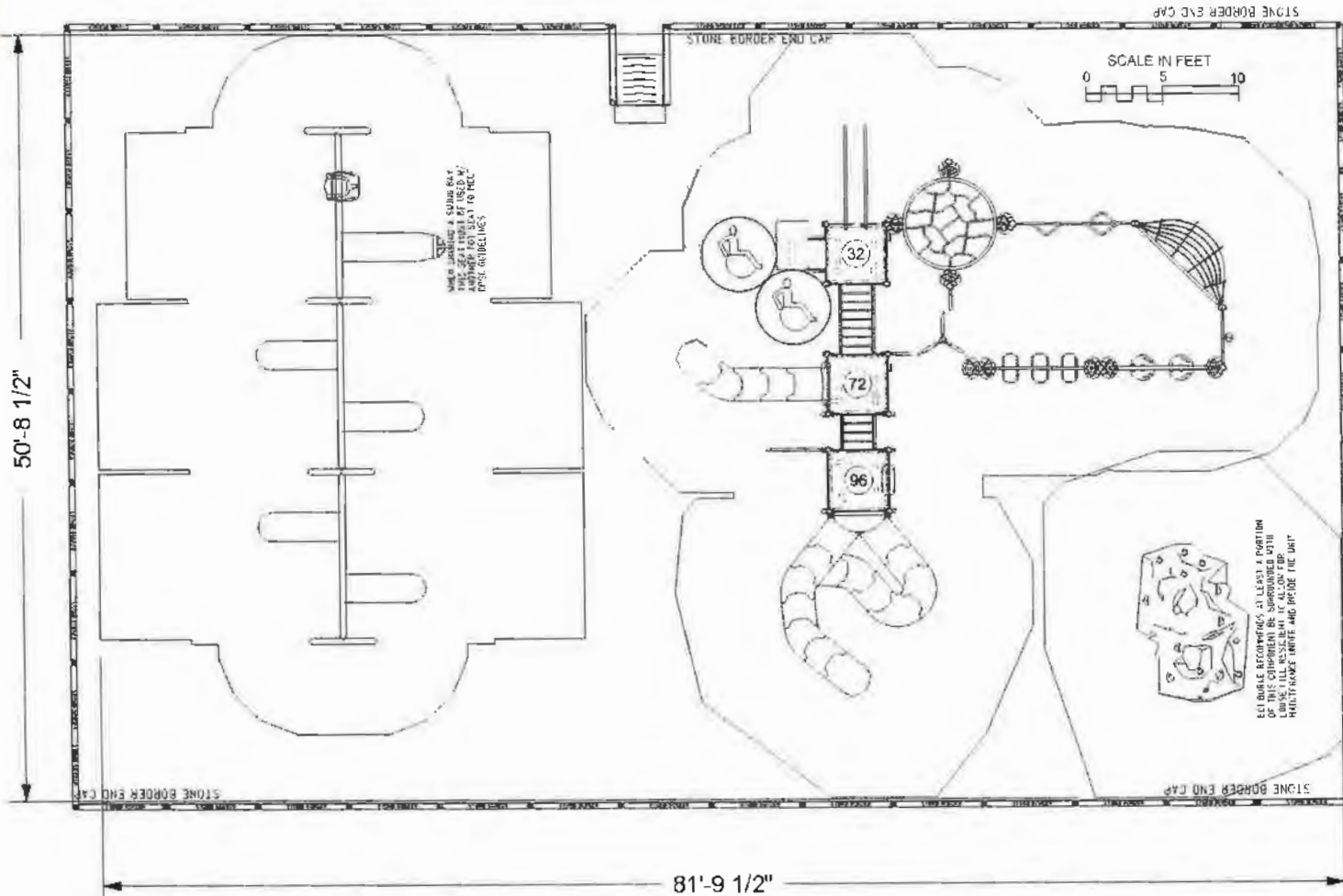


To verify product certification,  
visit [www.ipema.org](http://www.ipema.org)

The play components identified  
in this plan are IPEMA  
certified. The use and layout of  
these components conform to the  
requirements of ASTM F1487.  
To verify product certification,  
visit [www.ipema.org](http://www.ipema.org)

The space requirements shown  
here are to ASTM standards.  
Requirements for other standards  
may be different.

The use and layout of play  
components identified in this plan  
conform to the CPSC guidelines.  
U.S. CPSC recommends the  
separation of age groups in  
playground layouts.



ADA ACCESSIBILITY GUIDELINE (ADAAG CONFORMANCE)

NUMBER OF PLAY EVENTS:	21		
NUMBER OF ELEVATED PLAY EVENTS:	5		
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY RAMP:	PROVIDED: 0	REQD: 0	
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY TRANSFER SYSTEM:	PROVIDED: 5	REQD: 5	
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY RAMP OR TRANSFER SYSTEM:		REQD: 3	
NUMBER OF GROUND LEVEL PLAY EVENTS:	PROVIDED: 16	REQD: 2	
NUMBER OF TYPES OF GROUND LEVEL PLAY EVENTS:	PROVIDED: 8	REQD: 2	

WARNING!

ACCESSIBLE SAFETY SURFACING MATERIAL IS REQUIRED BENEATH  
AND AROUND THIS EQUIPMENT.

FOR SLIDE FALL ZONE SURFACING AREA SEE CPSC's Handbook for  
Public Playground Safety.

PLATFORM HEIGHTS ARE IN INCHES ABOVE RESILIENT MATERIAL

**Burke**

SERIES: Basics, Boulders/GFRC, Intensity, Nucleus  
SITE PLAN  
DRAWN BY: Kari Champeau

BCI Burke Company, LLC PO Box 549 Fond du Lac, Wisconsin 54936-0549 Telephone 920-921-9220

Annie Street Park  
Annie Street/ Markley Ave  
Thief River Falls, MN 56701

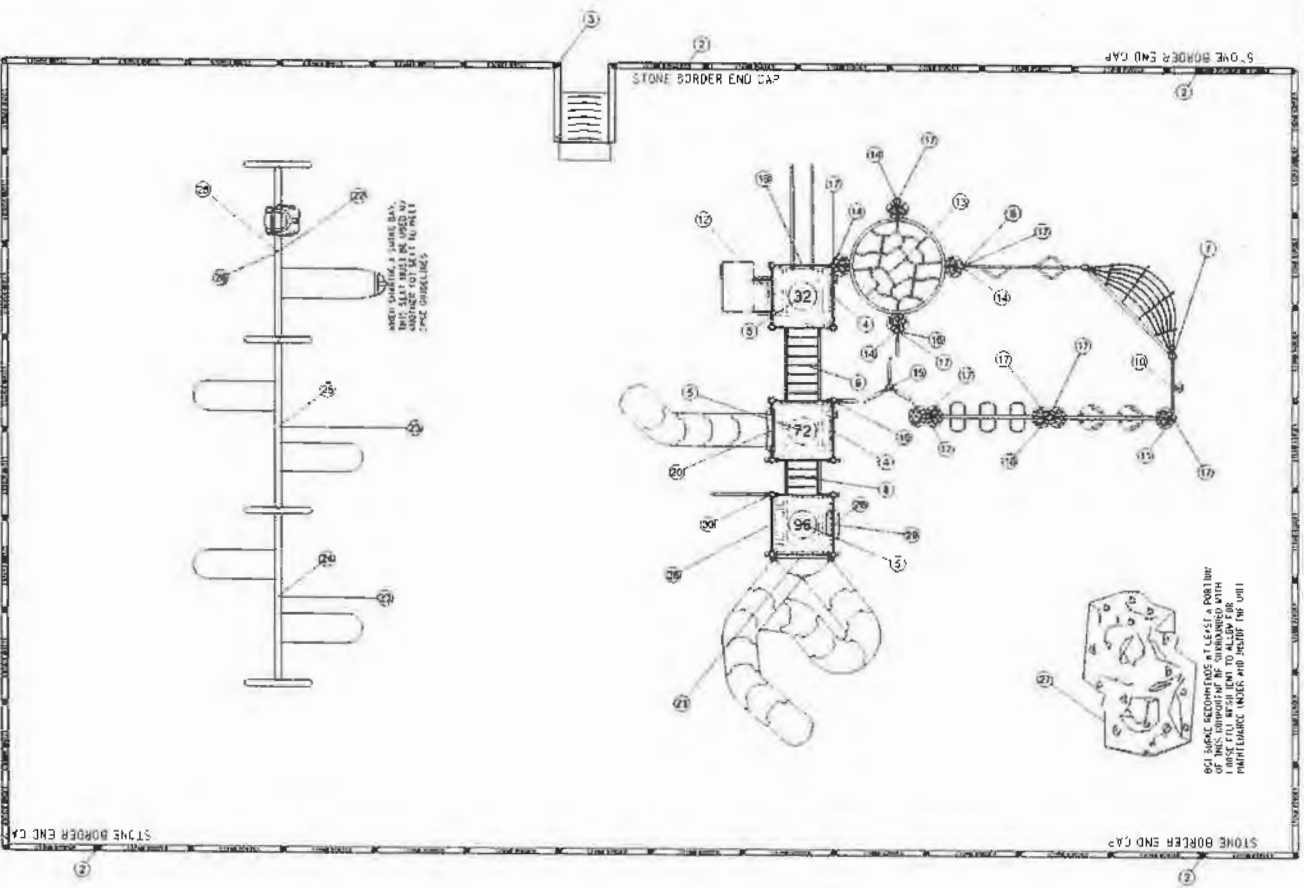
St. Croix Recreation Company, Inc.

100-111344-3

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September 04, 2018

ITEM	COMP.	DESCRIPTION
1	046-0053	6A STONEBORDER/2 DRIVE PINS
2	046-0056	END CAP
3	046-0153	BORDER RAMP W/STAKES
4	270-0001	OFFSET ENCLOSURE
5	270-0130	SQUARE PLATFORM
6	370-0004	POWER PIPES CLIMBER
7	370-0008	WILD WEB ROPE CLIMBER
8	370-0487	24" TRANSITION STAIR W/BARR
9	370-0469	40" TRANSITION STAIR W/BARR
10	370-0491	48" CROSS BAR
11	370-0711	POWERFUL PODS
12	370-0718	TRANSFER STATION, HANDRAIL
13	370-0829	PLEXUS OVERHEAD
14	370-0834	OVERHEAD POST ATTACHMENT
15	370-0851	VERTO CLIMBER 3 FS
16	370-0854	VERTO CLIMBER 1
17	370-1608	OVISTEP LAUNCH PAD
18	370-1610	ATHLETIC ARCH OH
19	470-0066	BANISTER RAIL 32"
20	470-0548	VIPER R 64-72
21	470-0574	VIPER II OVER UNDER 96
22	550-0099	TOT SEAT, 7' & 8' SINGLE, STD C
23	550-0112	BELT SEAT, 8' PAIR, STD CHAIN
24	550-0135	5" OD ARCH SWING
25	550-0136	5" OD ARCH SWING ADD-ON
26	550-0171	FREEDOM SWING SEAT, 8' BEAM
27	560-0430	BOULDER, NATURE PLAY LARGE
28	570-0394	PIPE WALL
29	570-0557	COUNTER PANEL, BELOW PLAT
30	570-0860	3-IN-A-ROW RING PANEL



# Burke

SERIES: Basics, Boulders/GFRG, Intensity, Nucleus  
 COMPONENT PLAN  
 DRAWN BY: Kari Champagneau

Annie Street Park

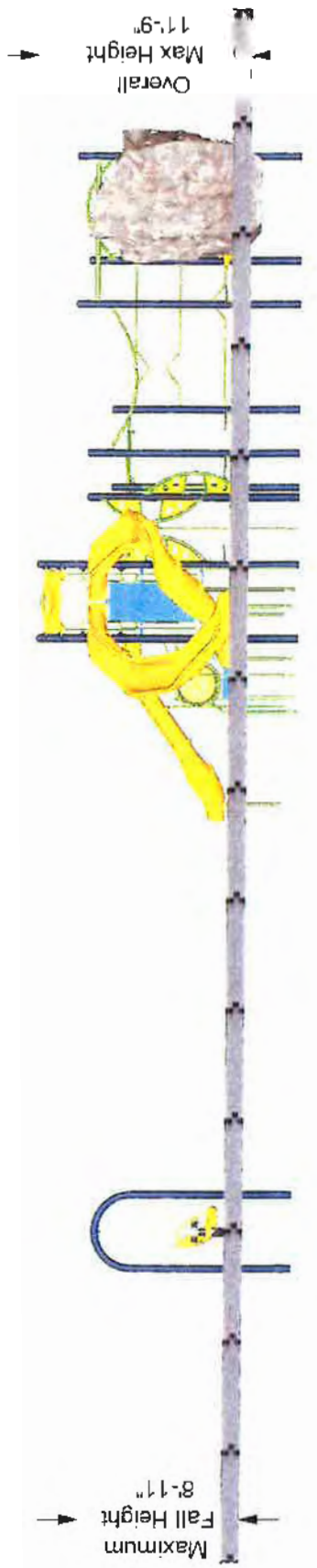
Annie Street/ Markley Ave  
 Thief River Falls, MN 56701

St. Croix Recreation Company, Inc.

100-111344-3

September-04, 2018

BCI Burke Company, LLC PO Box 549 Ford du Lac, Wisconsin 54936-0549 Telephone 920-921-9220



The protective surfacing for this design must accommodate the critical fall height.



September 04, 2018

SERIES: Basics, Boulders/GFRC, Intensity, Nucleus Annie Street Park

St. Croix Recreation Company, Inc.

ELEVATION PLAN

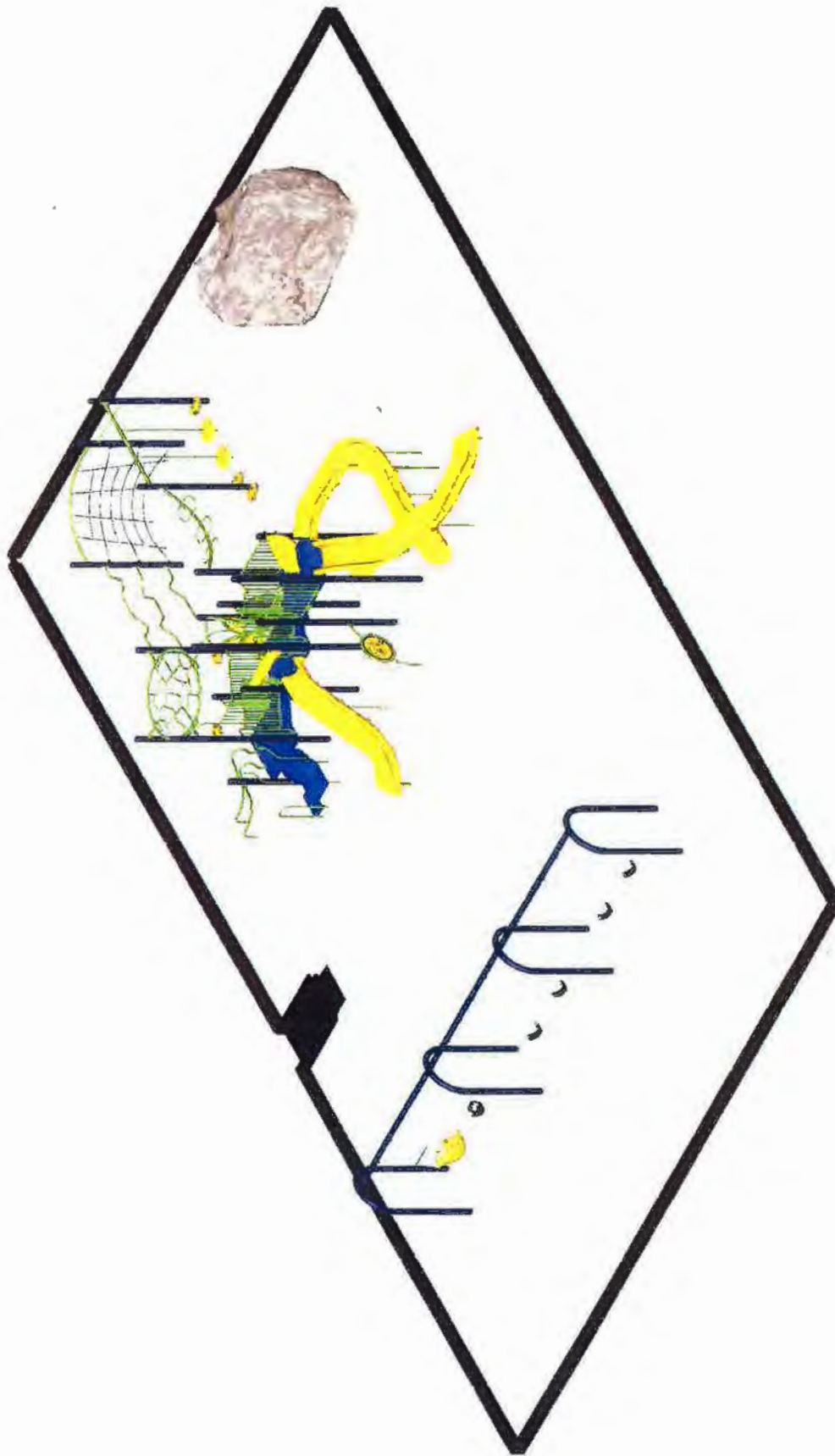
Annie Street/ Markley Ave

100-111344-3

DRAWN BY: Kari Champeau

Thief River Falls, MN 56701

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**Burke**

September 04, 2018

SERIES: Basics, Boulders/GFRC, Intensity, Nucleus Annie Street Park

St. Croix Recreation Company, Inc.

ISOMETRIC PLAN

Annie Street/ Markley Ave

100-111344-3

DRAWN BY: Kari Champeau

Thief River Falls, MN 56701

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# Proposal # 100-111344-3

September 04, 2018  
2018 Pricing

**Proposal Prepared for:**

Mark Borseth  
Inc.  
City of Thief River falls  
405 Third Street East  
Thief River Falls, MN 56701  
Phone: 218-681-8506

**Project Location:**

Annie Street Park  
  
Annie Street/ Markley Ave  
Thief River Falls, MN 56701

**Proposal Prepared by:**

St. Croix Recreation Company,

225 N. Second Street  
Stillwater, MN 55082  
Phone: 651-430-1247  
Fax: 651-430-9231  
cj@stcroixrec.com

Christopher Johnsen  
Phone: 651-430-1247  
Fax: 651-430-9231  
cj@stcroixrec.com

<b>Component No.</b>	<b>Description</b>	<b>Qty.</b>	<b>User Cap.</b>	<b>Ext. User Cap.</b>	<b>Weight</b>	<b>Ext. Weight</b>
<b>6' Stone Borders</b>						
046-0053	6ft STONEBORDER/2 DRIVE PINS	46	0	0	32	1,472
046-0055	END CAP	4	0	0	4	16
046-0153	BORDER RAMP W/STAKES	1	0	0	167	167
<b>Burke Basics</b>						
550-0099	TOT SEAT, 7' & 8' SINGLE, STD...	1	1	1	12	12
550-0112	BELT SEAT, 8' PAIR, STD CHAIN	2	2	4	20	40
550-0135	5" OD ARCH SWING	1	0	0	366	366
550-0136	5" OD ARCH SWING ADD-ON	2	0	0	223	446
550-0171	FREEDOM SWING SEAT, 8' BEAM, ...	1	1	1	38	38
<b>Boulders/GFRC</b>						
560-0430	BOULDER, NATURE PLAY LARGE	1	22	22	1,700	1,700
<b>Intensity</b>						
370-0004	POWER PIPES CLIMBER	1	6	6	47	47
370-0008	WILD WEB ROPE CLIMBER	1	6	6	77	77
370-0711	POWERFUL PODS	1	2	2	93	93
370-0829	PLEXUS OVERHEAD	1	14	14	96	96
370-0834	OVERHEAD POST ATTACHMENT	4	0	0	3	12
370-1608	OVISTEP LAUNCH PAD	9	1	9	10	90
370-1610	ATHLETIC ARCH OH	1	5	5	45	45
570-0860	3-IN-A-ROW RING PANEL	1	4	4	54	54
<b>Nucleus</b>						
270-0001	OFFSET ENCLOSURE	2	0	0	30	60
270-0130	SQUARE PLATFORM	3	6	18	106	318
370-0467	24" TRANSITION STAIR W/BARRIE...	1	2	2	164	164
370-0469	40" TRANSITION STAIR W/BARRIE...	1	4	4	279	279
370-0491	48" CROSS BAR	1	1	1	5	5
370-0718	TRANSFER STATION, HANDRAIL 32"	1	4	4	162	162
370-0851	VERTO CLIMBER 3 FS	1	3	3	103	103
370-0854	VERTO CLIMBER 1	2	1	2	35	70
470-0066	BANISTER RAIL 32"	1	2	2	65	65
470-0548	VIPER R 64-72	1	2	2	184	184
470-0574	VIPER II OVER UNDER 96	1	8	8	479	479



# Proposal # 100-111344-3

September 04, 2018

2018 Pricing

570-0394	PIPE WALL	2	0	0	36	72
570-0557	COUNTER PANEL, BELOW PLATFORM	1	4	4	37	37
600-0104	NPPS SUPERVISION SAFETY KIT	1	0	0	3	3
670-0002	POST ASSEMBLY 5" OD X 107"	1	0	0	58	58
670-0099	INSTALLATION KIT, INTENSITY	1	0	0	2	2
670-0103	MAINTENANCE KIT, INTENSITY	1	0	0	0	0
670-0165	POST ASSEMBLY 5" OD X 123"	5	0	0	66	330
670-0166	POST ASSEMBLY 5" OD X 139"	5	0	0	74	370
670-0167	POST ASSEMBLY 5" OD X 147"	3	0	0	78	234
670-0169	POST ASSEMBLY 5" OD X 171"	7	0	0	91	637

Total User Capacity: 124  
 Total Weight: 8,403 lbs.  
 Total Price: \$73,564

Information is relative to the Sep 4 2018 4:35AM database.

**Special Notes:**

Prices do not include freight, unloading, material storage, site excavation/preparation, removal of existing equipment, removal of excess soil from footing holes, site security, safety surfacing, installation, or sales tax (if applicable). Prices are based on standard colors per CURRENT YEAR BCI Burke Catalog. Custom colors, where available, would be an extra charge. **Pricing is valid for 45 days from the date of this proposal.**



# Proposal # 100-111344-3

September 04, 2018

2018 Pricing

## ***Selected Color List***

<b><u>Color Group</u></b>	<b><u>Color</u></b>
<i>Phase 1</i>	
Accessory	Lime
1 Color Extruded/Flat	Yellow
Platform	Blue
Rotomolded	Yellow
Kore Konnect	Navy
Post	Navy
2 Color Extruded/Flat (outer)	Yellow
2 Color Extruded/Flat (inner)	Blue
Intensity/Rocky Mountain	Yellow
 <i>Phase 2</i>	
Contemporary Swing Fittings	Navy
Platform	Blue
Rotomolded	Yellow

# BCI BURKE GENERATIONS WARRANTY®

## The Longest and Strongest warranty in the industry

BCI Burke Company, LLC ("Burke") warrants that all standard products are warranted to be free from defects in materials and workmanship, under normal use and service, for a period of one (1) year from the date of invoice.

### We stand behind our products.

In addition, the following products are warranted, under normal use and service from the date of invoice as follows:

- One Hundred (100) Year Limited Warranty on aluminum and steel upright posts (including Intensity®, Voltage®, Nucleus®, Little Buddies® and ELEVATE™/ACTIVATE™) against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on KwikConnect® clamps against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on Hardware (nuts, bolts, washers)
- One Hundred (100) Year Limited Warranty on bolt-through fastening and clamp systems (Voltage®, Intensity®, Nucleus®, Little Buddies® and ELEVATE™/ACTIVATE™).
- Twenty Five (25) Year Limited Warranty on spring assemblies and aluminum cast animals
- Fifteen (15) Year Limited Warranty on main structure platforms and decks, metal roofs, table tops, bench tops, railings, hoops and lings.
- Fifteen (15) Year Limited Warranty on all plastic components including StoneBord® against structural failure due to materials or workmanship
- Ten (10) Year Limited Warranty on ShadePlay Canopies fabric, threads, and cables against degradation, cracking or material breakdown resulting from ultra-violet exposure, natural deterioration or manufacturing defects. This warranty is limited to the design loads as stated in the specifications.
- Ten (10) Year Limited Warranty on NaturePlay® Boulders and GRC products against structural failure due to natural deterioration or workmanship. Natural wear, which may occur with any concrete product with age, is excluded from this warranty.
- Ten (10) Year Limited Warranty on Full Color Custom Signage against manufacturing defects that cause delamination or degradation of the sign. Full Color Custom Signs also carry a two (2) year warranty against premature fading of the print and graphics on the signs.
- Five (5) Year Limited Warranty on Intensity® and Replay® cables against premature wear due to natural deterioration or manufacturing defects. Determination of premature wear will be at the manufacturer's discretion.
- Five (5) Year Limited Warranty on swing seats and hinges; Kid Koaster® Trailers and other moving parts against structural failure due to materials or workmanship
- Three (3) Year Limited Warranty on electronic panel speakers, sound chips and circuit boards against electronic failure caused by manufacturing defects.

The warranty stated above is valid only if the equipment is erected in conformity with the layout plan and/or installation instructions furnished by BCI Burke Company, LLC using approved parts, have been maintained and inspected in accordance with BCI Burke Company, LLC instructions. Burke's liability and your exclusive remedy hereunder will be limited to repair or replacement of those parts found in Burke's reasonable judgment to be defective. Any claim made within the above stated warranty periods must be made promptly after discovery of the defect. A part is covered only for the original warranty period of the applicable part. Replacement parts carry the applicable warranty from the date of shipment of the replacement from Burke. After the expiration of the warranty period, you must pay for all parts, transportation and service charges.

Burke reserves the right to accept or reject any claim in whole or in part. Burke will not accept the return of any product without its prior written approval. Burke will assume transportation charges for shipment of the returned product if it is returned in strict compliance with Burke's written instructions.

**THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ANY OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IF THE FOREGOING DISCLAIMER OF ADDITIONAL WARRANTIES IS NOT GIVEN FULL FORCE AND EFFECT, ANY RESULTING ADDITIONAL WARRANTY SHALL BE LIMITED IN DURATION TO THE EXPRESS WARRANTIES AND BE OTHERWISE SUBJECT TO AND LIMITED BY THE TERMS OF BURKE'S PRODUCT WARRANTY. SOME STATES DO NOT ALLOW THE EXCLUSION OF CERTAIN IMPLIED WARRANTIES, SO THE ABOVE LIMITATION MAY NOT APPLY TO YOU.**

**Warranty Exclusions:** The above stated warranties do not cover "cosmetic" defects, such as scratches, dents, marring, or fading; damage due to incorrect installation, vandalism, misuse, accident, wear and tear from normal use, exposure to extreme weather; immersion in salt or chlorinating water, unauthorized repair or modification, abnormal use, lack of maintenance, or other cause not within Burke's control; and

**Limitation of Remedies:** Burke is not liable for consequential or incidental damages, including but not limited to labor costs or lost profits resulting from the use of or inability to use the products or from the products being incorporated in or becoming a component of any other product. If, after a reasonable number of repeated efforts, Burke is unable to repair or replace a defective or nonconforming product, Burke shall have the option to accept return of the product, or part thereof, if such does not substantially impair its value, and return the purchase price as the buyer's entire and exclusive remedy. Without limiting the generality of the foregoing, Burke will not be responsible for labor costs involved in the removal of products or the installation of replacement products. Some states do not allow the exclusion of incidental damages, so the above exclusion may not apply to you.

Contact your local Burke Representative for warranty information regarding Burke Turf® and Burke Tile products.

### Terms of Sale

**Pricing:** Prices published in this catalog are in USD, are approximate and do not include shipping & handling, surfacing, installation nor applicable taxes. All prices are subject to change without notice. Contact your Burke representative for current pricing. Payments are to be made in USD.

**Weights:** Weights are approximate and may vary with actual orders.

**Installation:** All equipment is shipped unassembled. For a list of factory-certified installers in your area, please contact your Burke representative.

**Specifications:** Product specifications in this catalog were correct at the time of publication. However, product improvements are ongoing at Burke, and we reserve the right to change or discontinue specifications without notice.

**Loss or Damage in Transit:** A signed bill of lading is our receipt from a carrier that our shipment to you was complete and in good condition upon arrival. Before you sign, please check the Bill of lading carefully when the shipment arrives to make sure nothing is missing and there are no damages. Once the shipment leaves our plant, we are no longer responsible for any damage, loss or shortage.

For more information regarding the warranty, call Customer Service at 920-921-9220 or 1-800-356-2070.

01/2018

St. Croix Recreation Fun Playgrounds INC.  
 225 N. Second Street  
 Stillwater, MN 55082 US  
 16514301247  
 hannah@stcroixrec.com



ESTIMATE # 325/  
 DATE 09/05/2018

# ESTIMATE

**ADDRESS**

City of Thief River Falls  
 525 Brooks Ave N  
 Thief River Falls, MN 56701

**SHIP TO**

Annie Street Park  
 Kendall Ave S & Annie St E  
 Thief River Falls, MN 56701

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
<b>BCI 100-111344-3</b> BCI Burke Custom Playground 5-12 Years Old	1	73,564.00	73,564.00
<b>DISCOUNT</b> DISCOUNT	73,564	-0.192	-14,124.29
<b>INSTALL</b> HYBRID VOLUNTEER INSTALLATION OF EQUIPMENT. INSTALLATION OF EQUIPMENT (BILLED BY OTHERS FROM TWIN CITIES RECREATION)	1	8,827.00	8,827.00
<b>RESILIENT</b> RESILIENT SURFACING ENGINEERED WOOD FIBER INSTALLED BY CITY	214	24.00	5,136.00
<b>Freight</b>	1	2,600.00	2,600.00

QUOTES ARE EFFECTIVE FOR 30 DAYS.  
 SALES TAX SUBJECT TO CHANGE. ADD IF NOT EXEMPT OR SUPPLY EXEMPTION CERTIFICATE IF NOT ON FILE (ANNUALLY).  
 PAYMENT TERMS ARE NET 30 DAYS UNLESS OTHERWISE NOTED.  
 FAILURE TO PAY IN A TIMELY MANNER MAY INCUR INTEREST.

TOTAL **\$76,002.71**

Accepted By

Accepted Date

PLAY THAT MOVES YOU



PROPOSAL: 100-111344-3

# ANNIE STREET PARK



RECREATION  
FUNPLAYGROUND.COM

PLAY THAT MOVES YOU.



RECREATION  
FunPlacemats.com

ANNIE STREET PARK

PROPOSAL: 100-111344-3

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.06

**RESOLUTION NO. : APPROVAL TO PURCHASE AND SUPERVISED INSTALLATION OF ANNIE PARK PLAYGROUND EQUIPMENT FROM ST. CROIX RECREATION COMPANY, INC**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No. \_\_\_\_\_, being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, Annie Park is situated between Greenwood Street and Annie Street just east of the Canadian Pacific Railroad. This four acre parcel was purchased from Florentine Kozojed in 1966 for \$1.00. This park had limited playground equipment and was given consideration to be sold for a housing development in 2012. The neighborhood requested the park be retained and improved. This effort by the neighborhood and the added visibility and awareness brought to the park with the construction of the Greenwood Street Underpass has created a desire to improve and enhance the park. Fencing along Greenwood Street and a backstop installation along Annie Street in 2017 were the first improvements. Youth baseball used the park in the summer of 2018 for regular programming with great success; and

WHEREAS, this Park desperately needs playground equipment to be utilized to its full potential. Fundraising efforts led by Councilman and neighbor Jason Aarestad, through concerts in the park, have raised significant funds for the project and proven the community's support for the improvements. Proposals were received and presented to the Public Works Committee by two vendors, with St. Croix Recreation Company Inc. being the recommended supplier. The equipment would be purchased this fall with installation and grand opening in the spring of 2019.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Works Committee recommendation to approve the purchase and supervised installation of playground equipment for Annie Park from St. Croix Recreation Company, Inc. in the amount of \$76,002.71.

**Presented at the September 18, 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

DIRECTOR OF PUBLIC WORKS

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

#8.07  
#8.08

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** 2018 Street and Utilities Improvements

**RECOMMENDATION:** It is respectfully requested that the Council consider the Following Public Works Committee recommendations:

**Motion to:** Declare the cost to be assessed for the 2018 Street & Utilities Improvements Project and order the preparation of the assessment roll. The estimated amount to be assessed is approximately \$668,970.38.

**Motion to:** Call for the assessment hearing to be held at 7:00 P.M. on October 16, 2018 in the City Council Chambers.

**BACKGROUND:** This project was bid as a result of meetings with department heads, Council committees, developers, and according to items in the City's Capital Improvement Plan. It was awarded to Zavoral Construction in the amount of \$3,100,195.98 with Change Order No. 1 of \$11,958.85 for a current contract amount of \$3,112,154.83. This project includes the following items of work:

1. Technology Street – Street & Utilities Improvements
2. Digi-Key Drive – Street Improvements
3. First Street West – Street & Utilities Improvements
4. Nelson Drive – Utilities and Storm Sewer Improvements
5. MMCDC – Alley Construction
6. Spruce Avenue Crosswalks
7. Greenwood Street from Kendall Ave. to Spruce Ave. – Full Mill & Resurfacing
8. Public Works Facility Paving
9. Water Distribution Facility Paving
10. Barnick Road – Street & Utilities Improvements
11. Miscellaneous

*The Minnesota Department of Transportation Eighth Street Improvements assessments are included in the amount to be assessed and will be included in the assessment hearing.*

**KEY ISSUES:** The City of Thief River Falls assesses benefitted property owners for these improvements.

**FINANCIAL CONSIDERATIONS:** The total cost of the improvements, including the city share of the Eighth Street Improvements, is estimated to be \$4,715,000. This project will be funded through a DEED BDPI grant, Municipal State Aid, departmental invoicing, TIF reimbursement and bonding. The amount to be assessed is estimated to be \$668,970.38.

**LEGAL CONSIDERATIONS:** Minnesota Statute Chapter 429 requirements apply.

**DEPARTMENT/RESPONSIBLE PERSON:** Mark Borseth – Public Works Director

Encl: (1)

CITY OF THIEF RIVER FALLS  
 2018 STREET & UTILITIES IMPROVEMENTS PROJECT  
 PROJECT FINANCING SUMMARY 09-07-2018  
 PROJECT NO. 2982018

	Construction	Engineering	Total	Financing Sources											
				Bonding Bk (BDPI) 62%	Municipal State Aid	Department Invoice	TIF Reimbursement	Total City Bonding	12 Year Bonding	15 Year Bonding Water	15 Year Bonding Sanitary Sewer	Assessment Recovery Street	Assessment Recovery Jillity	Assessment Recovery Total	Future Connection Fee Recovery
1 Technology Street and Utilities Improvements	\$1,440,000	\$280,000	\$1,720,000	\$1,400,000			\$300,000	\$300,000	\$262,600	\$34,800	\$2,600				
2 Dgt-Key Drive Construction	\$208,000	\$37,000	\$245,000	\$200,000			\$43,000	\$19,455	\$19,455						
3 First Street West Construction	\$513,000	\$92,000	\$605,000					\$605,000	\$448,000	\$93,000	\$64,000	\$115,700	\$90,300	\$208,000	
4 Nelson Drive Utilities Improvements - Rural Section Road Replacement	\$424,000	\$76,000	\$500,000					\$500,000	\$308,000	\$89,000	\$103,000	\$62,000	\$148,000	\$210,000	\$14,000
5 M&CDC Alley Construction	\$83,000	\$15,000	\$98,000					\$98,000	\$98,000			\$64,000		\$64,000	
6 Spruce Avenue Crosswalks	\$52,000	\$10,000	\$62,000		\$62,000										
7 Greenwood Street Full Mill and Resurfacing - Kendall Ave to Spruce Ave	\$184,000	\$33,000	\$217,000		\$217,000							\$26,000		\$26,000	
8 Highway No. 1 East Street, Utilities & Trail Improvements	\$720,000	\$130,000	\$850,000					\$850,000	\$300,000	\$275,000	\$275,000	\$76,200	\$50,150	\$126,000	
9 Public Works Facility Paving	\$93,000	\$17,000	\$110,000					\$110,000	\$110,000						
10 Water Distribution Garage Paving	\$19,000	\$4,000	\$23,000			\$23,000		\$23,000							
11 Barnick Avenue Street & Utilities Improvements	\$230,000	\$42,000	\$272,000					\$272,000	\$197,000	\$35,000	\$40,000	\$30,000	\$36,000	\$66,000	
12 City Miscellaneous	\$30,000	\$5,000	\$35,000					\$35,000	\$35,000						
<b>TOTALS</b>	<b>\$3,994,000</b>	<b>\$721,000</b>	<b>\$4,715,000</b>	<b>\$1,600,000</b>	<b>\$279,000</b>	<b>\$23,000</b>	<b>\$343,000</b>	<b>\$2,912,455</b>	<b>\$1,778,055</b>	<b>\$526,800</b>	<b>\$484,500</b>	<b>\$344,286</b>	<b>\$324,684</b>	<b>\$666,970</b>	<b>\$14,000</b>

**CITY OF THIEF RIVER FALLS**  
**PROPOSED RESOLUTION**

**#8.07**

**RESOLUTION NO. : RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL FOR THE 2018 STREET AND UTILITIES IMPROVEMENTS PROJECT**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, this project was bid as a result of meetings with department heads, Council committees, developers, and according to items in the City’s Capital Improvement Plan. It was awarded to Zavoral Construction in the amount of \$3,100,195.98 with Change Order No. 1 of \$11,958.85 for a current contract amount of \$3,112,154.83. This project includes the following items of work:

1. Technology Street – Street & Utilities Improvements
2. Digi-Key Drive – Street Improvements
3. First Street West – Street & Utilities Improvements
4. Nelson Drive – Utilities and Storm Sewer Improvements
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8. Public Works Facility Paving
9. Water Distribution Facility Paving
10. Barnick Road – Street & Utilities Improvements
11. Miscellaneous

*The Minnesota Department of Transportation Eighth Street Improvements assessments are included in the amount to be assessed and will be included in the assessment hearing.*

THEREFORE, BE IT RESOLVED, by the City Council, that:

- 1) The total cost of the improvements, including the city share of the Eighth Street Improvements, is estimated to be \$4,715,000. This project will be funded through a DEED BDPI grant, Municipal State Aid, departmental invoicing, TIF reimbursement and bonding. The amount to be assessed is estimated to be \$668,970.38; and
- 2) Assessments shall be payable in equal annual installments extending over a period of 12 years, the first of the installments to be payable on or before the first Monday in January, 2019, and shall bear an interest rate of 4% per annum from the date of the adoption of the assessment roll; and
- 3) The City Administrator, with the assistance of the Community Services Director, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece, or parcel of land within the area affected, without regard to cash valuation as provided by law, and the City Administrator shall file a copy of such proposed assessment in the Office of the City Administrator for public inspection; and
- 4) The City Administrator shall, upon the completion of such proposed assessments, notify the City Council of its completion.

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.08

**RESOLUTION NO. : RESOLUTION ESTABLISHING A PUBLIC HEARING WITH REGARD TO PROPOSED ASSESSMENTS ON THE 2018 STREET AND UTILITIES IMPROVEMENTS PROJECT**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No. , being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, pursuant to Resolution No. \_\_, the City Administrator and Community Services Director were directed to prepare the proposed assessments of the 2018 Street and Utilities Improvements Project; and

WHEREAS, the City Administrator has notified the City Council that such proposed assessment has been completed and filed in the Office of the City Administrator for public inspection.

THEREFORE, BE IT RESOLVED, by the City Council of Thief River Falls, that:

1) A hearing shall be held on the 16<sup>th</sup> day of October, 2018 in the Council Chambers of City Hall at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment; and

2) The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and the City Administrator shall state in the notice the total cost of the improvement, The City Administrator shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing; and

The owner of any property so assessed may, at any time prior to certification of the assessment to the Pennington County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The property owner may at any time thereafter, pay to the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31<sup>st</sup> of the year in which such payment is made. Such payment must be made before November 15<sup>th</sup> or interest will be charged through December 31<sup>st</sup> of the succeeding year.

**Presented at the September 18, 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

#8.09

DIRECTOR OF PUBLIC WORKS

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

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

**DATE:** September 18, 2018

**SUBJECT:** State of Minnesota Communications Tower – Conditional Use Permit

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

Motion to: Approve a Conditional Use Permit for the State of Minnesota to construct a 300' high Allied Radio Matrix for Emergency Response (ARMER) tower on Department of Transportation property located at 248 125<sup>th</sup> Avenue NE, Thief River Falls, Minnesota. It is legally described in the attached Notice of Hearing.

*State Statute allows properties owned by the State of Minnesota be exempt from land use requirements. The Planning Commission required the conditional use permit to facilitate neighborhood notification, review location of tower on property, require engineer's certification and verify that the tower would not impact the State of Minnesota's ability to sell property along Highway 1 & 59 for commercial development.*

*This approval is contingent upon engineer's certification and FAA approval.*

**BACKGROUND:** The State of Minnesota currently operates a communications tower at 515 Zeh Street West adjacent to the former Department of Transportation facility. This communication tower was constructed in the 1950's and has far exceeded its useful life. It is outdated and does not effectively support the new ARMER technology. After completion of a new tower this tower will be removed.

**KEY ISSUES:** Towers are only allowed in industrial zoning districts and only with a conditional use permit. Setback distances for towers are defined as an accessory use and require an engineered fall distance. The State of Minnesota is exempt from land use requirements on state owned property. This new tower will serve the Minnesota State Patrol, Pennington County Sheriff's office, City of Thief River Falls Police and Fire Departments, ambulance service and other fire departments and first responders in Pennington County. This technology allows communication between all emergency service providers throughout the entire State of Minnesota.

**FINANCIAL CONSIDERATIONS:** None.

**LEGAL CONSIDERATION:** A Public Hearing was held by the Planning Commission to review this request.

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

NOTICE OF HEARING  
PLANNING COMMISSION  
CITY OF THIEF RIVER FALLS

Notice is hereby given pursuant to Chapter 150 of the Thief River Falls ("City") City Code that the State of Minnesota, 1500 W. County Rd. B2, St. Paul, MN 55113, has applied for a conditional use permit to allow the construction of a telecommunications tower in the General Business District (C-2) at 248 125<sup>th</sup> Avenue NE, Thief River Falls, MN 56701. The real property is legally described as follows:

That part of Lots 5, 6, 7 and 10, Block 2 of Nopers Second Addition to the City of Thief River Falls and the Northeast Quarter of Section 32, Township 154 North, Range 43 West, shown as Parcel 1 on Minnesota Department of Transportation Right of Way Plat Numbered 57-7 as the same is on file and of record in the office of the County Recorder in and for Pennington County, Minnesota;

containing 2.48 acres, more or less, in the unplatted portion.

And;

That part of the West Half of the Northeast Quarter of Section 32, Township 154 North, Range 43 West, shown as Parcel 201 on Minnesota Department of Transportation Right of Way Plat Numbered 57-8 as the same is on file and of record in the office of the County Recorder in and for Pennington County, Minnesota.

containing 4.08 acres, more or less.

Notice is further given that the Planning Commission will conduct a Hearing on the Conditional Use Permit Request at 5:00 P.M. on Tuesday, September 11, 2018, in the City Council Chambers, City Hall, 405 Third Street East, Thief River Falls, MN 56701. All persons wishing to comment on the Conditional Use Request will have the option to be heard at this time. Persons who wish to submit written comments prior to the Hearing or who have questions should address them to the Office of the Public Works Director, City Hall, P. O. Box 528, Thief River Falls, MN 56701, or telephone 218-681-8506.

If you have a disability and need an accommodation in order to attend this Hearing; please contact the undersigned as soon as possible or at least 3 working days in advance of the Hearing at the above telephone number.

Dated this 24th day of August, 2018

CITY OF THIEF RIVER FALLS

/s/ Mark Borseth

Mark Borseth  
Public Works Director  
& Zoning Administrator

Published in the Wednesday, August 29, 2018, edition of The Times.



**Application To Planning Commission/BOZA**

City of Thief River Falls  
 Community Services  
 405 3rd Street East – P O. Box 528  
 Thief River Falls, MN 56701  
 218-681-8506

<input type="checkbox"/> <b>REZONING</b> (Fee \$150.00)		<input type="checkbox"/> <b>APPEALS</b> (Fee \$50.00)	
<input type="checkbox"/> <b>VARIANCE</b> (Fee \$150.00)			
<input type="checkbox"/> <b>LAND SUBDIVISION</b> (Fee \$300.00)			
<input type="checkbox"/> <b>CONDITIONAL USE PERMIT</b> (Fee \$150.00)			
<b>Applicant</b>			
Name State of Minnesota, Department of Transportation, Office of Statewide Radio Communications		Phone # 651-234-7947	
Address 1500 W County Rd B2	City St. Paul	State MN	Zip 55113
<b>Property Owner (if different from Applicant)</b>			
Name State of Minnesota, Department of Transportation, District 2, Bemidji		Phone # 218-683-8016	
Address 248 125th Avenue NE	City Thief River Falls	State MN	Zip 56701
<b>Approximate Location of Property</b>			
Address 248 125th Avenue NE Parcel ID# 2505300920		Legal Description NW of the NE Quarter Section 32 T154N, R43W City of Thief River Falls Pennington County, MN	
<b>Present Zoning Classification</b>		<b>Present Use</b> MnDOT Storage and Agricultural	
<b>Description of Request</b> MnDOT requests to construct a new 330ft Allied Radio Matrix for Emergency Response (ARMER) E911 two way radio communications tower at the Thief River Falls MnDOT offices. The new tower will replace the existing tower located at 515 Zeh St. NW in Thief River Falls. MnDOT is Legislatively tasked with the operation and maintenance of the ARMER public safety two way radio system. The new tower is <i>desired</i> as the existing tower is well beyond its useful life. The existing tower was constructed circa 1950's utilizing out dated construction methods and structural requirements. Tower components are aging and foundation is not to today's structural standards.			

Property Owner Signature (required) 	Date 8/15/18
Applicant Signature	Date

<b>Review (For office use only)</b>	
Date of Publication	Date on Planning Commission Agenda

Action Taken By Commission:

Action Taken By City Council:

City Council Resolution / Ordinance Number

Fee Paid





- A. **Will off-street parking be located in the side yard area or the rear yard area?** N/A
  - B. **Will off-street parking be suitably screened from view?** N/A
  - C. **Is there adequate room on the property for loading space(s)?** N/A
14. **If it is a heavy industry, is it readily available to a major thoroughfare and rail lines?** N/A
  15. **Should screening be provided along the boundaries of this property?** N/A
  16. **Are screened storage and trash areas provided?** N/A
  17. **Are vehicular accessways adequate?** Yes
  18. **Will the use impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?** It will reduce the area available for future commercial use along the south side of Highway 1 & 59.
  19. **Can it be found that there is a public necessity for the Special Use?** Yes. All local emergency services need a reliable and functional Allied Radio Matrix for Emergency Response (ARMER) tower for interactive multi-agency emergency communications.
  20. **What is the general character of the neighborhood?** The area is a mixture of commercial and high density residential use.
  21. **Are Wetlands or Shore land impacted by this request?** No

**COMMENTS:**

The proposed use of a tower is not allowable in the General Business District (C-2) zoning district. They are only allowed in an industrial zoning district with a conditional use permit. However, Minnesota Statute 394.24 OFFICIAL CONTROLS, Subd. 3 Outside metro, state, federal land states that no land owned by the state will be subject to local controls.

See RCA, Application, Notice of Hearing, Checklist, Location Map, Site Plan, Airport Zoning Map, City Code and Engineer's Certification.

## CRITERIA FOR GRANTING CONDITONAL USE PERMITS

1. The establishment, maintenance, or operation of a conditional use will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The conditional use will not create an excessive burden on existing parks, schools, streets, and other public facilities and services which serve or are proposed to serve the area.
3. The conditional use will be sufficiently compatible with or separated by distance or screening from adjacent Agriculture or Residential zoned or used land.
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent agricultural or residential zoned or used land.
5. The conditional use is related to the overall needs of the City and to existing land use.
6. The conditional use is consistent with the purpose of this Chapter and requirements of the Zoning District.
7. The conditional use is not in conflict with the Comprehensive Plan.
8. Adjacent business will not be adversely affected because of curtailment of customer trade brought on by the intrusion of noise, glare, or general unsightliness.

**394.24 OFFICIAL CONTROLS.**

Subdivision 1. **Adopted by ordinance.** Official controls which shall further the purpose and objectives of the comprehensive plan and parts thereof shall be adopted by ordinance. The comprehensive plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the comprehensive plan.

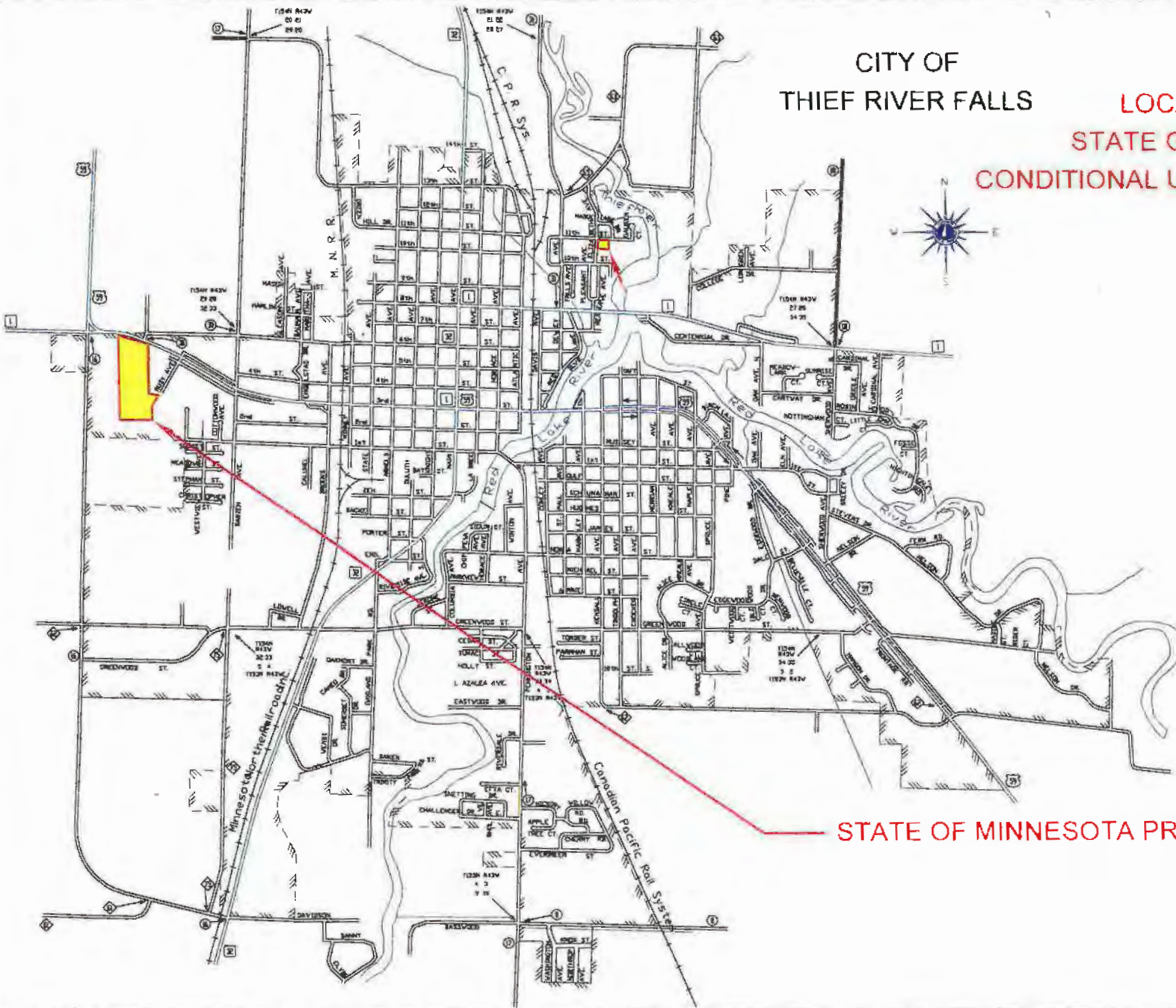
Subd. 2. **Municipality may request inclusion.** Official controls adopted by a board shall apply to and be binding upon the county or any parts thereof including areas within the incorporated limits of a municipality, when requested by the municipality under section 394.32.

Subd. 3. **Outside metro, state, federal land.** For the area within which official controls adopted by the board are effective, such controls shall apply to the use of land for both private and public purposes, provided that the need for adequate, timely and convenient public and semipublic services and facilities must receive due consideration in the formulation, administration and enforcement of all official controls and no land owned or leased by the federal or state government shall be subject to official controls of the county. With respect to the use of land for public purposes, the provisions of this subdivision shall not apply in the metropolitan area as described in section 473.121.

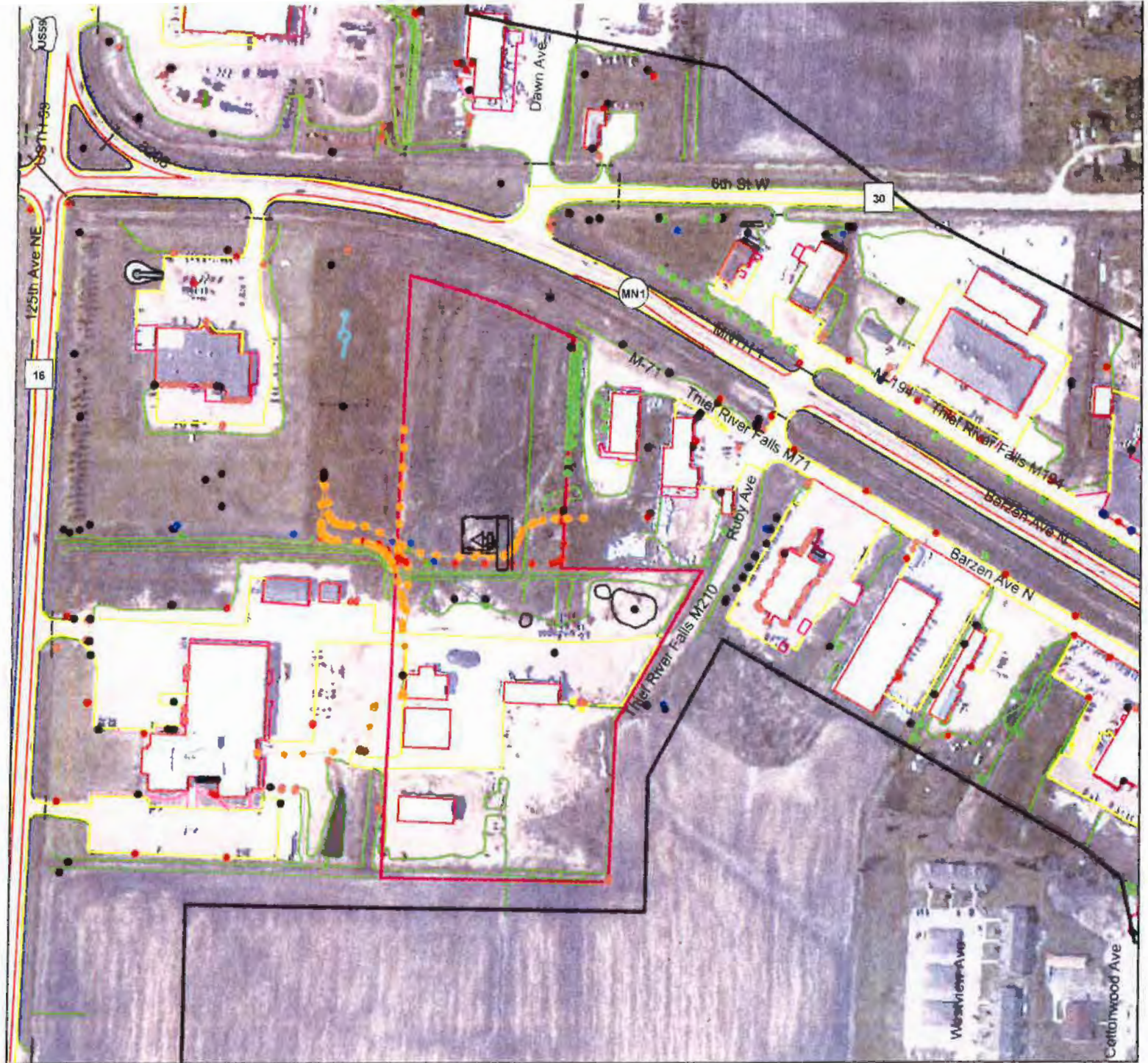
**History:** 1959 c 559 s 4; 1963 c 692 s 2; 1974 c 571 s 9-11; 1980 c 509 s 150; 1995 c 186 s 119; 1997 c 202 art 4 s 6

CITY OF  
THIEF RIVER FALLS

LOCATION MAP  
STATE OF MINNESOTA  
CONDITIONAL USE PERMIT REQUEST



STATE OF MINNESOTA PROPERTY



7/30/2018

**SITE LAYOUT**



**Thief River Falls Tower - TEC438**  
**OWNER: Mn/DOT**

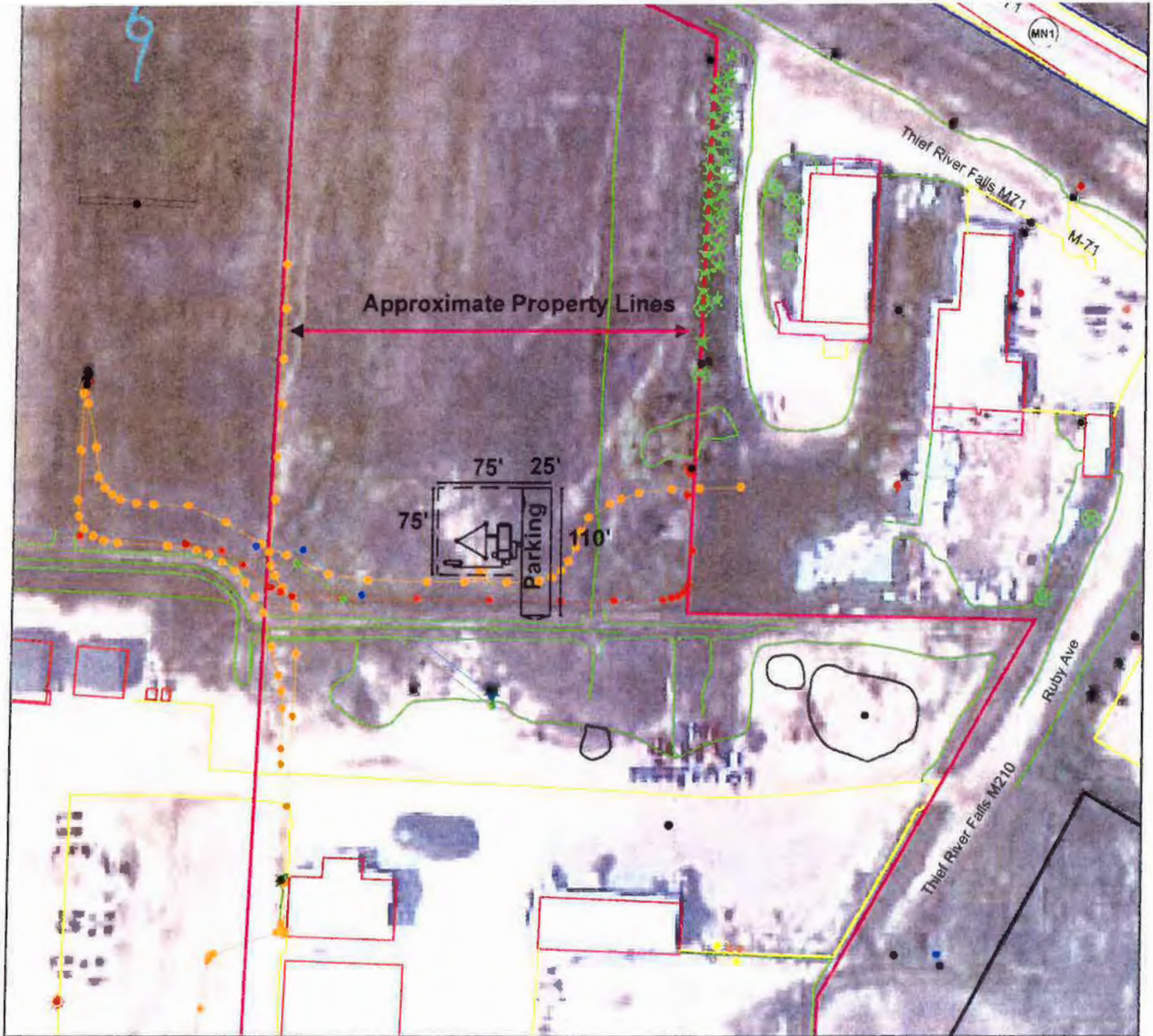
**DIMENSIONS**

Compound -	75' x 75' = 5,625 sq ft
Parking/Driveway	25' x 110' = 2,750 sq ft
<b>Total:</b>	<b>8,375 sq ft (0.19 acres)</b>

**NW of the NE Quarter Section 32**  
**T154N, R43W City of Thief River Falls**  
**Pennington County, MN**

**DISTANCE FROM CENTER OF TOWER TO:**  
**East Property Line = 190 feet**  
**West Property Line = 180 feet**

**Approx Latitude: 48-07-13.08N**  
**Approx Longitude: 96-12-17.49W NAD83**



**SITE LAYOUT**

7/30/2018



**Thief River Falls Tower - TEC438**  
**OWNER: Mn/DOT**

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 East Property Line = 190 feet  
 West Property Line = 180 feet

**Approx Latitude: 48-07-13.08N**  
**Approx Longitude: 96-12-17.49W NAD83**

November 13, 2017

Ms. Christine Gerth  
Structural Tower Services  
12924 1<sup>st</sup> Street  
Becker, MN 55308

RE: 180' S3R-SD Self-supporting Tower for Finland, MN (Sabre #169707)

Dear Ms. Gerth,

As shown in our Structural Design Report #169707 Revision C dated October 11, 2017, the above referenced tower has been designed for a Basic Wind Speed of 90 mph (120 mph Ultimate, Risk Category III) with no ice and 60 mph with 1" radial ice, Structure Class III, Exposure Category B, and Topographic Category 2 with a crest height of 105', in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 1.5%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. **Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this would result in collapse within a radius of 75 feet. **PROFESSIONAL ENGINEER**

Sincerely,

Keith J. Tindall, P.E.  
Vice President of Engineering

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the State of Minnesota.

Print Name KEITH J. TINDALL

Signature 

Date 11/13/17 License #26342

**§150.06 REGULATING AND CONTROLLING TOWERS**

(A) **Purpose.** In order to accommodate the tower needs of residents and business while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to:

- (1) Facilitate the provision of telecommunication and other services to the residents and businesses of the City;
- (2) Minimize adverse visual effects of towers through careful design and siting standards;
- (3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- (4) Maximize the use of existing and approved towers and buildings in order to reduce the number of towers needed to serve the community.

(B) **Definitions.** The following words and terms when used in this Section shall have the following meanings unless the context clearly states otherwise:

- (1) **Antenna.** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- (2) **Co-Location.** The placement of wireless telecommunication antenna by two or more service providers on a tower, building, or structure.
- (3) **Commercial Wireless Telecommunication Service.** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- (4) **Guyed Tower.** A tower that is supported, in whole or in part, by wires and ground anchors.
- (5) **Monopole.** A type of tower mount that is self-supporting through a single shaft usually constructed of wood, metal, or concrete.
- (6) **Public Utility.** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.



(7) **Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts.

(8) **Tower, Multi-User.** A tower to which is attached the antennas or devices of more than one user or entity.

(9) **Tower, Single-Use.** A tower to which is attached only the antennas or devices of a single user, although the tower may be designed to accommodate the antennas and devices for multiple users as required in this Section.

(C) **Towers in Residential Zoning Districts.** All towers erected, constructed, or located within Residential Districts or Commercial Districts shall comply with the following requirements:

(1) Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the rear yard of residentially or commercially zoned parcels provided they shall not more exceed the maximum height of 25 feet above a roof support or of 70 feet above a ground support.

(2) Must comply with the provisions of §150.04 and §150.05, and other appropriate sections of the Code.

(D) **Co-Location Requirements.** All commercial towers erected, constructed, or located within the City shall comply with the following requirements:

(1) A proposal for a new commercial telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (one half mile search radius for towers under 120 feet in height, one quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer licensed in Minnesota, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional engineer licensed in Minnesota and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer licensed in Minnesota.

(d) Other unforeseen reasons which make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(e) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user if the tower is over 60 feet in height or for at least two additional users if the tower is over 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(2) A letter of intent must be submitted to the City from the tower owner, and the owner's successors and assigns, to allow the shared use of the tower if an applicant requests use of the tower and is willing to pay a reasonable charge and will not interfere with other uses of the tower.

(E). ***Tower Construction Requirements.*** All towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the following requirements:

(1) ***Permits.***

(a) It shall be unlawful for any person, firm, or corporation to erect, construct in place, place, or re-erect, replace, or repair any tower without first making application for a conditional use permit and thereafter securing a building permit.

(b) The application shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

(c) The City shall not issue a building permit until the applicant has received all other required permits and licenses, including, but not limited to, those required by the Federal Aviation Administration and Federal Communication Commission.

(d) Permits are not required for:

1. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

2. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements §150.06 (E)(3) are met. Temporary antennas shall be removed within 72 hours following installation.

(2) ***Fees.*** The fees to be paid are those prescribed for application for a conditional use permit and building permit fees.

(3) **Construction Requirements.** All antennas and towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the following requirements:

(a) All applicable provisions of this Code.

(b) Towers shall be certified by a qualified professional engineer licensed in Minnesota to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.

(c) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

(d) Towers and associated antennas and devices shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

(e) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 18 feet above the ground at all points, unless buried underground.

(f) Every tower affixed to the ground shall be protected to discourage climbing of the tower by a security fence of not less than six feet in height.

(g) All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.

(h) All towers erected within the City must conform to the applicable performance standards of this Code.

(i) The noise levels associated with any tower facility shall conform to the Minnesota Pollution Control Agency noise level requirements as listed in Minnesota Rules.

(j) Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within 18 months following the date of the issuance of the building permit, extendable for an additional three months by the City Zoning Administrator. A Conditional Use Permit shall expire if construction is not completed within these time frames.

(4) **Existing Antennas and Towers.** Antennas and towers in existence as of January 1, 2006, which do not conform to or comply with this Section are subject to the following provisions:

(a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.

(b) If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed 75 percent of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.

(c) Non-conforming towers (with guy wires) exceeding 200 feet in height may be rebuilt at their same height in their current location, provided the new construction does not have guy wires and the capacity of the tower is increased to allow co-location of additional antennas.

(5) **Lights and Other Attachments.** No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. Should lights, reflectors, flashers, or other illuminating devices be required, they shall have shading devices designed and installed to mitigate ground-level intrusion from the tower lighting, reflectors, flashers, or other illuminating devices.

(6) **Inspections.** All towers may be inspected at least once each year by an official of the Building Inspector's Office to determine compliance with original construction standards. Deviation from original construction for which a building permit is obtained constitutes a violation of this Section.

(7) **Notices.** Notice of violations will be sent by certified mail, return receipt requested, to the owner and the owner will have 30 days from the date the notification is issued to make repairs. The owner will notify the Building Inspector's Office that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner will be notified of the results.

(8) **Interpretation.** Should this Section be in conflict with other Sections of this Code, the provisions of this Section shall prevail.

(F) **Tower and Antenna Design Requirements.** Proposed or modified towers and antennas shall meet the following design requirements:

(1) Towers and antennas and devices shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in

instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(2) Commercial wireless telecommunication service towers shall be of a monopole design unless the City determines that an alternative design would accommodate co-location of additional antennas or would better blend into the surrounding environment.

(G) **Tower Setbacks.** Towers shall conform with each of the following minimum setback requirements:

(1) Towers shall be setback from all property lines by a minimum distance equal to the height of the tower, plus 10 feet, including all antennas, and attachments. Towers may be located closer to a property line if the tower is designed and engineered to collapse progressively within the distance between the tower and property line, which design must be documented by and signed by a qualified professional engineer licensed in Minnesota. In all cases, the tower shall meet the setbacks of the underlining zoning district.

(2) Towers shall be set back from existing public rights-of-way and from the planned public rights-of-way, as shown on the most recently adopted Comprehensive Plan of the City, by a minimum distance equal to the height of the tower, plus 10 feet, including all antennas and attachments. Towers may be located closer to public rights-of-way and to planned public rights-of-way if the tower is designed and engineered to collapse progressively within the distance between the tower and the public rights-of-way, which design must be documented by and signed by a qualified professional engineer licensed in Minnesota.

(3) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a light standard, power line support device, or similar structure.

(H) **Tower Height.** All proposed towers shall meet the height restrictions set forth in Paragraph (O) of this Section.

(I) **Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Should strobe lights be required, strobe lights shall be limited to daylight hours and shall switch to red lights during nighttime hours. Any such lighting shall be shaded as required by Section 150.06 (E)(5). When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower, subject to the approval of the City Zoning Administrator.

(J) **Signs and Advertising.** The use of any portion of a tower or antenna for signs other than warning or equipment information signs is prohibited.

shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted towers and equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

**(L) Abandoned or Unused Towers or Portions of Towers.** Abandoned or unused towers or portions of towers shall be removed as follows:

**(1)** Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at a site. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the owner of the real property and the owner of the tower and/or those costs may be assessed against the real property.

**(M) Interference with Public Safety Telecommunications.** No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least ten calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

**(N) Additional Submittal Requirements.** In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information:

- (1)** A report from a qualified professional engineer licensed in Minnesota which:
  - (a)** describes the tower height and design including a cross section and elevation;
  - (b)** documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - (c)** describes the towers capacity, including the number and type of antennas that it can accommodate;
  - (d)** documents what steps the applicant will take to avoid interference with established public safety telecommunications;
  - (e)** includes an engineer's stamp and registration number; and
  - (f)** includes other information necessary to evaluate the request.

(2) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and the tower owner's successors or assigns to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(3) Before the issuance of a building permit, the following supplemental information shall be submitted:

(a) proof that the proposed tower complies with regulations administered by Federal Aviation Administration, Federal Communication Commission, and others; and

(b) a report from a qualified professional engineer licensed in Minnesota which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

**(O) Height Limitations.**

(1) **Structure Height.** The height of towers shall be determined by measuring the vertical distance from the lowest point of contact with the ground to the highest point of the tower, including all antennas or other devices or attachments. When towers are mounted on roofs or other structures, the combined height of the structure and tower must meet the height restrictions of this Section.

(2) **Height Limitations.** The maximum height of towers shall be 200 feet.

**(3) Additional Restrictions.**

(a) Towers shall be set back from overhead electrical power lines by a minimum distance equal to the height of the tower, plus 10 feet, including all antennas and attachments.

(b) Airport Zoning Ordinances for the Thief River Falls Regional Airport.

**(P) Factors Considered in Granting Conditional Use Permits for Towers.** The City Council shall consider the following factors in determining whether to issue a conditional use permit for towers. The City Council may evaluate each of these factors on a site-by-site basis with varying levels of preference in determining how the goals of this Section are best served:

(1) Height of the proposed tower facility.

(2) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of other provider's equipment.

(3) Proximity of the tower to residential structures and residential district boundaries.

(4) Nature of uses on adjacent and nearby properties.

- (5) Surrounding topography.
- (6) Present and surrounding tree coverage and foliage.
- (7) Design and sighting of the tower, with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness.
- (8) Proposed ingress and egress.
- (9) Availability of suitable existing towers and other structures as discussed in other Paragraphs of this Section.
- (10) Such other factors as the Planning Commission or City Council deem appropriate.

**(Q) *Revocation of Conditional Use Permit.*** The grounds for revocation of a conditional use permit shall be based on a finding that:

- (1) The permittee has failed to comply with conditions of approval imposed;
  - (2) The tower facility has not been properly constructed or maintained;
  - (3) The tower facility is no longer in use and has not been in use for the previous 12 months; or
  - (4) Such other findings as the Planning Commission or City Council deem significant.
- (5) In the event of revocation of a conditional use permit, the tower and all accessory structures must be removed and the site restored to its original condition within 6 months. Failure to do so will result in the City completing the removal and site restoration and the owner of the real property and owner of the tower shall pay for City costs and/or those costs may be assessed against the real property.

*Amended: Ordinance No. 20, 3<sup>rd</sup> Series*



**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.09

**RESOLUTION NO. : APPROVAL OF CONDITIONAL USE PERMIT FOR THE STATE OF MINNESOTA FOR ALLIED RADIO MATRIX FOR EMERGENCY RESPONSE (ARMER) TOWER**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, The State of Minnesota currently operates a communications tower at 515 Zeh Street West adjacent to the former Department of Transportation facility. This communication tower was constructed in the 1950's and has far exceeded its useful life. It is outdated and does not effectively support the new ARMER technology. After completion of a new tower this tower will be removed; and

WHEREAS, towers are only allowed in industrial zoning districts and only with a conditional use permit. Setback distances for towers are defined as an accessory use and require an engineered fall distance. The State of Minnesota is exempt from land use requirements on state owned property. This new tower will serve the Minnesota State Patrol, Pennington County Sheriff's office, City of Thief River Falls Police and Fire Departments, ambulance service and other fire departments and first responders in Pennington County. This technology allows communication between all emergency service providers throughout the entire State of Minnesota; and

WHEREAS, State Statute allows properties owned by the State of Minnesota be exempt from land use requirements. The Planning Commission required the conditional use permit to facilitate neighborhood notification, review location of tower on property, require engineer's certification and verify that the tower would not impact the State of Minnesota's ability to sell property along Highway 1 & 59 for commercial development.

THEREFORE, BE IT RESOLVED, to accept the Planning Commission recommendation to approve a Conditional Use Permit for the State of Minnesota to construct a 300' high Allied Radio Matrix for Emergency Response (ARMER) tower on Department of Transportation property located at 248 125<sup>th</sup> Avenue NE, Thief River Falls, Minnesota. It is legally described in the attached Notice of Hearing. This approval is contingent upon engineer's certification and FAA approval.

**Presented at the September 18, 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

DIRECTOR OF PUBLIC WORKS

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

#8.10

PHONE: 218-681-8506  
FAX: 218-681-8507  
email: mborseth@citytrf.net  
www.citytrf.net

## Request for Council Action

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**DATE:** September 18, 2018

**SUBJECT:** John Leopold Variance Request

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

Motion to: Approve a variance to 150.06 (C) (1) requiring an amateur radio tower to be in the rear yard.

**BACKGROUND:** John Leopold, 1020 Elizabeth Avenue North, is proposing to install an amateur radio tower at his residence. These are allowed in a residential district with certain conditions. The proposed tower is 40' high and extends 22' above the garage peak.

**KEY ISSUES:** The manufacturer he is using recommends anchoring the tower at the highest point on the house. In John's case it would be the gable end of the house or the gable end of the garage. The gable end of the house is in the rear yard, but is at the location where most of his utilities are, creating a conflict at that location. The gable end of the attached garage works very well, except it is not in the rear yard. Anchoring the tower to the garage would require a variance to the rear yard requirement.

**FINANCIAL CONSIDERATIONS:** The cost for the variance request will be the responsibility of the homeowner.

**LEGAL CONSIDERATION:** None.

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

Encl: (6)

**NOTICE OF HEARING  
PLANNING COMMISSION  
CITY OF THIEF RIVER FALLS**

Notice is hereby given pursuant to Chapter 150 of the Thief River Falls ("City") City Code that John Leopold, 1020 Elizabeth Avenue North, Thief River Falls, MN 56701, has applied for a variance to the rear yard tower requirements. The real property is legally described as follows:

The North 90 Feet of Lot 20 and the West 21 Feet of the North 90 Feet of Lot  
19, Kratka Addition to Thief River Falls, Minnesota

Notice is further given that the Planning Commission will conduct a Hearing on the Variance Request at 5:00 P.M. on Tuesday, September 11, 2018, in the City Council Chambers, City Hall, 405 Third Street East, Thief River Falls, MN 56701. All persons wishing to comment on the Variance Request will have the option to be heard at this time. Persons who wish to submit written comments prior to the Hearing or who have questions should address them to the Office of the Public Works Director, City Hall, P. O. Box 528, Thief River Falls, MN 56701, or telephone 218-681-8506.

If you have a disability and need an accommodation in order to attend this Hearing; please contact the undersigned as soon as possible or at least 3 working days in advance of the Hearing at the above telephone number.

Dated this 24th day of August, 2018

CITY OF THIEF RIVER FALLS

/s/ Mark Borseth  
Mark Borseth  
Public Works Director  
& Zoning Administrator

Published in the Wednesday, August 29, 2018, edition of The Times.



**Application To Planning Commission/BOZA**

City of Thief River Falls  
 Community Services  
 405 3rd Street East - P.O. Box 528  
 Thief River Falls, MN 56701  
 218-681-8506

**REZONING** (Fee \$150.00)
  **APPEALS** (Fee \$50.00)  
 **VARIANCE** (Fee \$150.00)  
 **LAND SUBDIVISION** (Fee \$300.00)  
 **CONDITIONAL USE PERMIT** (Fee \$150.00)

**Applicant**

Name <b>JOHN LEOPOLD</b>		Phone # <b>218 686 4729</b>	
Address <b>1020 ELIZABETH AVE N.</b>	City <b>T.R.F.</b>	State <b>MN</b>	Zip <b>56701</b>

**Property Owner (if different from Applicant)**

Name		Phone #	
Address	City	State	Zip

**Approximate Location of Property**

Address <b>1020 ELIZABETH AVE N.</b>	Legal Description
Present Zoning Classification	Present Use <b>RESIDENCE</b>

Description of Request  
**SEEKING VARIANCE TO PUT AN AMATURE RADIO TOWER ON THE SIDE OF MY HOME (NORTH) INSTEAD OF BACK YARD (EAST SIDE). THIS LOCATION WILL HELP INSURE THE SAFETY OF MY NEIGHBORS SINCE THERE IS NOTHING CLOSE ENOUGH TO HIT SHOULD THE TOWER FALL. IT WILL ALSO ALLOW FOR A MORE SECURE INSTALLATION SINCE I WILL BE ABLE TO SECURE THE TOWER DIRECTLY TO THE HOUSE AT THAT LOCATION. LOCAL RADIO PEOPLE WITH SIMILAR ARRANGEMENTS INCLUDE: JIM HULTZEL, RON STORDAHL, DAVID RIST.**

Property Owner Signature (required) <i>[Signature]</i>	Date <b>8-15-18</b>
Applicant Signature <i>[Signature]</i>	Date <b>8-15-18</b>
Review (For office use only)	
Date of Publication	Date on Planning Commission Agenda

Action Taken By Commission:

Action Taken By City Council:

City Council Resolution / Ordinance Number

Fee Paid

## CHECKLIST FOR VARIANCE REQUESTS

1. **Applicant (Name/Address/Tel.):** John Leopold, 1020 Elizabeth Avenue North, Thief River Falls, MN 56701. 218-686-4729.
2. **General location of the request:** 1020 Elizabeth Avenue North
3. **Legal description of the location:** North 90' of Lot 20 and the West 21' of the North 90' of Lot 19, Kratka Addition.
4. **This request is for a Variance to City Code, Sec. 150.06 (C) (1), Towers in Residential Districts.**
5. **Adjacent land use:** The existing property is a single family home with single family homes adjacent in all directions.
6. **Adjacent zoning districts:** The location borders General Residential District (R-2) in all directions.
7. **Is this a personal hardship?** Yes, the owner can meet all of the requirements except the amateur radio tower being in the rear half of the yard.
8. **Is this a unique situation?** Yes, the owner would like to anchor the tower to the gable end of his attached garage as per manufacturer's instructions, but his garage is not fully in the rear yard. He could anchor to the gable end of his house, which is in the rear yard, but there is a conflict with underground utilities serving his house.
9. **Is this a self-created problem?** No.
10. **Will the Variance create undo hardship on:**
  - A. **The neighborhood?** No.
  - B. **The Comprehensive Plan?** No.
  - C. **The Zoning Ordinance?** No.
11. **Are Wetlands or Shorelands impacted by this request?** No.
12. **Is this a non-conforming use?** No.
13. **Is this a "use" Variance?** No.
14. **Without the Variance, is there a viable economic return?** N/A.
15. **Is there a site plan?** Yes – attached.

## COMMENTS

See RCA, Notice of Hearing, Application, Location Map, Site Plan and City Code.

## CRITERIA FOR GRANTING VARIANCES

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

### **1. Reasonableness**

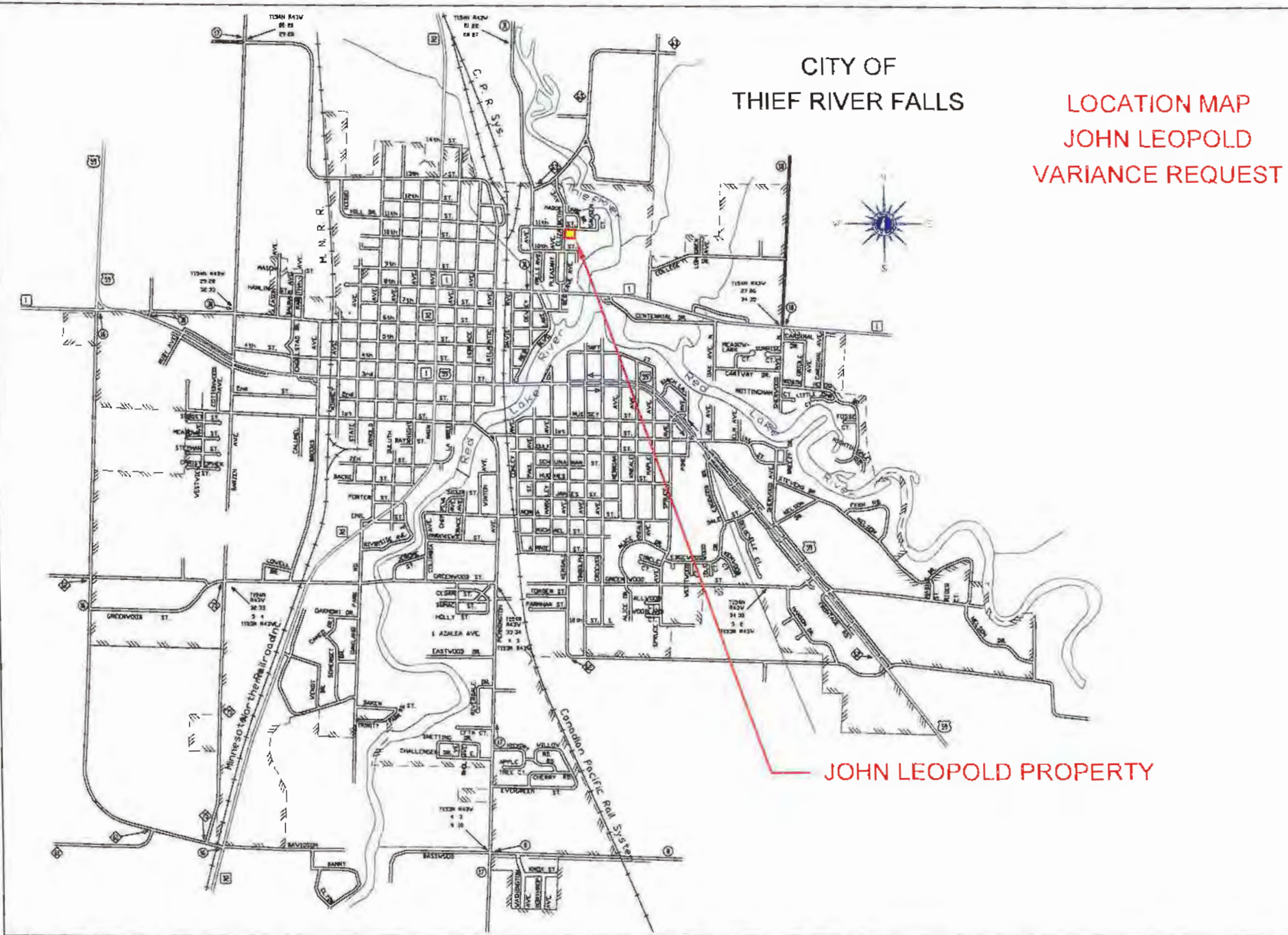
The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

### **2. Uniqueness**

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

### **3. Essential character**

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

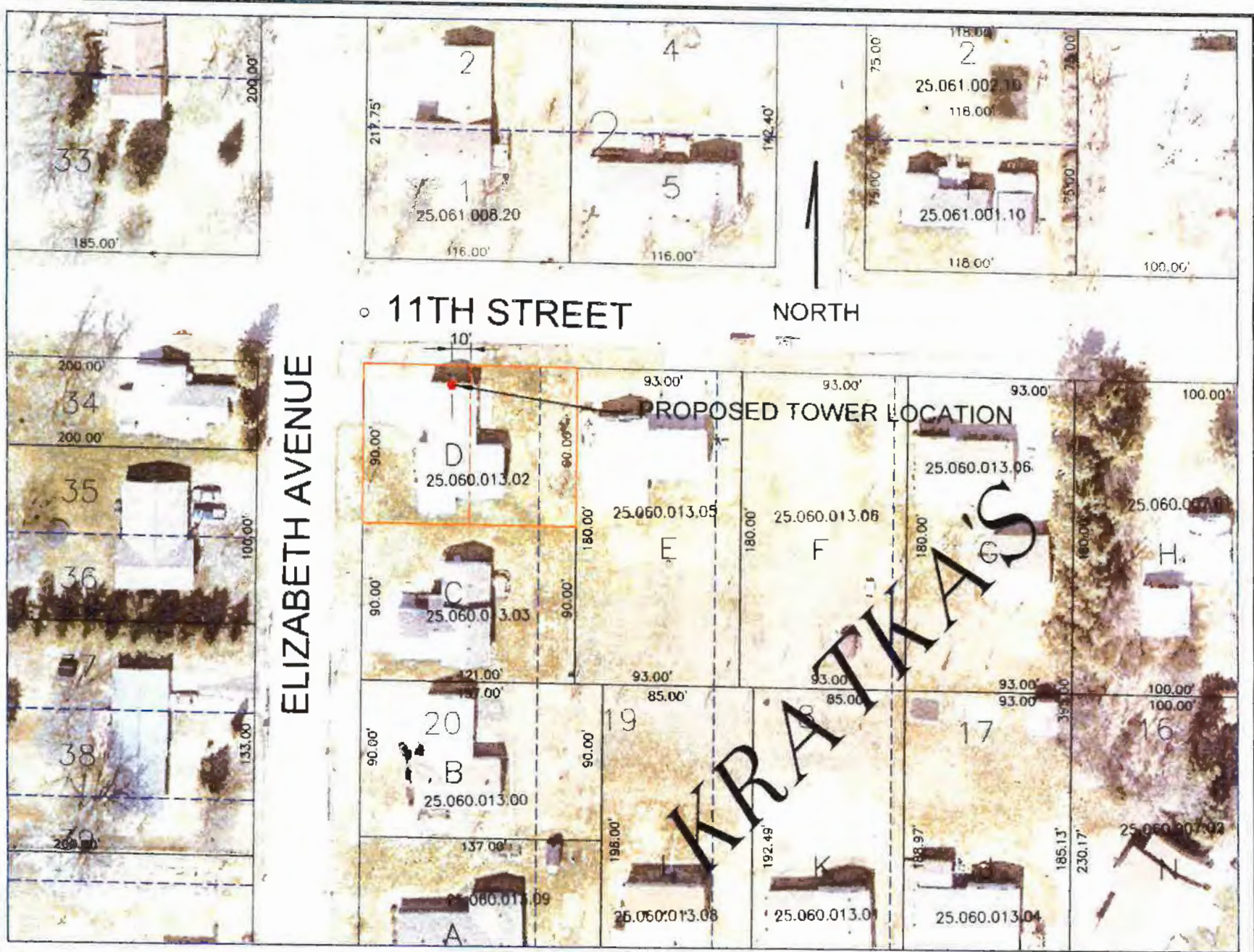


CITY OF  
THIEF RIVER FALLS

LOCATION MAP  
JOHN LEOPOLD  
VARIANCE REQUEST



JOHN LEOPOLD PROPERTY



SITE PLAN  
 JOHN LEOPOLD VARIANCE REQUEST  
 1020 ELIZABETH AVENUE NORTH

SEPTEMBER, 2018



**§ 150.03 PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.**

(A) *Definitions.* For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *MOVING PERMIT.* A document allowing the use of a street for the purpose of moving a building.

(2) *STREET.* A public right-of-way which affords a primary means of access to abutting property and shall include avenue, highway, or street.

(B) *Moving Permit Required.* It is unlawful for any person to move a building on a street without first having obtained a Moving Permit for such purpose.

(C) *Application.* Application for a Moving Permit shall be made to the Building Official on an application provided by the Building Official. The Building Official shall also refer the application to the Chief of Police. The Moving Permit shall be issued by the Building Official upon payment of the required fee and completion of other requirements.

(D) *Moving Permit Restrictions.* The Moving Permit shall state the date or dates of moving, hours, routing, movement, and parking. The Moving Permit shall be issued only for moving buildings by building movers licensed by the state.

(E) *Moving Permit Fee.* The Moving Permit fee shall be established by the Council by resolution, which may be changed from time to time by resolution.

(F) *Building Permit and Code Compliance.* Before any building is moved from one location to another within the City, or from a point of origin without the City to a destination within the City, regardless of the route of movement, it shall be inspected and a Building Permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

**§ 150.04 MAST AND ANTENNA CONSTRUCTION.**

(A) *Permit Required.* It is unlawful for any person to install or erect any mast or antenna, designed or intended to relate or be a part of any type of communications equipment and in any way connected to, or supported by, a building, if such mast or antenna, or any part thereof, is more than ten feet above the roof line at the highest point of attachment, without a permit therefore from the City.

(B) *Application and Permit.* Applications shall provide sufficient information to determine whether or not there is compliance with the provisions of this Section. Upon

granting any application, construction shall be in strict compliance with the application and shall be inspected to assure the compliance. The application shall also contain an agreement to indemnify and save § 150.03      **Thief River Falls - Land Usage**

6

the City harmless from any claim or expense incurred by reason of the negligent construction or maintenance of the mast or antenna.

(C) *Technical Requirements.* All masts and antennas shall meet or exceed the following requirements:

- (1) Masts and antennas shall be of noncombustible and corrosive-resistant material;
- (2) Every mast and antenna installed on a roof shall be mounted on its own platform or plate covering two or more rafters of the roof and shall be securely anchored with guy wires;
- (3) Masts and antennas shall be fastened directly to the roof or supported by noncombustible members or materials;
- (4) Outdoor masts and antennas shall be of an approved type and shall not exceed the maximum height of 25 feet above a roof support or of 70 feet above a ground support. In areas where reception is affected by obstructions, special permission may be granted by the Council to exceed the above specified height limitations;
- (5) Every mast or antenna must be adequately grounded for protection against a direct stroke of lightening with an adequate ground wire No. 6 or larger;
- (6) In no case shall a mast or antenna be installed nearer to the street or sidewalk than the height of the mast or antenna plus ten feet unless approved by the Council, and no wires, cables, or guy wires shall cross or extend over any part of any street, sidewalk, or other public property. No mast or antenna shall be installed closer to high voltage transmission lines than ten feet, plus the length of the mast or antenna; and,
- (7) Whenever it is necessary to install a mast or antenna near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the crossarm of the mast or antenna and secured in a direction away from the hazard.

#### § 150.05 AMATEUR RADIO TOWERS.

Amateur radio support structures (towers) shall be installed in accordance with the instructions furnished by the manufacturer tower model. Because of the experimental nature of the radio service antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturers specifications. No tower shall exceed 70

feet in height unless a conditional use permit to exceed this height is granted by the City Council.

**§150.06 REGULATING AND CONTROLLING TOWERS**

(A) **Purpose.** In order to accommodate the tower needs of residents and business while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to:

(1) Facilitate the provision of telecommunication and other services to the residents and businesses of the City;

(2) Minimize adverse visual effects of towers through careful design and siting standards;

(3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

(4) Maximize the use of existing and approved towers and buildings in order to reduce the number of towers needed to serve the community.

(B) **Definitions.** The following words and terms when used in this Section shall have the following meanings unless the context clearly states otherwise:

(1) **Antenna.** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

(2) **Co-Location.** The placement of wireless telecommunication antenna by two or more service providers on a tower, building, or structure.

(3) **Commercial Wireless Telecommunication Service.** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

(4) **Guyed Tower.** A tower that is supported, in whole or in part, by wires and ground anchors.

(5) **Monopole.** A type of tower mount that is self-supporting through a single shaft usually constructed of wood, metal, or concrete.

(6) **Public Utility.** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

(7) **Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts.

(8) **Tower, Multi-User.** A tower to which is attached the antennas or devices of more than one user or entity.

(9) **Tower, Single-Use.** A tower to which is attached only the antennas or devices of a single user, although the tower may be designed to accommodate the antennas and devices for multiple users as required in this Section.

(C) **Towers in Residential Zoning Districts.** All towers erected, constructed, or located within Residential Districts or Commercial Districts shall comply with the following requirements:

(1) Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the rear yard of residentially or commercially zoned parcels provided they shall not more exceed the maximum height of 25 feet above a roof support or of 70 feet above a ground support.

(2) Must comply with the provisions of §150.04 and §150.05, and other appropriate sections of the Code.

(D) **Co-Location Requirements.** All commercial towers erected, constructed, or located within the City shall comply with the following requirements:

(1) A proposal for a new commercial telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (one half mile search radius for towers under 120 feet in height, one quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer licensed in Minnesota, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional engineer licensed in Minnesota and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer licensed in Minnesota.

(d) Other unforeseen reasons which make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(e) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user if the tower is over 60 feet in height or for at least two additional users if the tower is over 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(2) A letter of intent must be submitted to the City from the tower owner, and the owner's successors and assigns, to allow the shared use of the tower if an applicant requests use of the tower and is willing to pay a reasonable charge and will not interfere with other uses of the tower.

(E). **Tower Construction Requirements.** All towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the following requirements:

(1) **Permits.**

(a) It shall be unlawful for any person, firm, or corporation to erect, construct in place, place, or re-erect, replace, or repair any tower without first making application for a conditional use permit and thereafter securing a building permit.

(b) The application shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

(c) The City shall not issue a building permit until the applicant has received all other required permits and licenses, including, but not limited to, those required by the Federal Aviation Administration and Federal Communication Commission.

(d) Permits are not required for:

1. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

2. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that all requirements §150.06 (E)(3) are met. Temporary antennas shall be removed within 72 hours following installation.

(2) **Fees.** The fees to be paid are those prescribed for application for a conditional use permit and building permit fees.

**(3) Construction Requirements.** All antennas and towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the following requirements:

(a) All applicable provisions of this Code.

(b) Towers shall be certified by a qualified professional engineer licensed in Minnesota to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.

(c) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

(d) Towers and associated antennas and devices shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

(e) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 18 feet above the ground at all points, unless buried underground.

(f) Every tower affixed to the ground shall be protected to discourage climbing of the tower by a security fence of not less than six feet in height.

(g) All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.

(h) All towers erected within the City must conform to the applicable performance standards of this Code.

(i) The noise levels associated with any tower facility shall conform to the Minnesota Pollution Control Agency noise level requirements as listed in Minnesota Rules.

(j) Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within 18 months following the date of the issuance of the building permit, extendable for an additional three months by the City Zoning Administrator. A Conditional Use Permit shall expire if construction is not completed within these time frames.

**(4) Existing Antennas and Towers.** Antennas and towers in existence as of January 1, 2006, which do not conform to or comply with this Section are subject to the following provisions:

“The application shall also contain an agreement to indemnify and save the City harmless from any claim or expense incurred by reason of the negligent construction or maintenance of the mast or antenna.”



**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.10

**RESOLUTION NO. : APPROVAL OF JOHN LEOPOLD VARIANCE REQUEST**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No., being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, John Leopold, 1020 Elizabeth Avenue North, is proposing to install an amateur radio tower at his residence. These are allowed in a residential district with certain conditions. The proposed tower is 40' high and extends 22' above the garage peak; and

WHEREAS, the manufacturer he is using recommends anchoring the tower at the highest point on the house. In John's case it would be the gable end of the house or the gable end of the garage. The gable end of the house is in the rear yard, but is at the location where most of his utilities are, creating a conflict at that location. The gable end of the attached garage works very well, except it is not in the rear yard. Anchoring the tower to the garage would require a variance to the rear yard requirement.

THEREFORE, BE IT RESOLVED, to accept the Planning Commission recommendation Approve a variance to 150.06 (C) (1) requiring an amateur radio tower to be in the rear yard.

**Presented at the September 18, 2018 Council Meeting**

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

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

**Roll Call (if required):**

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

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

\_\_\_\_\_

\_\_\_\_\_



**REQUEST FOR COUNCIL ACTION**

**DATE:** September 18, 2018

**SUBJECT:** Ward 3 Councilmember Vacancy

**RECOMMENDATION:** it is respectfully requested the Council approve the recommendation of the Administrative Services Committee and pass

**MOTION TO:** select a replacement process for filling the vacancy in the Ward 3 position which appoints the selection of the voters of Ward 3 as determined by the November 6 election.

**BACKGROUND:** On August 21, 2018, upon the receipt of the written resignation of Councilmember Josh Hagen, a vacancy was created for the Ward 3 position. On September 4, 2018, the City Council directed the Administrative Services Committee to meet and recommend a process to fill the vacancy. On September 11, 2018, the Administrative Services Committee met and discussed filling the vacancy through a process involving public notice and advertising, interviews, and selection by majority vote of the seven members of the City Council. A reasonable period of time for such a process is believed to be about 6 weeks.

As an alternative to this process, the Committee is recommending that the City Council pass a resolution selecting a replacement process for filling the vacancy which appoints the winner of the November 6 election. This process would include appointment effective upon the certification of the results of that election. Among other benefits of this selection process is avoiding the very real possibility that the City Council would appoint one of three persons who must, inevitably, lose the Ward 3 election on November 6, perhaps even making this unfortunate appointment at the November 6th council meeting on the very same day that the people of Ward 3 select a different person to be the Ward 3 Councilmember. The committee believes this selection method for appointment to the vacancy is reasonable because the period of time for appointment through this selection method is approximately the same as other reasonable methods for selection. The committee further believes this process to be reasonable because it elevates in importance the will of the people in the selection method.

**FINANCIAL CONSIDERATION:** none

**LEGAL CONSIDERATION:** the City Council is responsible for filling the vacancy.

**DEPARTMENT/RESPONSIBLE PERSON:** Rod Otterness, City Administrator

**CITY OF THIEF RIVER FALLS  
PROPOSED RESOLUTION**

#8.11

**RESOLUTION NO. : APPROVAL OF REPLACEMENT PROCESS FOR FILLING  
WARD 3 VACANCY**

The City Council reviewed a Request for Council Action. Councilmember \_\_\_\_\_ introduced Resolution No. , being seconded by Councilmember \_\_\_\_\_, that:

WHEREAS, on August 21, 2018, upon the receipt of the written resignation of Councilmember Josh Hagen, a vacancy was created for the Ward 3 position. On September 4, 2018, the City Council directed the Administrative Services Committee to meet and recommend a process to fill the vacancy. On September 11, 2018, the Administrative Services Committee met and discussed filling the vacancy through a process involving public notice and advertising, interviews, and selection by majority vote of the seven members of the City Council. A reasonable period of time for such a process is believed to be about 6 weeks; and

WHEREAS, as an alternative to this process, the Committee is recommending that the City Council pass a resolution selecting a replacement process for filling the vacancy which appoints the winner of the November 6 election. This process would include appointment effective upon the certification of the results of that election. Among other benefits of this selection process is avoiding the very real possibility that the City Council would appoint one of three persons who must, inevitably, lose the Ward 3 election on November 6, perhaps even making this unfortunate appointment at the November 6th council meeting on the very same day that the people of Ward 3 select a different person to be the Ward 3 Councilmember. The committee believes this selection method for appointment to the vacancy is reasonable because the period of time for appointment through this selection method is approximately the same as other reasonable methods for selection. The committee further believes this process to be reasonable because it elevates in importance the will of the people in the selection method.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Administrative Services Committee recommendation to select a replacement process for filling the vacancy in the Ward 3 position which appoints the selection of the voters of Ward 3 as determined by the November 6 election.

**Presented at the September 18, 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  
INVESTMENT SUMMARY**

<b>BANK/BROKER</b>	<b>TYPE AND DESCRIPTION OF SECURITY</b>	<b>PAR</b>	<b>MATURITY DATE</b>	<b>YIELD OR INTEREST RATE</b>	<b>CALL DATE</b>	<b>CURRENT MARKET VALUE</b>
<b>RBC</b>						
Firstbank PR Santurce	Certificate of Deposit - Brokered	\$249,000	22-Oct-18	1.55%	22-Oct-18	\$248,895.42
Worlds Foremost BK Sydney NEB	Certificate of Deposit - Brokered	\$200,000	11-Jan-19	1.55%	11-Jan-19	\$199,694.00
Comenity Cap Bk Utah CD 1.2	Certificate of Deposit - Brokered	\$249,000	02-May-19	1.20%	02-May-19	\$247,764.96
BMW Bk North Amer Salt Lake	Certificate of Deposit - Brokered	\$245,000	28-Jun-19	1.15%	28-Jun-19	\$242,839.10
Capital One Natl Assn VA	Certificate of Deposit - Brokered	\$204,000	07-Oct-19	2.00%	07-Oct-19	\$202,986.12
Citizens Bk & Tr Co	Certificate of Deposit - Brokered	\$112,000	27-Jan-20	1.10%	27-Apr-18	\$110,309.92
Sallie Mae BK Salt lake City	Certificate of Deposit - Brokered	\$165,000	24-Aug-20	1.90%	23-Feb-18	\$162,147.15
Aliy Bk Midvale Utah/RBC	Certificate of Deposit - Brokered	\$247,000	09-Nov-20	2.00%	09-Nov-18	\$242,591.05
American Express Fed Saving BK	Certificate of Deposit - Brokered	\$210,000	07-Dec-20	2.10%	05-Jun-18	\$205,831.50
American Express Fed Saving BK	Certificate of Deposit - Brokered	\$37,000	21-Dec-20	2.10%	19-Jun-18	\$36,247.42
Morgan Stanley BK N A Utah CD	Certificate of Deposit - Brokered	\$246,000	08-Feb-21	2.50%	08-Aug-18	\$243,726.96
American Express Centurion Bank	Certificate of Deposit - Brokered	\$247,000	05-Apr-21	2.30%	05-Oct-17	\$241,412.86
Wells Fargo Bk N A	Certificate of Deposit - Brokered	\$249,000	30-Jun-21	1.60%	30-Jun-21	\$239,732.22
Discover BK CD 1.4	Certificate of Deposit - Brokered	\$120,000	13-Jul-21	1.45%	13-Jul-21	\$114,981.60
Discover BK CD 1.5	Certificate of Deposit - Brokered	\$125,000	20-Jul-21	1.50%	20-Jul-21	\$119,897.50
Texas Sec BK Dallas Tex	Certificate of Deposit - Brokered	\$61,000	30-Aug-21	3.00%	28-Feb-19	\$60,992.68
Peples Sec BK & TR Co Scranton	Certificate of Deposit - Brokered	\$245,000	31-Aug-21	3.00%	28-Feb-19	\$244,975.50
Suntrust Bk Atlanta GA CD CLL	Certificate of Deposit - Brokered	\$246,000	27-Dec-21	1.20%	27-Jun-19	\$240,248.52
Sallie Mae BK Salt lake City	Certificate of Deposit - Brokered	\$82,000	23-Aug-22	2.35%	23-Feb-18	\$79,626.92
BMO Harris Bk Natl Assn	Certificate of Deposit - Brokered	\$246,000	21-Aug-23	2.35%	21-May-18	\$242,420.70
JP Morgan Chase BK NA Columbus	Certificate of Deposit - Brokered	\$189,000	31-Oct-23	1.50%	30-Apr-18	\$176,261.40
HSBC Bank USA NA CD CLL	Certificate of Deposit - Brokered	\$248,000	28-Jun-24	1.50%	28-Jun-20	\$234,900.64
JP Morgan Chase BK NA Columbus	Certificate of Deposit - Brokered	\$58,000	21-Oct-24	1.40%	21-Apr-18	\$54,025.84
	<b>RBC INVESTMENTS</b>					\$4,192,509.98
Border State Bank	Certificate of Deposit	\$100,000	16-Dec-18	0.55%	16-Dec-18	\$100,000.00
	<b>BORDER STATE BANK INVESTMENTS</b>					\$100,000.00

**4M FUND**

Western Alliance Bank/Torrey	Certificate of Deposit - Brokered	\$246,900	19-Jan-19	2.164%	\$249,974.01
Corporate One Federal CU	Certificate of Deposit - Brokered	\$246,400	19-Mar-19	2.200%	\$249,934.66
First National Bank/The First	Certificate of Deposit - Brokered	\$248,300	20-Nov-18	2.010%	\$249,927.27
Modern Bank NA	Certificate of Deposit - Brokered	\$247,900	18-Dec-18	2.730%	\$249,969.17
Unity Bank	Certificate of Deposit - Brokered	\$245,900	16-Apr-19	2.243%	\$249,918.65
Servisfirst Bank	Certificate of Deposit - Brokered	\$245,200	21-May-19	2.322%	\$249,895.22
Mainstreet Bank	Certificate of Deposit - Brokered	\$244,500	18-Jun-19	2.425%	\$249,843.80
Franklin Synergy Bank	Certificate of Deposit - Brokered	\$247,400	15-Jan-19	2.150%	\$249,950.26

**4M INVESTMENTS**\$1,999,413.04**TOTAL CD INVESTMENTS**

\$6,291,923.02

**MONEY MARKET ACCOUNTS**

Piper Jaffray	First American Gov't Obligations Fund			1.43%	\$3,620,870.14
RBC	US Govt Money Market Fund			0.95%	\$249.22
League of Minnesota Cities	4M Money Market Fund			1.71%	\$2,643,657.76
League of Minnesota Cities	4M Plus Fund			1.79%	\$24,964.53

**TOTAL MONEY MARKET SAVINGS**\$6,289,741.65**GRAND TOTAL****08/31/2018**\$12,581,664.67

\*Interest paid every 6 months.