

**THIEF RIVER FALLS CITY COUNCIL
AGENDA
TUESDAY – NOVEMBER 20, 2018**

**COUNCIL CHAMBERS
CITY HALL – 405 3RD STREET EAST
5:30 PM**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

CANVASS 2018 GENERAL ELECTION RESULTS

OFFICIAL OATH OF OFFICE

- 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**
 - Proclamation - NCTC Football Team Day December 1, 2018 (page 3)
 - Legislative update – Senator Johnson and Representative Fabian
- 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 November 6, 2018 Council Proceedings (page 4-25)
 - 7.02 City of Thief River Falls Bills and Disbursements (see attachment)
 - 7.03 Approval of progression raise – Hoffart (page 26-27)
 - 7.04 Approval of progression raise – Putzke (page 28-29)
 - 7.05 Approval of progression raise – Meunier (page 30-31)
 - 7.06 Approval of progression raise – Myers (page 32-33)
 - 7.07 Approval of progression raise – Wallace (page 34-35)
 - 7.08 Approval of Water Supply Plan (page 36-40)
 - 7.09 Approval of certification of unpaid sidewalk snow removal charges (page 41)
 - 7.10 Approval of On-Sale Malt Liquor and Wine License to DaRoos Pizza Thief River Falls (page 42-48)
 - 7.11 Approval of declaring slum & blight in portions of the Central Business District (page 49-50)

- 7.12 Approval of petition for Drainage System Transfer from Pennington County for a portion of Ditch 70 (page 51-56)
- 7.13 Municipal State Aid Street Funds Advance resolution (page 57-58)
- 7.14 Approval of Business Subsidy Agreement of the Development Agreement for Tax Increment Financing District 1-13 (page 59-65)
- 7.15 Approval of 2018 Street & Utilities Improvement Project Change Order No. 1 (page 66-69)

8. NEW BUSINESS

- 8.01 Approval of Council Committee Appointments (page 70-71)
- 8.02 Approve Letter of Intent with JIJ Management to investigate feasibility of hotel development on arena campus (page 72-76)
- 8.03 Approval to hire Sergeant (page 77-78)
- 8.04 Approval to fill part-time Apprentice Line Worker position (page 79-80)
- 8.05 Approval of Electric Rates (page 81-90)
- 8.06 First Reading of Ordinance amending Sidewalk Snow Removal (page 91-93)
- 8.07 Approval of appointment of Angela Philipp, Finance Director, as Interim City Administrator (page 94-95)

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 Joint City Council/School District Meeting – December 3rd at 5:30 p.m. at District Service Center
- 10.02 City Council Meeting – December 4th at 5:30 p.m.
- 10.03 Joint City Council/Planning Commission – December 6th at 5:00 p.m.
- 10.04 Utilities Committee Meeting – December 10th at 7:00 a.m.
- 10.05 Public Safety/Liquor Committee Meeting – December 10th at 4:30 p.m.
- 10.06 Administrative Services Committee Meeting – December 11th at 4:30 p.m.
- 10.07 Public Works Committee Meeting – December 12th at 4:30 p.m.
- 10.08 City Council Meeting – December 18th at 5:30 p.m.

11. INFORMATIONAL ITEMS

- Investment Summary dated 10/31/2018 (page 96-97)

12. ADJOURNMENT



PROCLAMATION

DECLARING DECEMBER 1, 2018 NCTC FOOTBALL TEAM DAY IN THIEF RIVER FALLS

Whereas: the City of Thief River Falls is proud of the NCTC Football Team for its back-to-back titles as MCAC State Champions and NJCAA Region XIII Champions; and

Whereas: the NCTC Football Team will play Nassau Community College in the 2018 Red Grange Bowl at the College of DuPage in Glen Ellyn, Illinois; and

Whereas: kickoff for the Red Grange Bowl game is 1:00 p.m. on Saturday, December 1, 2018

Now, therefore, I, Brian Holmer - Mayor of the City of Thief River Falls - in recognition of the commitment, teamwork, and dedication of the members of the NCTC Football Team do hereby proclaim

Saturday, December 1, 2018 NCTC Football Team Day

in the City of Thief River Falls.

In witness whereof I have hereunto set my hand and caused this seal to be affixed this 20th day of November, 2018.

Brian D. Holmer, Mayor

COUNCIL PROCEEDINGS

#7.01

NOVEMBER 6, 2018

The City Council of Thief River Falls, Minnesota, met in regular session at 5:30 p.m. on November 6, 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

- General Aviation Appreciation Month Proclamation

APPROVAL OF AGENDA

Councilmember Howe motioned, being seconded by Councilmember Prudhomme, to approve the agenda with the addition of two items. On vote being taken, the motion was unanimously approved.

RESOLUTION NO. 11-254-18: APPROVAL OF COUNCIL PROCEEDINGS

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 11-254-18, being seconded by Councilmember Narverud, that:

RESOLVED, by the City Council, to approve October 16, 2018 Council Proceedings.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-255-18: APPROVAL OF PAYMENT OF BILLS

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 11-255-18, being seconded by Councilmember Narverud, that:

RESOLVED, by the City Council, to authorize payment of bills and disbursements in the total amount of \$2,542,068.40. 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. 11-256-18: APPROVAL OF CONTRACT AND FIRST PAY REQUEST – DIGI-KEY FEEDER CONSTRUCTION PROJECT

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 11-256-18, being seconded by Councilmember Narverud, that:

WHEREAS, in order to provide electrical service to the four new service points on the Digi-Key Expansion project, the electric department must provide three new 750 MCM underground feeders from the existing Anderson Substation. The three feeders will consist of two main feeders and one backup feeder. These feeders are being routed along the east side of the Davidson property up to the south side of the new Digi-Key building where they will then split off to form a 750 MCM underground loop around the entire building picking up

one 500 kVA, one 1000 kVA, five 2000 kVA, and two 2500 kVA transformers along the way. Pay Request No. 1 submitted on behalf of the project contractor, North-Holt Electric, Inc. covers work completed through 10/29/18 for mobilization, boring, trenching, installation of pull boxes, conduit and components, and other items equal to approximately 27.15% of total project costs of \$239,075.90.

THEREFORE, BE IT RESOLVED, by the City Council, to approve execution of contract documents and pay request in the amount of \$64,911.42 payable to North-Holt Electric, Inc. for Digi-Key Feeder Construction Project.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-257-18: APPROVAL OF EXCLUSIVE BEVERAGE CONTRACT ARENAS

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 11-257-18, being seconded by Councilmember Narverud, that:

WHEREAS, the current 5 year contract for exclusive beverage supplier for the arenas expires November 30, 2018. On June 20, 2018 the city issued a request for proposals for exclusive beverage supplier.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the recommendation of the Administrative Services Committee to renew contract with Coca-Cola Bottling Company High Country for exclusive beverage agreement for the Ralph Engelstad Arena and the Huck Olson Memorial Civic Center subject to City Attorney approval of contract terms.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-258-18: APPROVAL TO PURCHASE SHELVING AND PALLET RACKING FROM BORDER STATES

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 11-258-18, being seconded by Councilmember Narverud, that:

WHEREAS, quotes were sent to Uline, Border States and Acme. Quotes were received by Uline and Border States with no quote from Acme. Uline was unable to provide Reel Racking or Cantilever racking for the main ware house. Also they were not able to provide shelving with sliding drawers required for the main shop and IT/Metering room.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Building Committee recommendation approve purchase of pallet racking and shelving from Border States in the amount of \$65,163.23.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-259-18: AMENDED JOINT RESOLUTION ESTABLISHING AN ORDERLY ANNEXATION AGREEMENT BETWEEN ROCKSBURY TOWNSHIP AND THE CITY OF THIEF RIVER FALLS

Presented as part of the Consent Agenda, Councilmember Brown introduced Resolution No. 11-259-18, being seconded by Councilmember Narverud, that:

WHEREAS, The City of Thief River Falls, Minnesota, (hereafter "City"), did receive a Petition for Annexation of Real Property into the City due to the need of utilities, transportation and other services provided by the City, and

WHEREAS, That the owners of all of the Real Property to be annexed pursuant to this Agreement did sign a Petition for Annexation and submitted the same to the City and Township, and

WHEREAS, The respective governing bodies of Rocksbury Township (hereafter "Town") and City had expressed their desire to encourage future development of Real Property near the City so as to promote the development of municipal services and urban growth as much as is practical, while respecting the existing rural residential lifestyles of other areas within the Town, and

WHEREAS, The Petition for Annexation concerned that Real Property located within the Township of Rocksbury, County of Pennington, and State of Minnesota described as follows:

The East Forty-two feet(42') of Government Lot Ten (10), LESS the North Nine Hundred Twenty-two and Ninety Seven 100ths feet (922.97') thereof, Section Four (4), Township One Hundred Fifty-three (153) North, of Range Forty-three (43) West of the Fifth Principal Meridian; and the East Fifty-two feet (52') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section Four (4), Township One Hundred Fifty-three (153) North, of Range Forty- three (43) West of the Fifth Principal Meridian, LESS the North Two Hundred Seventy feet (270') thereof.

WHEREAS, The City and Town desire to accommodate the Petition for Annexation to encourage growth in a cooperative, planned, and orderly fashion, and

WHEREAS, This Joint Resolution creating an Orderly Annexation Agreement (hereafter "Agreement") is beneficial to both parties to promote orderly planning, the orderly transition of government within the Real Property proposed to be annexed, promote continuity of City boundaries, and establish the condition under which such annexation shall take place, and

WHEREAS, The Town and City jointly request the immediate annexation of the Real Property described herein into the City,

NOW, THEREFORE, BE IT RESOLVED, In consideration of the mutual terms and conditions contained herein, Town and City hereby enter into this Agreement to provide for the orderly annexation of the Real Property herein described into the City upon the following terms and conditions:

1. Real Property Designated For Annexation. The unincorporated Real Property designated for orderly annexation is located in the Township of Rocksbury, County of Pennington and State of Minnesota and is described as follows:

The East Forty-two feet(42') of Government Lot Ten (10), LESS the North Nine Hundred Twenty-two and Ninety Seven 100ths feet (922.97') thereof, Section Four (4), Township One Hundred Fifty-three (153) North, of Range Forty-three (43) West of the Fifth Principal Meridian; and the East Fifty-two feet (52') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section Four (4), Township One Hundred Fifty-three (153) North, of Range Forty- three (43) West of the Fifth Principal Meridian, LESS the North Two Hundred Seventy feet (270') thereof.

The Real Property is shown on the maps attached hereto and made a part hereof as Exhibit "A".

2. Acreage and population. The Real Property consists of approximately 2.52 acres, the population of the Real Property is currently 0.

3. Jurisdiction. Upon approval by the Town Board and City Council, this Agreement shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, Section 414.011 (Subd. 12) (hereafter "Chief Judge"), to accomplish said annexation in accordance with the terms of this Agreement.

4. Review and Comment by Chief Judge. The Town and City mutually agree and state that this Agreement sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary for annexation to occur within the Real Property in accordance with this Agreement. Additionally, no alteration of the boundaries by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within thirty days, order the annexation in accordance with the terms of this Agreement.

5. Effective Date. This Agreement is effective on the date it is last adopted by the Town and City. The annexation provided for by this Agreement shall be effective upon the issuance of the Order by the Chief Judge. The provisions of this Agreement shall be binding unless otherwise modified by a joint resolution of both the Town and City. This Agreement is only meant to apply to the Real Property and not to any other area within the Town.

6. Reasons for Annexation. The reasons for the annexation of the Real Property include the Town's and City's collective determination that: The Real Property is now, or is about to become, urban or suburban in character; that the Real Property is in need of utilities such as sanitary sewer, storm sewer, and water; the annexation is needed for the City to maintain transportation roadways, the type of development proposed for the Real Property is more consistent with development within the City; and at this time the annexation would be in the best interest of the Petitioners, the City, and the Town.

7. Timing of Tax Levy. Pursuant to Minnesota Statutes, Section 414.0325, Subd. 4b, because the annexation provided for in this Agreement will be effective after August 1, 2018, the City may levy on the annexed area beginning with the next levy year.

8. Property Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the reimbursement from the City to the Town shall be as follows:

0%

9. Road Maintenance. The City shall be responsible for road repairs and maintenance during the pending period of the annexation.

10. Planning and Land Use Control. The City shall exercise planning and land use control over the Property pursuant to City ordinances.

11. Authorization. The appropriate officers of the Town and City are hereby authorized to carry out the terms of this Agreement.

12. Entire Agreement. The terms, covenants, conditions, and provisions of this Agreement, including Exhibit "A", which is attached hereto and incorporated herein by reference, shall constitute the entire Agreement between the Town and City, unless amended by joint resolution of Town and City.

13. Governing Law. This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-260-18: RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$4,010,000 GENERAL OBLIGATION BONDS, SERIES 2018B

Following discussion, Councilmember Prudhomme introduced Resolution No. 11-260-18, being seconded by Councilmember Aarestad, that:

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

SECTION 1. AUTHORIZATION AND SALE.

1.01. Authorization. This City Council, by resolution duly adopted on October 2, 2018, authorized the issuance and sale of its General Obligation Bonds, Series 2018B (the "Bonds"), pursuant to Minnesota Statutes, Section 412.301 and Chapters 429, 444 and 475, for the purpose of (a) financing various improvement projects in the City (the "Improvements"), (b) financing various water and sewer improvements in the City (the "Utility Project"), (c) financing various items of capital equipment (the "Equipment"), and (d) funding costs of issuance of the Bonds (collectively, the "Project").

1.02. Sale. Pursuant to the Notice of Sale and the Preliminary Official Statement prepared on behalf of the City by Northland Securities, Inc., municipal advisor to the City, sealed or electronic proposals for the purchase of the Bonds were received at or before the time specified for re-

ceipt of proposals. The proposals have been opened, publicly read and considered and the purchase price, interest rates and net interest cost under the terms of each proposal have been determined. The most favorable proposal received is that of Robert W. Baird & Co., Inc., in Milwaukee, Wisconsin, and associates (the "Purchaser"), to purchase the Bonds in the principal amount of \$4,010,000, at a price of \$4,004,949.89 plus accrued interest, if any, on all Bonds to the day of delivery and payment, on the further terms and conditions hereinafter set forth. The principal amount of the portion of the Bonds allocable to the Improvements (\$1,800,000) shall be designated as the "Improvement Bonds," and the principal amount of the portion of the Bonds allocable to the Utility Project (\$1,055,000) shall be designated as the "Utility Bonds." The principal amount of the portion of the Bonds allocable to the Equipment (\$1,155,000) shall be designated as "Equipment Bonds" and does not exceed 0.25 percent of the market value of taxable property in the City (\$1,224,994.50).

1.03. Award. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Administrator are hereby authorized and directed on behalf of the City to execute a contract for the sale of the Bonds with the Purchaser in accordance with the Preliminary Official Statement. The good faith deposit of the Purchaser shall be retained and deposited by the City until the Bonds have been delivered, and shall be deducted from the purchase price paid at settlement.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated as of December 5, 2018, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on February 1 in the years and amounts stated below, and shall bear interest from date of issue until paid or duly called for redemption, at the annual rates set forth opposite such years and amounts, as follows:

<u>Maturity</u>	<u>Improvement Bonds</u>	<u>Utility Bonds</u>	<u>Equipment Bonds</u>	<u>Total</u>	<u>Rate</u>
2020	\$120,000	\$50,000	\$110,000	\$280,000	3.000%
2021	130,000	60,000	120,000	310,000	3.000
2022	135,000	60,000	120,000	315,000	3.000
2023	140,000	65,000	125,000	330,000	3.000
2024	145,000	65,000	130,000	340,000	3.000
2025	150,000	65,000	130,000	345,000	3.000
2026	155,000	70,000	135,000	360,000	3.000
2027	155,000	70,000	140,000	365,000	3.000
2028	160,000	70,000	145,000	375,000	3.000
2029	165,000	75,000	0	240,000	3.000
2030	170,000	75,000	0	245,000	3.125
2031	175,000	80,000	0	255,000	3.250

2034 0 250,000 0 250,000 3.500

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof shall be payable by check or draft issued by the Registrar described herein, provided that so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on February 1 and August 1 in each year, commencing August 1, 2019, each such date being referred to herein as an Interest Payment Date, to the persons in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar’s close of business on the fifteenth day of the calendar month preceding such Interest Payment Date, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. Bonds maturing on February 1, 2027 and in later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in integral multiples of \$5,000, on February 1, 2026, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty (30) and not more than sixty (60) days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the Registrar and registered holders of any Bonds to be redeemed at their addresses as they appear on the Bond Register described in Section 2.06 hereof, provided that notice shall be given to any securities depository in accordance with its operational arrangements. No defect in or failure to give such notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

Bonds maturing on February 1, 2034 (the “Term Bonds”) shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on February 1 in each of the following years the following stated principal amounts of such Bonds:

<u>Year</u>	<u>Principal Amount</u>
2032	\$80,000
2033	85,000

The remaining \$85,000 stated principal amount of such Bonds shall be paid at maturity on February 1, 2034.

2.05. Appointment of Registrar. The City hereby appoints Northland Trust Services, Inc., in Minneapolis, Minnesota, as the initial Bond registrar, transfer agent and paying agent (the “Registrar”). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company organized under the laws of the United States or one of the states of the United States and authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar, effective upon not less than thirty days’ written notice and upon the appointment and acceptance of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal corporate trust office a register (the “Bond Register”) in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. The term Holder or Bondholder as used herein shall mean the person (whether a natural person, corporation, association, partnership, trust, governmental unit, or other legal entity) in whose name a Bond is registered in the Bond Register.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the Holder thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Holder thereof or by an attorney duly authorized by the Holder in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the first day of the month in which the interest payment date occurs and until such interest payment date.

(c) Exchange of Bonds. At the option of the Holder of any Bond in a denomination greater than \$5,000, such Bond may be exchanged for other Bonds of authorized denominations, of the same maturity and a like aggregate principal amount, upon surrender of the Bond to be exchanged at the office of the Registrar. Whenever any Bond is so surrendered for exchange the City shall execute and the Registrar shall authenticate and deliver the Bonds which the Bondholder making the exchange is entitled to receive.

(d) Cancellation. All Bonds surrendered for payment, transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the Bond Register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on the Bond and for all other purposes; and all payments made to or upon the order of such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.07. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and the City Administrator, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the

same as if such officer had remained in office until the date of delivery of such Bond. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond, substantially in the form provided in Section 2.09, has been executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on any Bond shall be conclusive evidence that it has been duly authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Administrator shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale theretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the City agrees to comply with DTC’s Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the Bond Register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of

Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of physical certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC, if not previously filed with DTC, by the Mayor or City Administrator is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of physical certificates and the method of payment of principal of and interest on such Bonds in the form of physical certificates.

2.09. Form of Bonds. The Bonds shall be prepared in substantially the form found at EXHIBIT A attached hereto.

Section 3. USE OF PROCEEDS; PROJECT FUND.

3.01. Project Fund

There is hereby created a special bookkeeping fund to be designated as the General Obligation Bonds, Series 2018B Project Fund (the "Project Fund"), to be held and administered by the City Administrator separate and apart from all other funds of the City. Within the Project Fund are established the following accounts:

(a) Improvements Account. The Improvements Account shall be credited with \$1,796,244.69 from the proceeds from the Improvement Bonds. The City Administrator shall maintain the Improvements Account until payment of all costs and expenses incurred in connection with the construction of the Improvements have been paid.

(b) Utility Project Account. The Utility Project Account shall be credited with \$1,049,272.43 from the proceeds of the Utility Bonds. The City Administrator shall maintain the Utility Project Account until all costs and expenses incurred by the City in connection with the construction of the Utility Project have been paid.

(c) Equipment Account. The Equipment Account shall be credited with \$1,159,432.77 from the proceeds of the Equipment Bonds. The City Administrator shall maintain the Equipment Account until all costs and expenses incurred by the City in connection with the Equipment have been paid.

From the Project Fund there shall be paid all costs and expenses related to the construction and acquisition of the Project. After payment of all such costs and expenses, the Project Fund shall be terminated. All funds on hand in the Project Fund when terminated shall be credited to the Bond Fund described in Section 4 hereof, unless and except as such proceeds may be transferred to some other fund or account as to which the City has received from bond counsel an opinion that such other transfer is permitted by applicable laws and does not impair the exemption of interest on the Bonds from federal income taxes. In no event shall funds remain in the Project Fund later than December 1, 2023.

SECTION 4. GENERAL OBLIGATION BONDS, SERIES 2018B BOND FUND. The Bonds shall be payable from a separate General Obligation Bonds, Series 2018B Bond Fund (the "Bond Fund") of the City, which shall be created and maintained on the books of the City as a separate debt redemption fund until the Bonds, and all interest thereon, are fully paid. Within the Debt Service Account (described below) within the Bond Fund are established the following subaccounts:

- (a) Improvements Subaccount. There shall be credited to the Improvements subaccount the following:
 - (i) the amounts specified in Section 3 above, after payment of all costs of the Improvements;
 - (ii) special assessments levied and collected in accordance with this Resolution;
 - (iii) taxes levied and collected in accordance with this Resolution and allocable to the Improvement Bonds; and
 - (iv) any other funds appropriated by this Council for the payment of the Improvement Bonds.
- (b) Utility Subaccount. There shall be credited to the Utility Subaccount the following:

- (i) the amounts specified in Section 3 above, after payment of all costs of the Utility Project;
 - (ii) net revenues of the municipal water and sewer systems, as described in Section 6 hereof;
 - (iii) special assessments levied and collected in accordance with this Resolution;
 - (iv) taxes levied and collected in accordance with this Resolution and allocable to the Utility Bonds; and
 - (v) any other funds appropriated by the Council for the payment of the Utility Bonds.
- (c) Equipment Subaccount. There shall be credited to the Equipment Subaccount the following:
- (i) the amounts specified in Section 3 above, after payment of all costs of the Equipment;
 - (ii) taxes levied and collected in accordance with this Resolution and allocable to the Equipment Bonds; and
 - (iii) any other funds appropriated by the Council for the payment of the Equipment Bonds.

The principal of and interest on the Bonds shall be payable from the Bond Fund, and the money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. On or before each principal and interest payment date for the Bonds, the City Administrator is directed to remit to the Registrar from funds on deposit in the Bond Fund the amount needed to pay principal and interest on the Bonds on the next succeeding principal and interest payment date.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount of \$0. Thereafter, during each bond year (each twelve month period commencing on February 2 and ending on the following February 1, a "Bond Year"), as monies are received into the Bond Fund, the City Administrator shall first deposit such monies into the applicable subaccount within the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Administrator shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

If the balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable therefrom, the payment shall be made from any fund of the City

which is available for that purpose, subject to reimbursement from the Surplus Account when the balance therein is sufficient, and the City covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation.

SECTION 5. SPECIAL ASSESSMENTS. The City hereby covenants and agrees that, for the payment of the costs of the Improvements, the City has done or will do and perform all acts and things necessary for the final and valid levy of special assessments in the principal amount of \$429,000, which is not less than 20% of the cost of the Improvements. \$346,000 of the total assessments levied (\$775,000) will be pledged to the payment of costs of the Utility Project. The principal of and interest on such special assessments are estimated to be levied and collected in the years and amounts shown on EXHIBIT B attached hereto. The principal of the assessments shall be made payable in annual installments, with interest as established by this Council in accordance with law on unpaid installments thereof from time to time remaining unpaid. In the event any special assessment shall at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by this Council or by any of the officers or employees of the City, either in the making of such special assessment or in the performance of any condition precedent thereto, the City hereby covenants and agrees that it will forthwith do all such further things and take all such further proceedings as shall be required by law to make such special assessment a valid and binding lien upon said property.

SECTION 6. PLEDGE OF NET REVENUES. It is hereby found, determined and declared that the City owns and operates its municipal water and sewer systems as revenue-producing utilities and as a convenience, and that the net operating revenues of the systems, after deducting from the gross receipts derived from charges for the service, use and availability of the systems the normal, current and reasonable expenses of operation and maintenance thereof, will be sufficient, together with any other pledged funds, for the payment when due of the principal of and interest on the Utility Bonds and on any other bonds to which such revenues are pledged.

Pursuant to Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the registered owners from time to time of the Bonds that until the Utility Bonds and the interest thereon are discharged as provided in Section 8 or paid in full, the City will impose and collect reasonable charges in accordance with said Section 444.075 for the service, use and availability of its municipal water and sewer systems according to schedules sufficient to produce net revenues sufficient, with other funds pledged to payment of the Utility Bonds, to pay the Utility Bonds and any other bonds to which said net revenues have been pledged; and the net revenues, to the extent necessary, are hereby irrevocably pledged and appropriated to the payment of the Bonds and interest thereon when due. Nothing herein shall preclude the City from hereafter making further pledges and appropriations of the net revenues of its municipal water and sewer systems for payment of additional obligations of the City hereafter authorized if the Council determines before the authorization of such additional obligations that the estimated net revenues of the systems will be sufficient, together with any other sources pledged to the payment of the outstanding and additional obligations, for payment of the outstanding bonds and such additional obligations. Such further pledges and appropriations of net revenues may be made superior or subordinate to or on a parity with, the pledge and appropriation herein made.

SECTION 7. PLEDGE OF TAXING POWERS. For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively become due, the full faith, credit and

unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In order to produce aggregate amounts which, together with the collections of other amounts as set forth in Section 4, will produce amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City, the taxes to be levied and collected in the following years and amounts:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
-------------------	-------------------------	---------------

See attached schedules

The taxes shall be irrevocable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the tax levies from other legally available funds, in accordance with the provisions of Minnesota Statutes, Section 475.61.

SECTION 8. DEFEASANCE. When all of the Bonds have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to the Holders of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms by depositing with the Registrar on or before that date an amount equal to the principal, redemption premium, if any, and interest then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with the Registrar or with a bank or trust company qualified by law to act as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited for such purpose, bearing interest payable at such times and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been irrevocably provided for, to an earlier designated redemption date. If such deposit is made more than ninety days before the maturity date or specified redemption date of the Bonds to be discharged, the City must have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates or earlier designated redemption date.

SECTION 9. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

9.01. General Tax Covenant. The City agrees with the registered owners from time to time of the Bonds that it will not take, or permit to be taken by any of its officers, employees or agents, any action that would cause interest on the Bonds to become includable in gross income of the recipient under the Internal Revenue Code of 1986, as amended (the "Code") and applicable Treasury Regulations (the "Regulations"), and agrees to take any and all actions within its powers to ensure

that the interest on the Bonds will not become includable in gross income of the recipient under the Code and the Regulations. All proceeds of the Bonds deposited in the Project Fund will be expended solely for the payment of the costs of the Project. The Project is and will be owned and maintained by the City and available for use by members of the general public on a substantially equal basis. The City shall not enter into any lease, management contract, use agreement, capacity agreement or other agreement with any non-governmental person relating to the use of the Project, or any portion thereof, or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

9.02. Arbitrage Certification. The Mayor and City Administrator being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with Section 148 of the Code, and applicable Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and Regulations.

9.03. Arbitrage Rebate. The City acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations unless the Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no "gross proceeds" of the Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof.

9.04. Qualified Tax-Exempt Obligations. The City Council hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the City and all subordinate entities during calendar year 2018 does not exceed \$10,000,000.

9.05. Reimbursement. The City certifies that the proceeds of the Bonds will not be used by the City to reimburse itself for any expenditure with respect to the Project which the City paid or will have paid more than 60 days prior to the issuance of the Bonds unless, with respect to such prior expenditures, the City shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Project meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Project as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

9.06. Continuing Disclosure. (a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934

(17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) on or before twelve (12) months after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2018, the following financial information and operating data in respect of the City (the Disclosure Information):
 - (A) the audited financial statements of the City for such fiscal year, prepared in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
 - (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under the headings: “Economic and Financial Information—Valuations,” “—Tax Capacity Rates” and “—Tax Levies and Collections” and “Summary of Debt and Debt Statistics,” which information may be unaudited.

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been submitted to the Municipal Securities Rulemaking Board (the MSRB) through its Electronic Municipal Market Access System (EMMA) or the SEC. The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner, not in excess of 10 business days after the occurrence of the event, to the MSRB through EMMA, notice of the occurrence of any of the following events (each a "Material Fact," as hereinafter defined):
 - (A) principal and interest payment delinquencies;
 - (B) non-payment related defaults, if material;
 - (C) unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) substitution of credit or liquidity providers, or their failure to perform;
 - (F) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds or other material events affecting the tax status of the Bonds;
 - (G) modifications to rights of Bond holders, if material;
 - (H) Bond calls, if material and tender offers;
 - (I) defeasances;
 - (J) release, substitution, or sale of property securing repayment of the Bonds if material;
 - (K) rating changes;
 - (L) bankruptcy, insolvency, receivership, or similar event of the obligated person;
 - (M) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a de-

- finitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (N) appointment of a successor or additional trustee or the change of name of a trustee, if material.

As used herein, for those events that must be reported if material, an event is material if a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, an event is also material if it would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

For the purposes of the event identified in (L) hereinabove, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

- (3) In a timely manner, to the MSRB through EMMA, notice of the occurrence of any of the following events or conditions:
- (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
 - (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
 - (C) the termination of the obligations of the City under this section pursuant to subsection (d);
 - (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
 - (E) any change in the fiscal year of the City.
- (c) Manner of Disclosure.
- (1) The City agrees to make available to the MSRB through EMMA, in an electronic format as prescribed by the MSRB, the information described in subsection (b).
 - (2) All documents provided to the MSRB pursuant to this subsection (c) shall be accompanied by identifying information as prescribed by the MSRB from time to time.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.
- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(2) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

SECTION 10. CERTIFICATION OF PROCEEDINGS.

10.01. Registration of Bonds. The City Administrator is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Pennington County, together with such additional information as is required, and to obtain a certificate that the Bonds and the taxes levied pursuant hereto have been duly entered upon the County Auditor's Bond register.

10.02. Authentication of Transcript. The officers of the City and the County Auditor are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits and certificates, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

10.03. Official Statement. The Preliminary Official Statement relating to the Bonds, prepared and distributed by Northland Securities, Inc., is hereby approved. Northland Securities, Inc., is hereby authorized on behalf of the City to prepare and distribute to the Purchaser within seven business days from the date hereof, a Final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

10.04. Effective Date. This resolution shall be in full force and effect from and after its passage.

On vote being taken, the resolution was unanimously passed.

RESOLUTION NO. 11-261-18: ADOPTION OF 2018 STREET AND UTILITIES IMPROVEMENTS PROJECT ASSESSMENT ROLL

The City Council reviewed a Request for Council Action. Following discussion, Councilmember Brown introduced Resolution No. 11-261-18, being seconded by Councilmember Narverud, that:

WHEREAS, pursuant to proper notice duly given as required by law, the City Council conducted a public hearing on October 16, 2018 for the 2018 Street and Utilities Improvements Project assessment roll.

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

- 1) Such proposed assessments, a copy of which is on file in the Office of the City Administrator are hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it;
- 2) Such assessment 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 interest at the rate of four percent (4%) per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2018. To each subsequent installment when due shall be added interest for one year on all unpaid installments;

- 3) The owner of any property so assessed may, at any time prior to certification of the assessment to the 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 this resolution; and may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the next succeeding year; and,
- 4) The City Administrator shall forthwith transmit a certified duplication of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessment shall be collected and paid over the same manner as other municipal taxes.

On vote being taken, the resolution was unanimously passed.

CITY ADMINISTRATOR RETIREMENT

Councilmember Brown motioned, being seconded by Councilmember Prudhomme, to refer the matter of the City Administrator retirement to the Administrative Services Committee. On vote being taken, the motion was unanimously approved.

UPCOMING MEETINGS/EVENTS

- Public Safety/Liquor Committee - Committee of the Whole – November 7th at 4:30 p.m.
- Utilities Committee – November 13th at 7:00 a.m.
- Administrative Services Committee Meeting – November 13th at 4:30 p.m.
- Public Works Committee – Committee of the Whole – November 14th at 4:30 p.m.
- Joint City Council/School District Meeting – November 15th at 5:30 p.m. at District Service Center
- City Council Meeting – November 20th at 5:30 p.m.

ADJOURNMENT

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

Brian D. Holmer, Mayor

Attest: _____
Rodney Ottemess, City Administrator



City of Thief River Falls

#7.03

Police Department

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

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

Request for Council Action

Date: November 20, 2018

Subject: Approve progression raise for Shaun Hoffart, Patrol Officer.

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

Motion To: Accept the Public Safety/Liquor Committee recommendation to grant Shaun Hoffart, Patrol Officer, a progression raise. Officer Hoffart shall progress to Step 2 of the LELS Patrol Officer salary schedule for a new salary of \$25.23 per hour, effective October 23, 2018.

BACKGROUND: Officer Hoffart was hired on October 23, 2017 at Step 1 of the LELS salary schedule and has successfully completed his one year of probation.

FINANCIAL CONSIDERATION: This is a budgeted item for 2018.

DEPARTMENT/RESPONSIBLE PERSON: Dick Wittenberg, Chief of Police.

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.03

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR SHAUN HOFFART,
PATROL OFFICER**

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

WHEREAS, Officer Hoffart was hired on October 23, 2017 at Step 1 of the LELS salary schedule and has successfully completed his one year of probation.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to grant Shaun Hoffart, Patrol Officer, a progression raise. Officer Hoffart shall progress to Step 2 of the LELS Patrol Officer salary schedule for a new salary of \$25.23 per hour, effective October 23, 2018.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#7.04

Police Department

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

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

Request for Council Action

Date: November 20, 2018

Subject: Approve progression raise for Joshua Putzke, Patrol Officer.

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

Motion To: Accept the Public Safety/Liquor Committee recommendation to grant Joshua Putzke, Patrol Officer, a progression raise. Officer Putzke shall progress to Step 2 of the LELS Patrol Officer salary schedule for a new salary of \$25.23 per hour, effective October 25, 2018.

BACKGROUND: Officer Putzke was hired on October 28, 2017 at Step 1 of the LELS salary schedule and has successfully completed his one year of probation.

FINANCIAL CONSIDERATION: This is a budgeted item for 2018.

DEPARTMENT/RESPONSIBLE PERSON: Dick Wittenberg, Chief of Police.

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.04

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR JOSHUA PUTZKE,
PATROL OFFICER**

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

WHEREAS, Officer Putzke was hired on October 28, 2017 at Step 1 of the LELS salary schedule and has successfully completed his one year of probation.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to grant Joshua Putzke, Patrol Officer, a progression raise. Officer Putzke shall progress to Step 2 of the LELS Patrol Officer salary schedule for a new salary of \$25.23 per hour, effective October 25, 2018.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ 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

Request for Council Action

Date: November 20, 2018

Subject: Approve progression raise for Brady Meunier, Patrol Officer.

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

Motion To: Accept the Public Safety/Liquor Committee recommendation to grant Brady Meunier, Patrol Officer, a progression raise. Officer Meunier shall progress to Step 2 of the LELS Patrol Officer salary schedule for a new salary of \$25.23 per hour, effective October 18, 2018.

BACKGROUND: Officer Meunier was hired on October 18, 2017 at Step 1 of the LELS salary schedule and has successfully completed his one year of probation.

FINANCIAL CONSIDERATION: This is a budgeted item for 2018.

DEPARTMENT/RESPONSIBLE PERSON: Dick Wittenberg, Chief of Police.

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.05

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR BRADY MEUNIER,
PATROL OFFICER**

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

WHEREAS, Officer Meunier was hired on October 18, 2017 at Step 1 of the LELS salary schedule and has successfully completed his one year of probation.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to grant Brady Meunier, Patrol Officer, a progression raise. Officer Meunier shall progress to Step 2 of the LELS Patrol Officer salary schedule for a new salary of \$25.23 per hour, effective October 18, 2018.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#7.06

WATER DEPARTMENT

305 Pennington Ave. S. P.O. Box 528
Thief River Falls, MN 56701-0528

PHONE: 218 681-3809
FAX: 218 681-5820
email: wjohnson@citytrf.net

Request for Council Action

Date: November 20 2018

Subject: Ben Myers, Water Systems Operator Progression Raise

Recommendation: It respectfully requested to consider the following Public Utilities Committee recommendation to grant a progression raise.

Motion To: Approve a progression raise to Ben Myers, Water Systems Operator. Mr. Myers shall progress to Step 4 of 5 of the Water Systems Operator salary schedule for a new hourly salary of \$21.51 effective November 3, 2018.

Background: Mr. Myers has successfully completed all requirements and certifications (Class D Water and Class D Wastewater State Certifications).

Financial Considerations: This is a budgeted salary increase.

Department/Responsible Person: Wayne Johnson Water Systems Superintendent

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.06

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR BEN MYERS,
WATER SYSTEMS OPERATOR**

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

WHEREAS, Mr. Myers has successfully completed all requirements and certifications (Class D Water and Class D Wastewater State Certifications).

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Utilities Committee recommendation to approve a progression raise to Ben Myers, Water Systems Operator. Mr. Myers shall progress to Step 4 of 5 of the Water Systems Operator salary schedule for a new hourly salary of \$21.51 effective November 3, 2018.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#7.07

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

Request for Council Action

Date: November 20, 2018

Subject: Wade Wallace, Water Treatment Plant Operator, Progression Raise

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

Motion to: Accept a Public Utilities Committee recommendation and grant a progression raise for Wade Wallace, Water Treatment Plant Operator, to Step 5 of the Water Treatment Plant Operator salary schedule, for a new salary of \$25.21 effective October 24, 2018.

Background: Mr. Wallace has obtained his Class C Water Operator Certificate on 10/24/18 and is eligible for progression to the Step 5 wage.

Financial Consideration: This is a budgeted progression raise.

Responsible Person: Wayne Johnson, Water Systems Superintendent

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.07

**RESOLUTION NO. : APPROVAL OF PROGRESSION RAISE FOR WADE WALLACE,
WATER TREATMENT PLANT OPERATOR**

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

WHEREAS, Mr. Wallace has obtained his Class C Water Operator Certificate on 10/24/18 and is eligible for progression to the Step 5 wage.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and grant a progression raise for Wade Wallace, Water Treatment Plant Operator, to Step 5 of the Water Treatment Plant Operator salary schedule, for a new salary of \$25.21 effective October 24, 2018.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#7.08

WATER DEPARTMENT

305 Pennington Ave. S. P.O. Box 528
Thief River Falls, MN 56701-0528

PHONE: 218 681-3809
FAX: 218 681-5820
email: wjohnson@citytrf.net

Request for Council Action

Date: November 20, 2018

Subject: Adoption of Water Supply Plan

Recommendation: It respectfully requested the City Council approve the recommendation of the Public Utilities Committee:

Motion To: Adopt Water Supply Plan

Background: The Minnesota Department of Natural Resources permits city use of the Red Lake River for its municipal water supply and also reviews and approves the city's Water Supply Plan.

Key Issues. The Council needs to adopt the plan as part of the approval process.

Financial Considerations: N/A

Legal Considerations: N/A

Department/Responsible Person: Wayne Johnson, Water Systems Superintendent

Attachments: DNR letter of approval
Water Supply Plan (sent by separate e-mail)

Minnesota Department of Natural Resources
Division of EcoWaters
246 125th Ave. NE
Thief River Falls, MN 56701

October 15, 2018

City of Thief River Falls
Wayne Johnson, Public Works Director
PO Box 528
Thief River Falls, MN 56701

RE: Water Supply Plan Approval, City of Thief River Falls, Pennington County

Dear Mr. Johnson:

Our office has completed the review of your Water Supply Plan for public water supply authorized under DNR Water Appropriation Permits #1984-1240. The plan was initially received on October 3, 2018. DNR reviewed the plan and submitted comments back on October 10th, 2018. A final plan received on October 12, 2018 has been completed and found to be sufficiently compliant with MN Statutes 103G.291, Subdivision 3.

On behalf of the Commissioner of the Department of Natural Resources, I hereby **approve the City of Thief River Falls Water Supply Plan**. We encourage cities to complete the attached "Certification of Adoption" form. Please upload the form to MPARS as soon as the city officially adopts the Plan.

The DNR, Minnesota Rural Water Association, and the Metropolitan Council encourage the city to educate its customers on how they can reduce household water use. As mentioned at the Water Supply Planning Workshops, the DNR will be asking you about progress the city has made on their water conservation goals through the new Water Conservation Reporting system. We encourage you to keep records of your success.

In the meantime, we want to bring a few items to your attention.

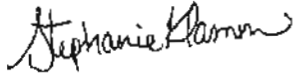
- The City of Thief River Falls currently used the Red Lake River as their municipal water supply. One concern would be during drought or low water years when suspension happens on the river. The City of Thief River Falls should seek out additional sources of water for these type of situations. With the increasing population and development, demands for more water will happen in the area. The City may want to look at alternative sources in case of emergencies or loss of water.
- We strongly encourage you to work with the top 10 water users in your city (Table 3). Provide education and assist them in seeking out financial assistance to implement conservation measures. According to the most recent data you submitted, the top 10 users are utilizing nearly 35% of the City's total water. For commercial users, there is a program ran through the University of MN Technical Assistance Program (MnTAP) which provides an engineering student intern to conduct water, energy and waste reduction audits. You may also want to look at the following website for references to help

Minnesota Department of Natural Resources • Ecological and Water Resources
246 125th Ave. NE, Thief River Falls, MN 56701

reduce water. The website can be found at this link: <https://metro council.org/Wastewater-Water/Planning/Water-Supply-Planning/Guidance-Planning-Tools/Water-Conservation/Toolbox.aspx>.

Thank you for your efforts in planning for the future of the City of Thief River Falls water supply and for conserving the water resources of the State of Minnesota. If you have any questions or need additional assistance with the city's water appropriation permit, please contact me at 218-681-0947 or stephanie.klamm@state.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Klamm". The signature is written in a cursive style with a large initial 'S'.

Stephanie Klamm
Area Hydrologist

cc: Carmelita Nelson, DNR Water Conservation Consultant
Tom Groshens, District Manager
Robert Guthrie, Appropriations Hydrologist

**CERTIFICATE OF ADOPTION
WATER SUPPLY PLAN**

City or Water System Name:

Name of Person Authorized to Sign
Certificate on Behalf of the System:

Title:

Address:

Telephone:

E-mail:

I certify that the Water Supply Plan approved by the Department of Natural Resources has been adopted by the city council or utility board that has authority over water supply services.

Signed:

Date:

Submit Certificate of Adoption through MPARS

Or mail this certificate to: DNR Waters
 Water Permit Program Supervisor
 500 Lafayette Road
 St. Paul, MN 55155-4032

9/6/17

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.08

RESOLUTION NO. : APPROVE ADOPTION OF WATER SUPPLY PLAN

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

WHEREAS, the Minnesota Department of Natural Resources permits city use of the Red Lake River for its municipal water supply and also reviews and approves the city's Water Supply Plan.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation to approve adoption of Water Supply Plan.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.09

RESOLUTION NO. : APPROVAL OF CERTIFICATION OF UNPAID SIDEWALK SNOW REMOVAL CHARGES TO PROPERTY OWNERS' 2019 PROPERTY TAX

WHEREAS, sidewalk snow removal charges remain unpaid to the City of Thief River Falls; and,

WHEREAS, pursuant to City Code Section 91.01 and Minnesota State Statute 429.101, the City may certify to the Pennington County Auditor the unpaid snow removal charges.

THEREFORE, BE IT RESOLVED, by the City Council, to certify the following unpaid sidewalk snow removal charges from the 2017/2018 snow season to the Pennington County Auditor for collection as part of the property owner's property tax statement in 2019:

<u>OWNER</u>	<u>ADDRESS</u>	<u>PARCEL</u>	<u>AMOUNT</u>
Andrea & Shane Borg	820 Labree Ave N	25.017.134.40	114.25
Michael L. Larson	1016 Duluth Ave N	25.021.019.20	42.00
David Mehrkens	1020 Knight Ave N	25.021.010.10	39.00
Christina Fritchman	601 State Ave N	25.004.019.50	42.00
Kari Jo Majer	1003 Duluth Ave N	25.021.028.30	79.00
Kerry J. Flatland	313 4 th St W	25.003.179.30	122.00
Jcfff Flynn	618 Knight Ave N	25.014.031.40	40.00
Chance Chambers	616 St Paul Ave S	25.010.022.30	39.00
Jeri Castle	303 Riverside Ave S	25.005.064.00	82.00
Pilgrimage of TRF LLC	201 Tindolph Ave S	25.012.035.60	41.00
Kasey Johnson	412 State Ave N	25.004.009.20	74.20
Joyce Ann Hoppe	412 Markley Ave S	25.012.117.20	40.00
Steven Engstrom	523 Knight Ave N	25.003.063.10	75.25
Daniel & Joan Ricks	121 St Paul Ave N	25.006.266.50	40.00
Bryce Morrison	320 Red Lake Blvd	25.013.018.10	74.20
Judy Thompson	510 State Ave N	25.004.013.30	39.00
Brenda Ose	317 Atlantic Ave N	25.003.261.10	74.20
Steve Kriel	412 Tindolph Ave S	25.012.136.40	39.00
Nina Berg	424 Arnold Ave N	25.003.173.30	39.00
Delane Buss	219 Kendall Ave S	25.012.054.70	39.00
Trentyn Groslic	312 Arnold Ave N	25.003.197.60	39.00

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___Holmer___Howe___Sollom___Lorenson___Brown___Prudhomme___Aarestad
___Narverud

Notes: _____



City of Thief River Falls

#7.10

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

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

REQUEST FOR COUNCIL ACTION

DATE: November 20, 2018

SUBJECT: 3.2% On-Sale Malt Liquor and Wine License to DaRoos Pizza Thief River Falls

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

MOTION TO: to approve the 3.2% On-Sale Malt Liquor and Wine License to DaRoos Pizza of Baglcy Inc. dba: DaRoos Pizza Thief River Falls.

BACKGROUND: DaRoos Pizza has applied for a 3.2% On-Sale Malt Liquor and Wine License. Per City Code below the holder may sell intoxicating malt liquors:

§ 111.031 ON-SALE INTOXICATING MALT LIQUOR IN CONJUNCTION WITH WINE LICENSE.

(A) Authorization. The holder of an on-sale wine license issued by the City pursuant to Section 111.030 who is also licensed by the City to sell 3.2 percent malt liquor at on-sale pursuant to Section 111.065, and whose gross receipts are at least 60% attributable to the sale of food, may sell intoxicating malt liquors at on-sale without an additional license from the City.

KEY ISSUES: None

FINANCIAL CONSIDERATION: The license fee is \$250 annually for the Malt Liquor and \$250 annually for the Wine License prorated at \$42 for the month of December.

LEGAL CONSIDERATION: Contingent on fees, background check and insurance being completed.

DEPARTMENT/RESPONSIBLE PERSON: Jennifer Nelson/Administrative Services



CITY OF THIEF RIVER FALLS

3.2% On-Sale or Off-Sale Malt Liquor License Application
City Code Section 111.001 - 111.086

Date of Application: 11-13-18

Licensing Period: Dec. 2018

DaRoos Pizza Thief River Falls
LICENSEE NAME (Corp, Partnership, Individual) DATE OF APPLICATION

15063 366th St Bagley MN 56621 6 yrs.
LICENSEE ADDRESS (Street, City, State, Zip) LENGTH OF TIME AT THIS ADDRESS

DaRoos Pizza of Bagley Inc. 2183683020
BUSINESS NAME/TRADE NAME BUSINESS PHONE HOME PHONE

1907 Hwy. 59 S
BUSINESS ADDRESS PARCEL # OF BUSINESS PROPERTY

45-3159283 2233944
BUSINESS PROPERTY LEGAL DESCRIPTION FEDERAL ID# STATE ID #

BUSINESS IS A: Hotel Restaurant Bowling Center Club/Veteran Organization
 Establishment used exclusively for the sale of 3.2% with the incidental sale of tobacco and soft drinks.

IF BUSINESS IS A RESTAURANT, state the restaurant seating capacity _____
 IF BUSINESS IS A CLUB: state number of members _____
 years at business location _____
 IF BUSINESS IS A HOTEL: state number of rooms _____
 restaurant seating capacity _____

IF THE APPLICANT IS A PARTNERSHIP, LLP, CORPORATION, OR LLC, COMPLETE THE FOLLOWING FOR EACH PARTNER/OFFICER:

<u>Amanda Jobraer</u>				<u>15063 366th St Bagley MN 56621</u>
Full Name (First Middle Last)	Title	Social Security #	Date of Birth	Address - Street/City/State/Zip
<u>Jamie John Grover</u>				<u>15063 366th St Bagley MN 56621</u>
Full Name (First Middle Last)	Title	Social Security #	Date of Birth	Address - Street/City/State/Zip
Full Name (First Middle Last)	Title	Social Security #	Date of Birth	Address - Street/City/State/Zip

Are the applicants citizens of the United States? Yes No

Have any of the applicants ever been convicted of a felony, gross misdemeanor or misdemeanor, including violation of a municipal ordinance but excluding minor traffic violations? Yes No
If yes, the date and place of conviction and nature of the offense _____

During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?
 Yes No

Have any of the applicants in the prior 5 years been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages? Yes No

Have any of the applicants had an alcoholic beverage license revoked within the prior 5 years?
 Yes No

Do any of the applicants hold a license from the Commissioner of MN as a manufacturer, brewer, or wholesaler of alcoholic beverages? Yes No

Are the taxes, assessments, or other financial claims against the property where the business is to be located paid to date with no delinquent balances due? Yes No

The applicants must provide proof of financial responsibility by providing a Certificate of Insurance in the amount specified by City Ordinance. Has this been provided? Yes No

APPLICANT'S OCCUPATION(S) FOR PRIOR 3 YEARS: (If applicable, please complete for each officer or partner also. Use the back of this form if additional space is needed).			
DaRous		15023344ms	6 yrs.
Employer	Occupation	Address	Length of Occupation
Employer	Occupation	Address	Length of Occupation
Employer	Occupation	Address	Length of Occupation



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
APPLICATION FOR COUNTY/CITY ON-SALE WINE LICENSE
 (Not to exceed 24% of alcohol by volume)

Print Form

EVERY QUESTION MUST BE ANSWERED. If a corporation, an officer shall execute this application. If a partnership, LLC, a partner shall execute this application. To apply for MN sales Tax # call 651-296-6181

Workers compensation insurance company name State Farm Policy Number 93-CX-14526-e
 Licensee's MN sales and Use Tax ID # _____ Licensee's Federal Tax ID # 45-3159283

Applicants Name (Business, Partnerships, Corporation) <u>DeRoos Pizza of Bagley Inc</u>		Trade Name or DBA <u>DeRoos Pizza Thief River</u>	
Business Address <u>1907 Highway 59 S</u>		Business Phone	Applicant's Home Phone <u>2183683020</u>
City <u>Thief River Falls</u>	County	State <u>MN</u>	Zip Code

Is this application New or a Transfer
 If a transfer, give name of former owner _____ License Period From _____ To _____

If a corporation, give name, title, address and date of birth of each officer. If a partnership, LLC, give name, address and date of birth of each partner.

Partner/Officer Name and title	Address	DOB	SSN
<u>Amanda Graver</u>	<u>15013 3rd + St Bagley</u>		
<u>Jamie Graver</u>	<u>ll</u>	<u>ll</u>	
Partner/Officer Name and title	Address	DOB	SSN
Partner/Officer Name and title	Address	DOB	SSN

CORPORATIONS

Date of incorporation Aug 25, 2011 State of incorporation MN Certificate Number _____ Is corporation authorized to do business in Minnesota? Yes No

If a subsidiary of another corporation, give name and address of parent corporation _____

BUILDING AND RESTAURANT

Name of building owner Marie S. Martin Owner's address _____

Are property taxes delinquent? Yes No Has the building owner any connection, direct or indirect with the applicant? Yes No Restaurant seating capacity _____ Hours food will be available 10am/11pm

Number of restaurant employees 20 Number of months per year restaurant is open 12 Will food service be the principal business? Yes No

Describe the premises to be licensed Restaurant

If the restaurant is in conjunction with another business (resort etc.), describe business _____

NO LICENSE WILL BE APPROVED OR RELEASED UNTIL THE \$20 RETAILER ID CARD FEE IS RECEIVED BY AGED

- Yes No Has the applicant or associates been granted an on-sale malt liquor (3.2) and/or a "set-up" license in conjunction with this wine license?
- Yes No Is the applicant or any of the associates in this application a member of the county board or the city council, which will issue this license? If yes, in what capacity? _____
(if the applicant is the spouse of a member of the governing body, or another family relationship exists, the member shall not vote on this application.)
- Yes No During the past license year, has a summons been issued under the liquor civil liability (Dram Shop)(M.S. 340A.802). If Yes, attach copy of the summons.
- Yes No Has applicant, partners, officers or employees ever had any liquor law violations in Minnesota or elsewhere. If so, give names, dates, violations and final outcome details.

Yes No Does any person other than the applicants, have any right, title or interest in the furniture, fixtures or equipment in the licensed premises? If yes, give names and details.

Yes No Have the applicants any interests, directly or indirectly, in any other liquor establishments in Minnesota? If yes, give name and address of establishment.

I CERTIFY THAT I HAVE READ THE ABOVE QUESTIONS AND THAT THE ANSWERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Donna Graer
Signature of Applicant

11-13-18
Date

The licensee must have one of the following:

- Liquor liability insurance (Dram Shop) \$50,000 per person; \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support. Attach "**CERTIFICATE OF INSURANCE**" to this form.
- A surety bond from a surety company with minimum coverage as specified above in.
- A certificate from the state treasurer that the licensee has deposited with the state, trust funds having a market value of \$100,000 or \$100,000 in cash or securities.

IF LICENSE IS ISSUED BY THE COUNTY BOARD, REPORT OF COUNTY ATTORNEY

Yes No I certify that to the best of my knowledge the applicants named above are eligible to be licensed. If no, state reason.

Signature County Attorney

County

Date

REPORT BY POLICE OR SHERIFF'S DEPARTMENT

This is to certify that the applicant and the associates, named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota, Municipal or County ordinances relating to intoxicating liquor, except as follows:

~~*[Signature]*~~
Signature

Department and Title

11-13-18
Date

IMPORTANT NOTICE

ALL RETAIL LIQUOR LICENSEES MUST REGISTER WITH THE ALCOHOL, TOBACCO TAX AND TRADE BUREAU.
FOR INFORMATION CALL 513-684-2979 OR 1-800-937-8864

A \$30.00 service charge will be added to all dishonored checks. You may also be subjected to a civil penalty of \$100.00 or 100 % of the value of the check, whichever is greater, plus interest and attorney fees.

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.10

**RESOLUTION NO. : APPROVAL OF ON-SALE MALT LIQUOR AND WINE LICENSE
TO DAROOS PIZZA THIEF RIVER FALLS**

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

WHEREAS, DaRoos Pizza has applied for a 3.2% On-Sale Malt Liquor and Wine License and per City Code the holder of both wine and 3.2% malt liquor may sell intoxicating malt liquors without an additional license.

THEREFORE, BE IT RESOLVED, by the City Council, to accept an Administrative Services Committee recommendation to grant an On-Sale Malt Liquor and Wine License to DaRoos Pizza Thief River Falls.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ 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: November 20, 2018

SUBJECT: DEED Small Cities Streetscape Grant Declaration

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

Motion to: Adopt a Resolution declaring Slum & Blight in portions of the Central Business District.

BACKGROUND: The City of Thief River Falls is in the process of developing a Central Business District (CBD) street reconstruction project in 2019. Streetscape improvements that include decorative lighting and other amenities are included in the project. This project that will redefine the downtown is heavily supported by the Downtown Development Association and the Chamber of Commerce. The decorative lighting component of this project is a very expensive component. There are grant funds available from the Department of Employment and Economic Development (DEED).

KEY ISSUES: DEED requirements for the streetscape grant funds include a slum & blight component. By Minnesota Statute a "Blighted Area" means any area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

FINANCIAL CONSIDERATIONS: The total cost of the 2019 CBD improvements, including the expanded decorative lighting area that includes Knight Avenue to the west, Atlantic Avenue to the east, First Street to the South and Fourth Street to the north, is \$3,241,700. The lighting portion is \$920,700 of which \$600,000 is eligible for DEED streetscape funding.

LEGAL CONSIDERATION: None.

DEPARTMENT/RESPONSIBLE PERSON: Mark Borseth, Public Works Director

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.11

RESOLUTION NO. : APPROVAL OF DECLARING SLUM & BLIGHT IN PORTIONS OF THE CENTRAL BUSINESS DISTRICT

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

WHEREAS, the City of Thief River Falls is concerned about the economic viability of slum and blighted area within its corporate limits, and

WHEREAS, the slum and blighted area projects a negative visual image of the community, and

WHEREAS, the economic, social, physical, and cultural well-being of the City is adversely affected by the conditions of this slum and blighted area, and

WHEREAS, there exists the opportunity to improve, preserve, and re-develop this slum and blighted area to the benefit of the community, and

WHEREAS, the following detrimental conditions have been identified which qualify the area under State law and Community Development Block Grant Program requirements:

- 1) Public Improvements are in a general state of deterioration; or
- 2) At least 25% of the buildings are deteriorated or deteriorating, and have at least one of the following characteristics: Physical deterioration of building or improvement; Abandonment of property; Chronic high turnover or vacancy rate; Significant decline in property value or abnormally low property value in relation to other areas of the community; or Known or suspected environmental contamination.

WHEREAS, of all the parcels within the target area, 97 of them are occupied by buildings. Of the 97 buildings in the target area, 67 of them are structurally standard, 3 of them are structurally substandard, and 27 are dilapidated.

NOW THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Works Committee recommendation declaring a "Slum and Blighted Area" in portions of the Central Business District.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#7.12

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: November 20, 2018

SUBJECT: Petition for Drainage System Transfer

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

Motion to: Adopt a Resolution approving a Petition for Drainage System Transfer from Pennington County for a portion of Pennington County Ditch 70 that is in the city limits of Thief River Falls; and authorize the Mayor and City Administrator to execute the petition.

The ditch transfer is contingent upon moving forward with the flood damage reduction project, known as Improvement Project 178.

BACKGROUND: The Red Lake Watershed District, along with Pennington County and the City of Thief River Falls, are undertaking a flood damage reduction project that diverts County Ditch 70 around the City of Thief River Falls. This system drains areas north and west of the city, as well as areas within the city. This system runs along Highway 1 & 59 from Highway 59 North to Barzen Avenue along Digi-Key and Arctic Cat, and outlets to the east along Greenwood Street to the Red Lake River. This system has a history of flood damage northwest of the city and does not have adequate capacity for anticipated growth and expansion in the southwest part of the city.

The strategic partnership between the City, County and Watershed District is complimented by the Minnesota Department of Transportation through cost sharing of drainage improvements that are programmed for 2020 as a part of the Highway Nos. 1 & 59 reconstruction project. These benefits, along with the Digi-Key expansion and the need for improved agricultural drainage make this the opportune time to accomplish this project.

KEY ISSUES: The City of Thief River Falls, through the Watershed led project, will be installing storm sewer in the present County Ditch 70 channel along Barzen Avenue from Highway No. 1& 59 to Greenwood Street and along Greenwood Street from Barzen Avenue to Oakland Park Road. In order for the city to install this storm sewer they need to petition Pennington County to transfer this ditch to the City of Thief River Falls.

FINANCIAL CONSIDERATIONS: Maintenance of this drainage system will become the responsibility of the City of Thief River Falls.

LEGAL CONSIDERATIONS: Statutes Section 103E.812 and subject to review by City Attorney.

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

Encl: (1)

STATE OF MINNESOTA

PENNINGTON COUNTY BOARD OF COMMISSIONERS
DRAINAGE AUTHORITY FOR PENNINGTON COUNTY DITCH 70

Regarding the Petition of the City of
Thief River Falls to Transfer a Portion of
Pennington County Ditch 70 to the City
(Statutes Section 103E.812)

Petition for Drainage System Transfer

For its petition to transfer a portion of Pennington County Ditch (CD) 70 to the City of Thief River Falls, the City, upon action of its Council authorizing the same, states and alleges the following:

1. The City of Thief River Falls (City) is a statutory cite organized under the laws of the State of Minnesota.
2. The City lies within the jurisdictional boundary of the Red Lake Watershed District and is part of the Red Lake River Comprehensive Watershed Management Plan (One Watershed Plan).
3. The Pennington County Board of Commissioners serves as the Drainage Authority for 70 pursuant to statutes chapter 103E.
4. The lower portion of CD 70 passes into the City limits near the junctions and intersections of United States Highway (US) 59, State Trunk Highway (TH) 1 and County State Aid Highway (CSAH) 16, and continues to traverse the City until it reaches its ultimate outlet at the Red Lake River.
5. High flows in CD 70 during flood events cause damages and present safety issues within the City.

6. The City is a "Water Management Authority" as that phrase is used in statutes section 103E.812 and possesses lawful authority to manage storm, surface, and flood waters within its jurisdictional boundary.
7. Statutes section 103E.812 authorizes the Drainage Authority, upon petition of the City and facts demonstrated in drainage proceedings, to transfer the portion of CD 70 lying within the boundary of the City to the City for future management.
8. Because of urban encroachment upon the channel of CD 70, the usual mechanisms for inspection, maintenance, financing, and other matters material to the efficient management of CD 70 and the waters carried by it under statutes chapter 103E are no longer effective or efficient for future management, development or improvement of that portion of CD 70 traversing the City.
9. Transfer of that portion of CD 70 traversing the City is necessary for the orderly management of storm, surface, or flood waters, including management for water quality purposes.
10. If transferred, the City may apply alternatives to managing CD 70 including but not limited to: altering the alignment, replacing open ditch with a municipal stormwater system consisting of buried conduit, and installing and applying various water quality and other stormwater management practices in order to improve water quality and reduce flood damage within the City.
11. Pursuant to petition, and in a manner consistent with the One Watershed Plan and statutes chapter 103D, the RLWD Board has initiated the Thief River Falls-Westside Flood Damage Reduction Project (RLWD Project 178).

12. RLWD Project 178, if established, will make possible several management options for CD 70 within the City if the portion of CD 70 is transferred to the City.
13. Additionally, RLWD Project 178, if established, would ensure no negative impact on upstream properties utilizing the drainage system for an outlet or otherwise benefiting from the existence of the drainage system.
14. Attached hereto is an engineering report detailing the nature and extent of the drainage easement occupied by the drainage system, and the as-constructed, or subsequently improved, depth, grade, and hydraulic capacity of the drainage system.
15. Based on the foregoing, the City petitions the Drainage Authority, pursuant to statutes section 103E.812, to transfer that portion of CD 70 traversing the City, to the City for future management. It is the expectation of the City that such transfer, if approved, would be conditioned on establishment of RLWD Project 178.
16. The City acknowledges its obligation, should the transfer occur, to secure and provide an outlet for agricultural drainage, upstream of the City, of at least equal hydraulic efficiency as the rights to an outlet that exist on the date of transfer. Furthermore, the City acknowledges that it shall be liable to compensate any owner of property assessed for benefits on the transferred drainage system for the loss or impairment of any drainage rights occurring after transfer of the drainage system.

Respectfully Submitted,

City of Thief River Falls

By _____
Brian Holmer, Mayor

Attest: _____
Rodney Otterness, Administrator

The above petition was approved for execution and filing by the City Council of Thief River Falls upon motion by Council Member _____, seconded by Council Member _____, by a vote of __ yes and __ no, as reflected in the minutes of the regular meeting of the Council on September __, 2018.

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.12

**RESOLUTION NO. : APPROVAL OF PETITION FOR DRAINAGE SYSTEM
TRANSFER FROM PENNINGTON COUNTY FOR A PORTION OF DITCH 70**

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

WHEREAS, the Red Lake Watershed District, along with Pennington County and the City of Thief River Falls, are undertaking a flood damage reduction project that diverts County Ditch 70 around the City of Thief River Falls. This system drains areas north and west of the city, as well as areas within the city. This system runs along Highway 1 & 59 from Highway 59 North to Barzen Avenue along Digi-Key and Arctic Cat, and outlets to the east along Greenwood Street to the Red Lake River. This system has a history of flood damage northwest of the city and does not have adequate capacity for anticipated growth and expansion in the southwest part of the city; and

WHEREAS, the strategic partnership between the City, County and Watershed District is complimented by the Minnesota Department of Transportation through cost sharing of drainage improvements that are programmed for 2020 as a part of the Highway Nos. 1 & 59 reconstruction project. These benefits, along with the Digi-Key expansion and the need for improved agricultural drainage make this the opportune time to accomplish this project; and

WHEREAS, The City of Thief River Falls, through the Watershed led project, will be installing storm sewer in the present County Ditch 70 channel along Barzen Avenue from Highway No. 1& 59 to Greenwood Street and along Greenwood Street from Barzen Avenue to Oakland Park Road. In order for the city to install this storm sewer they need to petition Pennington County to transfer this ditch to the City of Thief River Falls.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Works Committee recommendation to adopt a resolution approving a Petition for Drainage System Transfer from Pennington County for a portion of Pennington County Ditch 70 that is in the city limits of Thief River Falls; and authorize the Mayor and City Administrator to execute the petition. The ditch transfer is contingent upon moving forward with the flood damage reduction project, known as Improvement Project 178.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holner ___ Howe ___ Sollom ___ Lorenson ___ 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

#7.13

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

Request for Council Action

DATE: November 20, 2018

SUBJECT: Municipal State Aid Advance Funding – 2019 Street & Utilities Improvements

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

Motion to: Approve a resolution to request Municipal State Aid Advance Funds for the 2019 Street & Utilities Improvements Project in the amount of \$2,650,000.

BACKGROUND: The 2019 Street & Utilities Improvements Project, which includes the Central Business District (CBD) streets that were constructed in 1958, 1990 and 1994, are scheduled for reconstruction or resurfacing. These streets have deteriorated to the point where improvements are needed. The majority of the sidewalks are in poor condition and do not meet current ADA requirements. All of the CBD streets are eligible for Municipal State Aid (MSA) funding. The city has worked with the Chamber of Commerce, Downtown Development Association and Bike TRF to define the scope of this project with components that came out of the University of Minnesota study.

KEY ISSUES: The City currently receives approximately \$530,000 each year for a construction allotment of MSA funding. We are able to advance fund 5-years of this construction allotment. These advance funds will be used for the central business district streets noted above. There is a final Municipal State Aid Payment Request submitted for the 2016 Street & Utilities Improvements for \$202,415 and \$279,000 for the 2018 project that will come out of the 2019 allotment. To make sure adequate funds are available the request is for \$2,650,000. Only the funds necessary for these projects will be used. Each year the city must approve a new resolution to advance funds if needed above the allotted amount.

FINANCIAL CONSIDERATIONS: There is no interest on this money and we do not have to take the full amount requested, but the funds are reserved in the event that we need them.

LEGAL CONSIDERATION: None

DEPARTMENT/RESPONSIBLE PERSON: Mark Borseth, Public Works Director

Encl: (1)

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.13

**RESOLUTION NO. : MUNICIPAL STATE AID STREET FUNDS ADVANCE
RESOLUTION**

WHEREAS, the Municipality of Thief River Falls is planning to implement Municipal State Aid Street Project(s) in 2019 which will require State Aid funds in excess of those available in its State Aid Construction Account, and

WHEREAS, said municipality is prepared to proceed with the construction of said project(s) through the use of an advance from the Municipal State Aid Street Fund to supplement the available funds in their State Aid Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date 9-30-2018	\$ _____	-0-
Less estimated disbursements:		
Project # 170-103-007	\$ _____	395,000
Project #170-104-002	\$ _____	165,000
Project #170-108-019	\$ _____	800,000
Project #170-110-010	\$ _____	350,000
Project #170-111-022	\$ _____	575,000
Project #170-114-012	\$ _____	62,000
Project #170-115-019	\$ _____	217,000
Project Finals # 170-115-017	\$ _____	202,415
Other _____	\$ _____	
Total Estimated Disbursements	\$ _____	2,766,415
Advance Amount (amount in excess of acct balance)	\$ _____	2,650,000

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.14, Subd. 6 and Minnesota Rules, Chapter 8820.1500, Subp. 10b, and

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, that the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project(s) of the Municipality of Thief River Falls in an amount up to \$2,650,000. I hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid.



City of Thief River Falls

DIRECTOR OF PUBLIC WORKS

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

#7.14

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

Request for Council Action

DATE: November 20, 2018

SUBJECT: Digi Key Expansion – Business Subsidy Agreement

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

Motion to: Approve the Business Subsidy Agreement of the Development Agreement for Tax Increment Financing District 1-13 and authorize the Mayor and Administrator to execute the agreement, contingent upon final legal review.

BACKGROUND: The City executed a Development Agreement (the “Development Agreement”) dated June 28, 2017, with DK Real Estate Holdings LLC for the Digi-Key Electronics Expansion Project in Tax Increment Financing District No. 1-13. The Development Agreement contained, as an exhibit, a form of a Business Subsidy Agreement that was not previously executed.

KEY ISSUES: The execution of a Business Subsidy Agreement that contains jobs and wage goals that are consistent with the language in the Minnesota Investment Fund (MIF) grant agreement.

FINANCIAL CONSIDERATIONS: The Tax Increment Financing is a key part of the Digi-Key expansion finance package.

LEGAL CONSIDERATION: Subject to review by City Attorney.

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

Encl. (1)

BUSINESS SUBSIDY AGREEMENT

This Business Subsidy Agreement (this “Agreement”) is made as of the ___ day of _____, 2018, between the City of Thief River Falls, Minnesota (the “Grantor”); DK Real Estate Holdings LLC (the “Recipient”); and Digi-Key Corporation (the “Related Entity”). In order to satisfy the provisions of Minnesota Statutes, Sections 116J.993 through 116J.995 (the “Act”), the Recipients acknowledge and agree as follows:

1. **Description of the Business Subsidy.**

- (a) *The Project.* The Recipient will be undertaking the following project within the Grantor's area of operation: A one million square foot expansion adjacent to the existing warehouse and product distribution center owned by the Recipient and operated by the Related Entity (the “Project”) on the Development Property, as defined in the Development Agreement dated June 28, 2017, between the Grantor and the Recipient (the “Agreement”).
- (b) *Type of Business Subsidy.* The Business Subsidy consists of the following assistance to the Recipients for the Project: Tax Increment financial assistance for an economic development tax increment district, pursuant to Minnesota Statutes, Section 469.174 through 469.1794 (the “Business Subsidy”), as provided in the Agreement.
- (c) *Amount of the Business Subsidy.* The amount of the Business Subsidy granted to the Recipients under this Agreement has a future cash value of approximately \$2,153,444.

2. **Representations and Covenants.**

- (a) The Recipient represents and covenants that the Related Entity will not be a recipient of the Business Subsidy.
- (b) The Recipient represents that Related Entity operates the existing warehouse and product distribution center owned by the Recipient, and Related Entity will, on behalf of Recipient, meet the job and wage goals for the Business Subsidy, as described in Section 5 below.

3. **Public Purpose for the Business Subsidy.** The public purpose of this Business Subsidy is to create jobs and increase the tax base in the Grantor's area of operation.

4. **Why the Business Subsidy is Needed.** The Business Subsidy is needed because the Grantor is desirous of the Recipient and the Related Entity undertaking the Project in order to create jobs and increase the tax base in the Grantor's area of operation.

5. Job and Wage Goals for the Business Subsidy. The Recipient and the Related Entity agree that the job and wage goals for the Project are as follows:

(a) On November 1, 2019, the Recipient and Related Entity shall have:

maintained three thousand forty-two and three-quarters (3,042.75) permanent, non-contract, non-seasonal Full-Time Equivalent (FTE) employees; and

Created at least one hundred (100) New Full-Time Equivalent (NFYE) Jobs at the Development Property.

The NFYE Jobs must pay a base Cash Wages of at least \$16.50 per hour (exclusive of Benefits). NFYE Jobs created after the June 22, 2017, will count toward the Recipient and the Related Entity's job creation goal; and

(b) On November 2, 2020, the Recipient and Related Entity shall have:

maintained three thousand forty-two and three-quarters (3,042.75) permanent, non-contract, non-seasonal FTE employees; and

created at least three hundred and six (306) NFYE Jobs at the Development Property.

The NFYE Jobs must pay a base Cash Wages of at least \$16.50 per hour (exclusive of Benefits). NFYE Jobs created after the June 22, 2017, will count toward the Recipient and the Related Entity's job creation goal; and pay Total Compensation, as defined, to all FTE employees and NFYE Jobs.

Such wage and jobs and goals must be met within two years after the Benefit Date. As used herein "Benefit Date" means the date of the first payment by the Grantor to the Recipient of tax increment pursuant to Section 5.02 of the Agreement.

"Full-Time Equivalent Employees (FTE)" means one employee or a combination of employees who will work an annual cumulative expected hours equal to 2,080 hours (student workers, interns, seasonal workers, and temporary workers are neither considered part-time nor fulltime employees and are not counted toward achieving NFYE Jobs goals).

"New Full-Time Equivalent (NFYE) Jobs" means the new permanent, Full-Time Equivalent, non-contract, non-seasonal jobs to be created by the Developer being one or more people working a sum of 2,080 hours in a calendar year who begin work at the Development Property after June 22, 2017. Student workers, interns, seasonal workers, and temporary workers are neither considered part-time nor full-time employees and will not be counted toward achieving New Full-Time Equivalent Job goals nor subject to the requirement of "Total Compensation" as defined.

"Total Compensation" means Cash Wages plus non-mandated employer paid Benefits, which on an annualized basis is equal to at least 120% of the federal poverty level for a family of

four. Total Compensation is adjusted annually and must be maintained from 30 days prior to November 2, 2020, through May 31, 2021.

6. Continued Operations. The Recipient and the Related Entity agree to continue their operations in the City for at least five years after the Benefit Date.

7. Financial Obligation of the Recipients if Agreement Not Fulfilled. If the Recipient and the Related Entity do not fulfill this Agreement, the Recipient will repay to the Grantor a pro rata portion of the Business Subsidy which has been paid to the Recipient plus interest from the date of such payments (“Interest”) set at the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the bureau of economic analysis of the United States Department of Commerce for the 12-month period ending March 31 of the previous year. For instance, if Related Entity creates 300 permanent, full-time jobs, paying a minimum of \$16.50/hour over the baseline as of June 22, 2017, the Recipient will repay to the Grantor 1.96% (6 divided by 306) of the Business Subsidy which has been paid to the Recipient plus Interest. Property Tax Abatement financial assistance in years after any such failure to create one hundred percent (100%) of the Job and Wage Goals shall be paid in proportion to the actual jobs created within two years after the Benefit Date, e.g., actual jobs created divided by 306.

8. Reporting Requirements.

- (a) The Recipient agrees to furnish to the Grantor on or before March 1 in each year the report required in Section 116J.994, Subdivision 7 of the Act on forms developed by the Minnesota Department of Employment and Economic Development.
- (b) If the Grantor does not receive the reports, it will mail the Recipient a warning within one week of the required filing date. If within 14 days of the post marked date of the warning the reports are not made, the Recipient agrees to pay to the Grantor a penalty of \$100 for each subsequent day until the report is filed up to a maximum of \$ 1,000.

9. Related Entities. The Recipient warrants the name and address of the Related Entity is as follows:

Digi-Key Corporation
701 Brooks Ave.
Thief River Falls, MN 56701
Attn: Rick Trontvet

10. Other Grantors. Other possible financial assistance to be provided by state government agencies or local government agencies for the Project include: Minnesota Investment Fund (Minn. Stat. sec. 116J.8731) and Qualified Expansions of Greater Minnesota Businesses (Minn. Stat. sec. 116J.8738).

11. Term of Agreement. This Agreement will be in full force and effect until the earlier of the Recipient and the Related Entity meeting all of its obligations hereunder or the

Draft 8/8/18

provisions of the Act no longer apply to the Grantor, the Recipient, or the Project, in which case this Agreement will be terminated.

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.14

RESOLUTION NO. : APPROVAL OF BUSINESS SUBSIDY AGREEMENT OF THE DEVELOPMENT AGREEMENT FOR TAX INCREMENT FINANCING DISTRICT 1-13

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

WHEREAS, the City executed a Development Agreement (the “Development Agreement”) dated June 28, 2017, with DK Real Estate Holdings LLC for the Digi-Key Electronics Expansion Project in Tax Increment Financing District No. 1-13. The Development Agreement contained, as an exhibit, a form of a Business Subsidy Agreement that was not previously executed.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Works Committee recommendation to approve the Business Subsidy Agreement of the Development Agreement for Tax Increment Financing District 1-13 and authorize the Mayor and Administrator to execute the agreement, contingent upon final legal review.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ 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

#7.15

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

Request for Council Action

DATE: November 20, 2018

SUBJECT: 2018 Street & Utilities Improvements – Change Order No. 1

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

Motion to: Approve Change Order No. 1 with R.J. Zavoral and Sons, Inc. for the addition of geotextile fabric on Barnick Road at an estimated project cost of \$4,175.50. This change order also includes an extension of the 2018 substantial completion date from October 26, 2018 to November 30, 2018.

BACKGROUND: This project includes the installation of water, sanitary sewer, storm sewer and street construction on Barnick Road. This street will serve as the main entrance for the new Paces Lodging Corporation apartments southeast of Walmart. Soils encountered there were wet and poorly drained. The addition of geotextile fabric will keep the clay subgrade separated from the aggregate base and provide a much better road for the future.

KEY ISSUES: R.J. Zavoral and Sons, Inc. have asked for an extension to the 2018 substantial completion date from October 26th to November 30th. Cold and wet conditions this fall have created a challenge for the contractor, even with a great effort, to substantially complete the project on time.

FINANCIAL CONSIDERATIONS: See attached change order.

LEGAL CONSIDERATION: None.

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

Encl: (1)

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. July 2010
Page 1 of 1

SAP 170-114-012 & City Projects Minn. Proj. No. N/A **CO No. 1**
 Project Location: Thief River Falls, MN
 Local Agency: City of Thief River Falls, MN Local Project No. 2982018.00
 Contractor: Zavoral & Sons, Inc. Contract No.
 Address/City/State/Zip: P.O. Box 435, East Grand Forks, MN 56721
Total Change Order Amount \$4,175.50

In accordance with the terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions:

1. **Installation of 2,386 sq. yds. of Geotextile Fabric, Type V on Barnick Avenue at a unit price of \$1.75 per square yard.**
2. **Completion date for 2018 work shall be changed from October 26, 2018 to November 30, 2018.**

Estimate Of Cost: *(Include any increases or decreases in contract items, any negotiated or force account items.)*

Group/Funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
Local		Installation of geotextile fabric, type V on Barnick Avenue.	Sq. Yd.	\$1.75	2,386	\$4,175.50
N/A		Change in completion date for 2018 work. See item 2 above.				
Net Change this Change Order						\$4,175.50

Approved by Project Engineer: _____ Date: _____

Print Name: Richard A. Clauson Phone: (218) 281-6522

Approved by Contractor: _____ Date: _____

Print Name: Zavoral & Sons, Inc. Phone: (218) 773-0586

Distribution: Project Engineer (Original), Contractor (copy), DSAE (copy for funding review)

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ___ Federal Funding ___ State Aid Funding X Local funds

District State Aid Engineer: _____ Date: _____



October 25, 2018

Rich Clausen
WSN
216 S Main Street
Crookston, MN 56716

Re: 2018 Thief River Falls Street Improvements

Dear Mr. Clausen,

With the recent weeks of poor working weather in mind, RJ Zavoral & Sons, Inc. is requesting an extension of the completion date on the above referenced project. We believe that an extension to November 30, 2018 would give us enough time to complete the necessary work, weather permitting. We will be putting an emphasis on ensuring that the base lift on Technology Street and First Street is completed, along with all of the city patching. We will also make every attempt possible to get the base lift of asphalt on Nelson Drive, the City Water Shop, Barnick Avenue, and Nelson Alley. The biggest factor to the completion of all of the required asphalt work will be the weather, which we will monitor closely to give the City of Thief River Falls the best product possible.

Sincerely,

Nicholas Carlin

Project Manager

EARTH MOVING

1706 Bygland Rd SE, PO Box 435, East Grand Forks, MN 56721
Office (218) 773-0586 | Fax (218) 773-6423 | www.rjzavoral.com

EQUAL
OPPORTUNITY
EMPLOYER



**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#7.15

**RESOLUTION NO. : APPROVAL OF 2018 STREET & UTILITIES IMPROVEMENT
PROJECT CHANGE ORDER NO. 1**

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

WEHREAS, the 2018 Street & Utilities Improvement Project includes the installation of water, sanitary sewer, storm sewer and street construction on Barnick Road. This street will serve as the main entrance for the new Paces Lodging Corporation apartments southeast of Walmart. Soils encountered there were wet and poorly drained. The addition of geotextile fabric will keep the clay subgrade separated from the aggregate base and provide a much better road for the future; and

WHEREAS, R.J. Zavoral and Sons, Inc. have asked for an extension to the 2018 substantial completion date from October 26th to November 30th. Cold and wet conditions this fall have created a challenge for the contractor, even with a great effort, to substantially complete the project on time.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Works Committee recommendation to approve Change Order No. 1 with R.J. Zavoral and Sons, Inc. for the addition of geotextile fabric on Barnick Road at an estimated project cost of \$4,175.50. This change order also includes an extension of the 2018 substantial completion date from October 26, 2018 to November 30, 2018.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

CITY ADMINISTRATOR

405 Third Street East
Thief River Falls MN 56701-0528

#8.01

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

Request for Council Action

DATE: November 20, 2018

SUBJECT: Council Committee membership

RECOMMENDATION: it is respectfully requested the City Council approve the recommendation of the Public Safety/Liquor Committee of the Whole

MOTION TO: approve Mayor Holmer's appointments as follows:

Councilmember Lorenson to the Public Safety/Liquor Committee and the Public Utilities Committee
Mayor Holmer to the Administrative Services Committee

BACKGROUND: the Mayor has authority to make appointments subject to council approval.

LEGAL: N/A

FINANCIAL CONSIDERATIONS: N/A

DEPARTMENT/RESPONSIBLE PERSON: Rod Otterness, City Administrator

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#8.01

RESOLUTION NO. : APPROVAL OF COUNCIL COMMITTEE APPOINTMENTS

BE IT RESOLVED, by the City Council, to accept the Mayor's recommendation and approve the following appointments:

Public Safety/Liquor

Mike Lorenson

Public Utilities

Mike Lorenson

Administrative Services

Brian Holmer

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#8.02

405 Third Street East
Thief River Falls MN 56701-0528

PHONE: 218-681-2943
FAX: 218-681-6223

www.citytrf.net

Request for Council Action

DATE: November 20, 2018

SUBJECT: approval of Letter of Intent with JLJ Management to investigate feasibility of hotel development on arena campus

RECOMMENDATION: it is respectfully requested the City Council consider the following:

MOTION: to approve the recommendation of the Public Works Committee of the Whole to execute a letter of intent with JLJ Management LLC to investigate feasibility of hotel development on arena campus.

BACKGROUND: a hotel attached to the arena or within walking distance would have benefits both to the hotel and the arena. JLJ Management LLC has years of experience in the Hospitality Industry including with property in Thief River Falls and has asked for a Letter of Intent to allow time to develop a detailed proposal for presentation to the city. The city would be free to accept, reject, or propose changes to any proposal the city might receive.

KEY ISSUES: the precise location of the hotel would be determined as part of the investigation of feasibility but the location could result in the closing of Brooks Avenue.

LEGAL: the city attorney would approve the Letter of Intent and also approve documents associated with any future development proposal.

FINANCIAL CONSIDERATIONS: there are no costs to the city associated with the Letter of Intent. Any future development proposal that may result from the Letter of Intent will be reviewed for financial considerations by staff and council.

DEPARTMENT/RESPONSIBLE PERSON: Mark Borseth, Public Works Director, Rod Otterness, City Administrator.

ATTACHMENT: letter from JLJ Management, LLC



10.19.2018

Mayor Brian Holmer
City of Thief River Falls
405 Third Street East
Thief River Falls, MN 56701

Re: hotel development project

Dear Mayor Holmer:

This letter is to determine the level of interest the City of Thief River Falls may have in the possible development of a new hotel on property adjacent to the Ralph Engelstad Arena, presently owned by the City of Thief River Falls.

JLJ Management LLC offers 30 + years of experience in the Hospitality Industry. During this time, we have successfully developed and provided oversight of 5 ground-up hotel developments in varying brand setting along with 4 restaurant concepts.

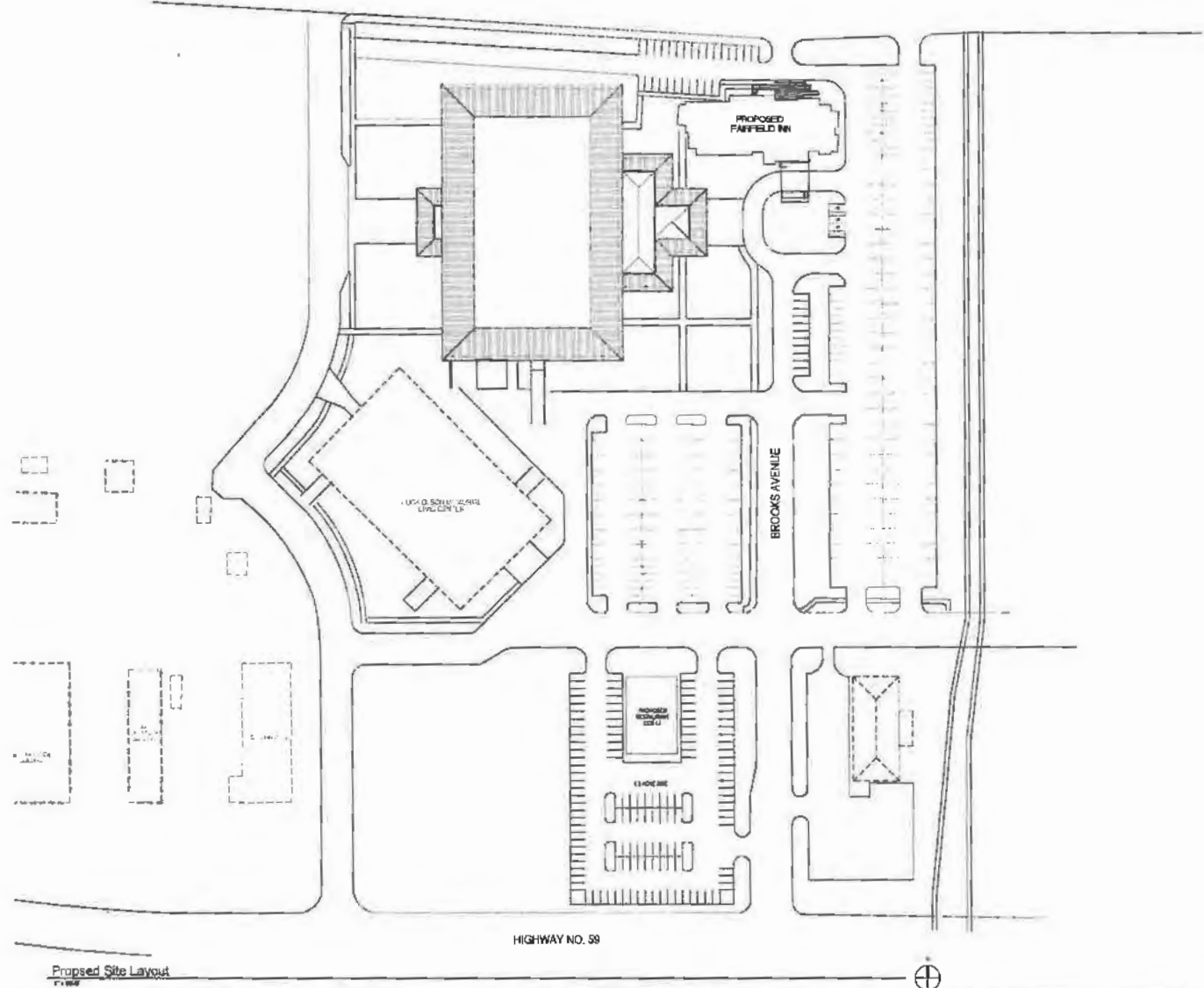
Our company is interested in exploring a possible hotel development in Thief River Falls. A new hotel located proximate to the arena would have potential benefits both to the hotel and the arena. Would the City of Thief River Falls consider signing a letter of intent granting our company a 120 day exclusive period of time to develop a detailed proposal for presentation to the city? During this time, the City of Thief River Falls would agree to cooperate in the investigation of the feasibility of such a development by providing information on utilities, survey drawings, arena site plans, soils information and any other relevant information in its possession. The letter of intent is necessary so that we can have discussions with qualified investors knowing that the City of Thief River Falls is willing to listen to a feasibility for a project involving a hotel adjacent to the arena.

Our goal is to provide the city with a detailed proposal by the end of this 120 day period of investigation. The city would be free to accept, reject, or propose changes to our proposal. If we determine not to pursue the project then the letter of intent would expire without further obligation on the part of either party.

If the city is interested in listening to our plan for pursuing such a project then we would work with the city's attorney to draft the exclusive 120 day letter of intent. We are excited about developing a possible project and thank you for your willingness to consider this proposal.

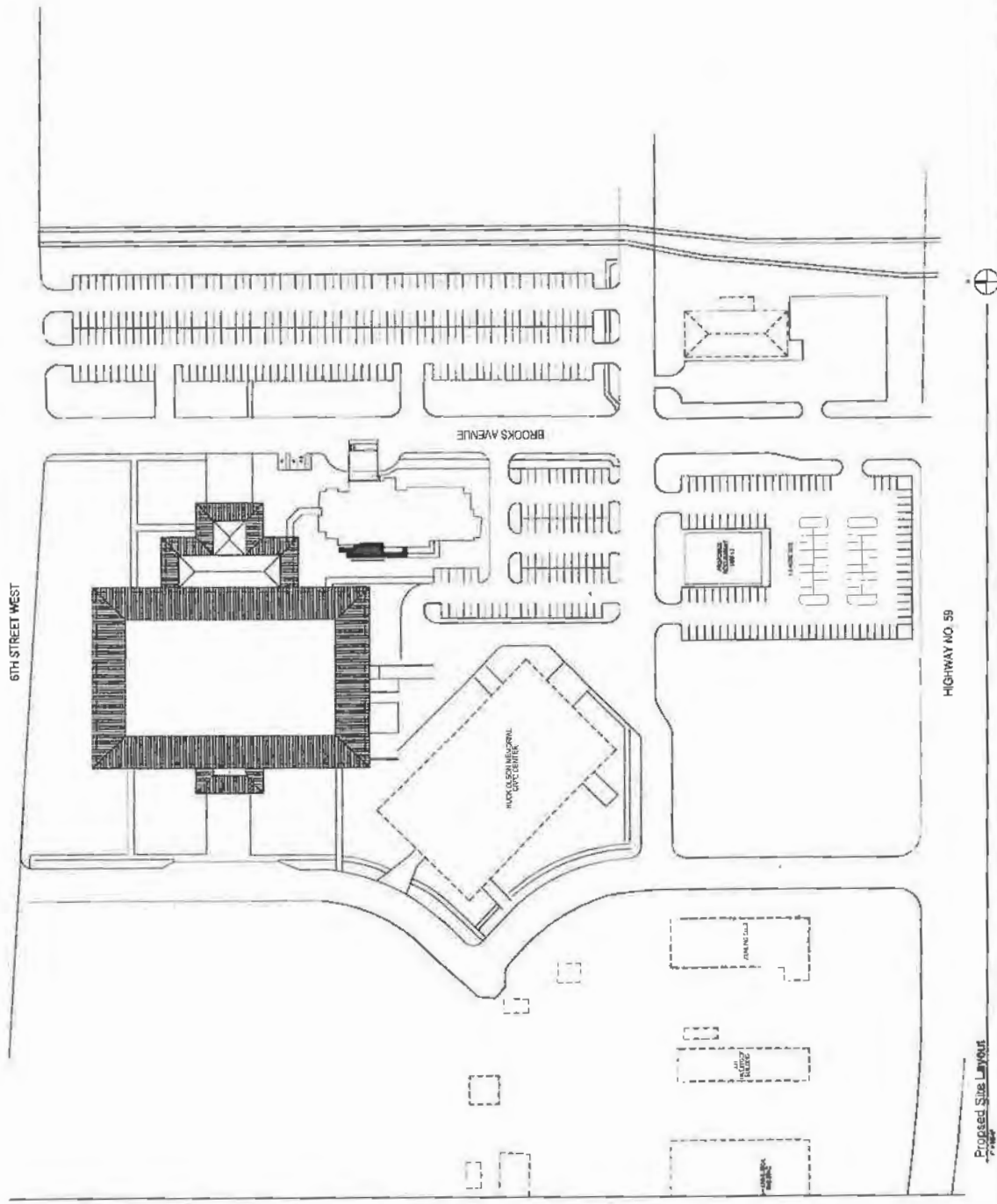
Sincerely,

Jeff Jaspersen, President
JLJ Management LLC
jeff@jljmanagement.com



FAIRFIELD INN AND SUITES
OPTION - 'A'
 THIEF RIVER FALLS, MN

11/13/18
 18-342
ICON
 ARCHITECTURAL GROUP
 T. 701.772.4266 F. 701.772.4278
 WWW.ICONARCHITECTS.COM
 G001A



6TH STREET WEST

BROOKS AVENUE

HIGHWAY NO. 59

Proposed Site Layout
1/2014

FAIRFIELD INN AND SUITES
OPTION - 'B'
 THIEF RIVER FALLS, MN

11/13/18
 16-342

G001B

ICON
 ARCHITECTURAL GROUP
 11201 77th Avenue, N
 Minneapolis, MN 55438
 WWW.ICONARCHITECTS.COM

CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION

#8.02

RESOLUTION NO. : APPROVE LETTER OF INTENT WITH JLJ MANAGEMENT TO INVESTIGATE FEASIBILITY OF HOTEL DEVELOPMENT ON ARENA CAMPUS

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

WHEREAS, a hotel attached to the arena or within walking distance would have benefits both to the hotel and the arena. JLJ Management LLC has years of experience in the Hospitality Industry including with property in Thief River Falls and has asked for a Letter of Intent to allow time to develop a detailed proposal for presentation to the city. The city would be free to accept, reject, or propose changes to any proposal the city might receive.

THEREFORE, BE IT RESOLVED, by the City Council, to approve the recommendation of the Public Works Committee of the Whole to execute a letter of intent with JLJ Management LLC to investigate feasibility of hotel development on arena campus.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#8.03

Dick Wittenberg, Chief of Police
Thief River Falls Police Department
102 1st St W • PO Box 413
Thief River Falls MN 56701-0528

PHONE: 218-681-6161
FAX: 218-683-7006
dwittenberg.trfpd@citytrf.net
www.citytrf.net

Request for Council Action

Date: November 20, 2018

Subject: Approval to hire Sergeant

Recommendation: It is respectfully requested that the Council consider the following recommendation of the Public Safety/Liquor Committee:

Motion To: Approve resolution authorizing hiring of Sergeant.

Background: Sergeants are seasoned professionals providing direct supervision of Patrol Officers. The City of Thief River Falls has recently hired several new Patrol Officers. The department currently has two Sergeants. Adding a third Sergeant would provide better supervision and training for these less experienced officers. The department has had three Sergeants in the past.

Key Issues: The proposal is to add a third Sergeant within the department. If approved, the third Sergeant will be hired from the ranks of Patrol Officers but the vacated Patrol Officer position would not be filled.

Financial Consideration: Sergeants are paid more than Patrol Officers. However, when a Sergeant is not working then the most senior Patrol Officer is paid as a "Shift Commander". Hiring a third Sergeant would significantly reduce costs for Shift Commanders making up most of the difference in pay between the new Sergeant position and the vacated Patrol Officer position.

Legal Consideration: N/A

Department/Responsible Person: Chief Dick A. Wittenberg

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#8.03

RESOLUTION NO. : APPROVAL TO HIRE SERGEANT

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

WHEREAS, Sergeants are seasoned professionals providing direct supervision of Patrol Officers. The City of Thief River Falls has recently hired several new Patrol Officers. The department currently has two Sergeants. Adding a third Sergeant would provide better supervision and training for these less experienced officers. The department has had three Sergeants in the past; and

WHEREAS, the third Sergeant will be hired from the ranks of Patrol Officers but the vacated Patrol Officer position would not be filled.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the Public Safety/Liquor Committee recommendation to add a third Sergeant.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____



City of Thief River Falls

#8.04

ELECTRIC DEPARTMENT

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

PHONE: 218 681-5186
FAX: 218 683-7343
email: dnarlock@citytrf.net

DATE: November 20, 2018

SUBJECT: Filling of Part-Time Apprentice Line Worker position.

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

MOTION TO: Accept a Public Utilities Committee recommendation and authorize the Electric Department to begin process to fill a position of a part-time Apprentice Lineworker. The position shall be opened to Teamster Union #320 employees for ten days, and if not filled by that process, the position shall be filled by applications received by the public.

BACKGROUND: As a result of increased workload in the Electric Department, the Labor Committee recommended that the Utilities Committee approve creation and filling a part-time position of Apprentice Lineworker be created in the Electrical Department. The part-time Apprentice Lineworker is a Teamster #320 position.

FINANCIAL CONSIDERATIONS: This is a new position in the Electric Department. The Electric Department does have a seasonal Apprentice Lineworker position budgeted for, and with this action the Electric Department will not fill the seasonal position in 2019.

DEPARTMENT/RESPONSIBLE PERSON: Dale Narlock, Electric Superintendent

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#8.04

**RESOLUTION NO. : APPROVAL TO FILL PART-TIME APPRENTICE LINE
WORKER POSITION**

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

WHEREAS, as a result of increased workload in the Electric Department, the Labor Committee recommended that the Utilities Committee approve creation and filling a part-time position of Apprentice Lineworker in the Electrical Department. The part-time Apprentice Lineworker is a Teamster #320 position.

THEREFORE, BE IT RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation and authorize the Electric Department to begin process to fill a position of a part-time Apprentice Lineworker. The position shall be opened to Teamster Union #320 employees for ten days, and if not filled by that process, the position shall be filled by applications received by the public.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___Holmer___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___Narverud

Notes: _____



City of Thief River Falls

#8.05

UTILITIES BILLING OFFICE

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

PHONE: 218 681-4145
FAX: 218 683-7343
email: plindquist@citytrf.net

Request for Council Action

November 20, 2018

Subject: Electric Rate Increase

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

Motion To: Adopt a resolution, setting the electric rates effective with the February 2019 billing.

Background: The energy surcharge of 4 mills/kWh (.004) will not increase. There are 10 components to the City's wholesale electric rate structure. The four coincidental demand components are listed below. Each year, new demands are set and the City pays for those over the next 12 months. This year no wholesale rate change is expected, but there will be some changes with the components.

	2018	2019
Coincidental demands		
Winter	18,532 KW	18,480 KW
Summer	20,645 KW	19,970 KW
Transmission	19,258 KW	19,282 KW
Substation Variable	28,841 KW	30,062 KW

Even though demands are remaining constant to last year, it is recommended that the City stay with the 3 year resolution passed in 2018 and set a 3.5% increase on usage rates to be passed for 2019. Also for 2019 and 2020 the customer charge has been set with an option to change the usage rates based on city needs or if wholesale electric rate increases. This is included on the attached form.

- The bonds with the Northern Municipal Power Agency, NMPA, requires member cities to have rates that maintain an average coverage ratio that sufficiently covers the wholesale cost, and all department bonds and expenses.
- Bonds payments on the AMI system.
- kWh sales increased 4.62% in 2018.
- Reserves are around \$2,000,000. \$2,500,000 to \$3,000,000 is a realistic goal over time.

Financial Considerations: To keep the electric rates set for 2018 – 2020 as per attached form. And set a 3.5% increase on usage rates for 2019. For 2019 Minnkota Power did not change the energy surcharge power cost adjustment. It will remain the same at .004.

Legal Considerations: NA

Department/Responsible Person: Finance Director Angie Philipp, Senior Billing Clerk, Patsy Lindquist & Electric Supervisor Dale Narlock

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#8.05

RESOLUTION NO. : APPROVAL OF ELECTRIC RATE INCREASE EFFECTIVE WITH FEBRUARY 2019 BILLING CYCLE

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

RESOLVED, by the City Council, to accept a Public Utilities Committee recommendation, to approve the following electric rate adjustments, effective with the February 2019 billing cycle:

State Sales Tax: Where applicable, the rates shown below are subject to State sales tax.

Customer Charge: The customer charge is the minimum charge and is in addition to any energy used.

Power Factor Correction: When required by the City, the customer shall provide power factor correction as follows.

Power Factor: The customer shall at all times take and use power in such a manner that the average power factor shall be as near 100% as possible.

1. After the customer's power factor has been determined by the City, the City will not be obligated to take additional readings until the customer has taken action to correct his power factor.
2. The City may take power factor readings at its discretion.
3. The customer shall correct the power factor to a minimum of 95%.

Power Factor Correction Charge:

Power Factor Below 95%. Any establishment where the power factor is below 95% will be required to correct same to a minimum of 95%. An additional charge will be added to the customer's monthly bill according to the following until the correction has been made:

95% to 100% P.F.	No additional charge
85% through 94% P.F.	4% additional charge
0 through 84% P.F.	5% additional charge

Transformer discount: A customer who owns a transformer metered at primary voltage may receive a 1% (one percent) discount off the net billing for service.

Determination of Rate: As provided by City Ordinance, the City shall determine the rate at which a customer is served. The City may combine multiple meter readings into one reading and treat the combined reading as one meter. The City may use submeters and subtract meter readings and treat the readings as a separate meter.

Surcharge: A surcharge of \$0.004 per KWH will be included in all KWH sold to the City's electrical customers.

Rate R1. Electric Residential Service - All Purpose Uncontrolled.

A. Availability. The following rate shall be charged and collected for the use of electricity for light and power in private residences and in all flats and rooms used solely for private residence purposes on an uncontrolled basis (without a City provided load control device).

B. Rate No. R1 (Software Billing No. 1)

	<u>2019</u>	<u>2020</u>
Customer Charge: per month	\$12.32	\$13.82
2019 Energy Charge: (2020 subject to change)		
For the first 1,500 KWH's per month		\$0.1065/KWH
Excess KWH's per month		\$0.1207/KWH

Rate R3. Electric Residential Service - Dual Fuel - 100% Controlled.

A. Availability. Closed to new customers after January 1, 2011.

Available to customers served prior to January 1, 2011. A customer that is on Rate R3 and is served at another residential rate will not be served by Rate R3 again. For space heating with/without electric water heater installations. In order to qualify for Rate R3, 100% interruptible electric heating rate, the customer must agree that electric heat and electric water heater shall be controlled on an interruptible basis without notice and that the customer shall have an alternate source of heat acceptable to the City. The alternate heating source shall heat the residence for an indefinite period of time.

B. Rate No. R3 (Software Billing No. 3)

Winter Months (Bills due in November, December, January, February, March, April, May and June)

	<u>2019</u>	<u>2020</u>
Customer Charge: per month	\$12.32	\$13.82
2019 Energy Charge: (With load control - 100%) (2020 subject to change)		
For the first 1000 KWH's per month		\$0.1065/KWH
Excess KWH's per month		\$0.0603/KWH

Summer Months (Bills due in July, August, September and October)
The rate shall be Rate R1.

Rate R4. Electric Residential Service - Residential Heating Dual Fuel - 100% Controlled - Separately Metered.

2019 Energy Charge: (2020 subject to change)	
For the First 1000 KWH's per month	\$0.1245/KWH
Excess KWH's per month	\$0.1070/KWH

Rate CG1. Commercial, with Standby Generation.

- A. Availability. Available in the City to any commercial, industrial, and institutional customer for single or three phase electric service supplied through one meter. For the use of electric energy in all churches and in all buildings, stores, offices, manufacturing plants, and other places occupied for business or commercial and manufacturing purposes and for any use other than residential.
- B. To qualify, the customer shall provide:
 - 1) A standby generator sized to provide capacity sufficient to supply the power and energy for the customer's total electric load;
 - 2) The customer's load factor shall be acceptable to the City;
 - 3) The customer's generator shall be controlled by a load control device furnished by the City and installed by the customer at the direction of the City.
 - 4) The generator shall be sized and capable of providing the customers energy for an indefinite amount of time.
 - 5) The customer shall be billed for any coincidental demand the customer has connected.
- C. Rate No. CG1 (Software Billing No. 19, 20, and 25)

	2019	2020
Customer Charge: per month	\$70.00	\$90.00

2019 Coincidental Demand: (2020 subject to change)

Winter demand	\$12.01/KW
Summer demand	\$ 7.39/KW

2019 Energy Charge: All KWH's per month (2020 subject to change)	\$0.0694/KWH
---	--------------

Coincidental Billing Demand:

Winter: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from December 1 through April 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

Summer: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from June 1 through October 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

D. As an alternative to operating the generator for certain designated control periods, the customer may pay an additional charge per KWH for the hours designated as control hours. The customer shall make a written "Buy Through" agreement as provided by the City for this service.

E. Primary Service Discount. Customers receiving service at primary distribution voltage may receive a 2% (two percent) discount off the net billing for service.

Rate 11. Industrial - General Service Rate

A. Availability. To commercial and industrial customers for combined lighting and power purposes. Service will be rendered at the utility system standard secondary voltage, single or three phase, or at a primary voltage. Special voltage transformers for lighting and other purposes shall be owned and maintained by the customer.

B. Rate No 11 (Software Billing No. 15, 16, 33, and 34).

	<u>2019</u>	<u>2020</u>
Customer Charge: per month	\$70.00	\$90.00

Demand Charge:	<u>2019</u>	<u>2020</u>
Kilowatts demand	\$17.35	\$17.92

2019 Energy Charge: (2020 subject to change)	
All KWHs per month	\$0.0663/KWH

C. Primary Service Discount. Customers receiving service at primary distribution voltage may receive a 2% (two percent) discount of the net billing for the service.

D. Determination of Demand. The maximum demand in kilowatts for billing purposes shall be the greatest 15 minutes demand load during the billing period for which the bill is rendered.

E. Power Factor Correction. Power Factor Correction may be required as described above.

Rate 12. Industrial - Controlled

A. Availability. Closed to new installations.

Available in the City to any commercial, industrial, and institutional customer as single business establishments for all power and lighting requirements, when all service hereunder is provided through one meter to determine the general service demand, annual system coincidental billing peak demand and energy, all at a single point of entry.

B. Applicable. To commercial, industrial, and institutional customers for combined lighting and power purposes. Service will be rendered for combined lighting and power purposes. Service will be rendered at the utility system standard secondary

voltage, three phase, or at primary voltage designated by the utility system at the service voltage available in the area for the size of load to be served. Special voltage transformers for lighting and other purposes shall be owned and maintained by the customer. Load control receivers will be furnished by the City and installed by the customer.

- C. Rate No. I2 (Software Billing No. 17, 18, 19, 35, 36, and 37).
(Closed to new installations)

	<u>2019</u>	<u>2020</u>
Customer Charge: per month	\$70.00	\$90.00
	<u>2019</u>	<u>2020</u>
General Service Demand - Uncontrolled	\$1.49/KW	\$1.94/KW
2019 Coincidental Demand: (2020 subject to change)		
Winter Demand		\$12.01/KW
Summer Demand		\$ 7.39/KW
2019 Energy Charge: All KWH's per month (2020 subject to change)		\$0.0663/KWH

General Service Demand - Uncontrolled:

The maximum demand in kilowatts for billing purposes shall be the greatest 15 minutes demand load during the billing period for which the bill is rendered.

Coincidental Billing Demand:

Winter: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from December 1 through April 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

Summer: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from June 1 through October 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

- D. Primary Service Discount. Customer's receiving service at primary distribution voltage may receive a 2% (two percent) discount off the net billing for service.
- E. Power Factor Correction. Power Factor Correction can be required as described above.

Rate I3. Industrial

- A. Availability. Available in the City to any commercial, industrial, and institutional customer as single business establishments for all power and lighting requirements.
- B. Applicable. To commercial, industrial, and institutional customers for combined lighting and power purposes. Service will be rendered for combined lighting and

power purposes. Service will be rendered at the utility system standard secondary voltage, three phase, or at primary voltage designated by the utility system at the service voltage available in the area for the size of load to be served. Special voltage transformers for lighting and other purposes shall be owned and maintained by the customer.

C. Rate No. I3 (Software Billing No. 19, 22, 24, 37, 38, and 39).

	<u>2019</u>	<u>2020</u>
Customer Charge: per month	\$70.00	\$90.00
(amounts below are subject to change for 2020)		
2019 General Service Demand		\$1.9499/KW
2019 Controlled Coincidental Demand:		
Winter demand		\$12.01/KW
Summer demand		\$ 7.39/KW
2019 Energy Charge: All KWH's per month		\$0.0722/KWH

General Service Demand:

The maximum demand in kilowatts for billing purposes shall be the greatest 15 minutes demand load during the billing period for which the bill is rendered.

Coincidental Billing Demand:

Winter: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from December 1 through April 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

Summer: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from June 1 through October 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

D. Primary Service Discount. Customers receiving service at primary distribution voltage may receive a 2% (two percent) discount off the net billing for service.

E. Power Factor Correction. Power Factor Correction can be required as described above

Rate E1. Geothermal System Rate.

A. Availability. The following rate shall be charged and collected for the use of electricity for power to operate a separately metered geothermal system. This meter may be submeter. (Without a City provided load control device).

B. Rate No. E1 (Software Billing No. 8, 9, and 19)

	<u>2019</u>	<u>2020</u>
Customer Charge: per month	\$5.86	\$6.46

2019 Coincidental Demand: (2020 subject to change)

Winter demand	\$12.01/KW
Summer demand	\$ 7.39/KW

	<u>2019</u>	<u>2020</u>
Energy Charge: All KWH's per month	\$.0561	\$.0563

Coincidental Billing Demand:

Winter: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from December 1 through April 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

Summer: In no month shall the demand to be billed be less than the greatest demand in kilowatts registered from June 1 through October 1 during Northern Municipal Power Agency and Minnkota Power Cooperative, Inc.'s controlled coincidental billing demand periods. To be in effect for one year from April 1st to March 31st of the following year.

Automatic Protective Lighting

- A. Availability. The City will install and maintain luminaries upon private or public property for the purpose of protective lighting for a customer at the discretion of the City. The installation of the cable, pole and controls not on the luminaire are the responsibility of the customer.

The City shall bill the customer the cost of labor and such material that is not part of the luminaire and mounting arm for the luminaire.

DESIGNATION OF LAMPS – per month charge	2019	2020
175 Watt Mercury Vapor	7.08	7.19
250 Watt Mercury Vapor	12.10	12.28
100 Wat High Pressure Sodium	6.98	7.08
150 Watt High Pressure Sodium	8.94	9.07
250 Watt High Pressure Sodium	14.34	14.56
400 Watt High Pressure Sodium	19.06	19.35
LED	7.22	7.33
Adopt a Light	2.06	2.09

B. Alternatives. Other sizes and types may be available upon request. Prices shall be established by the Utilities Committee. Only high-pressure sodium luminaries shall be available for new protective lighting.

BE IT FURTHER RESOLVED, by the City Council, to amend the 2019 Budgets to reflect the proposed increases in Electric Revenue and Purchased Power.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ 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: November 20, 2018

SUBJECT: Sidewalk Snow Removal Ordinance

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

Motion to: Call for First Reading of Ordinance No. xxx to approve amending **91.01 ASSESSABLE CURRENT SERVICES (B) Snow, ice, dirt, and rubbish (1) Duty of owners and occupants and (2) Removal by City; and 91.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY (A)** as follows:

The proposed amendment requires snow to be removed from sidewalks in the central business district within 24 hours after snow or other precipitation causing the condition has ceased to fall.

The central business district for this purpose is 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.

BACKGROUND: The City of Thief River Falls enforces regulations that require property owners to remove snow from their sidewalks within 48 hours after the end of a snow or wind event. City staff inspects the sidewalks during normal working hours a minimum of 48 hours after a snowfall ends. Any sidewalks not clear of snow are turned over to a contractor for immediate removal. The contractor is paid for his work as per agreement. A \$10.00 administrative fee is added and billed to the property owner.

KEY ISSUES: Up until approximately five years ago the requirement for sidewalk snow removal was 24 hours rather than 48 hours. The city council changed the requirement to allow homeowners additional time. Recently problems have occurred downtown with complacent owners and owners of vacant buildings. Allowing the snow to stay on the sidewalks downtown for 48 hours causes the snow to be packed down from foot traffic to a point where normal snow removal equipment can't remove it and as a results creates a hazardous situation. Downtown business owners are asking us for this change as their business' are impacted when neighboring complacent owners don't remove the snow. Reducing the time from 48 hours to 24 hours in the central business district will help with this issue.

FINANCIAL CONSIDERATIONS: None.

LEGAL CONSIDERATION: An ordinance amendment typically receives two readings.

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

Encl. (1)

ORDINANCE NO. _____, 3rd SERIES

AN ORDINANCE OF THE CITY OF THIEF RIVER FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 91 ENTITLED "GENERAL PROVISIONS" BY AMENDING 91.01 (B) SNOW, ICE, DIRT, AND RUBISH (1) DUTY OF OWNERS AND OCCUPANTS AND (2) REMOVAL BY CITY; AND 91.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY (A) TO AMEND THE HOURS THAT SNOW CAN REMAIN ON A SIDEWALK, 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 91.01 (B) (1) and (2); and Chapter 91.18 (A) are hereby amended as follows:

(1) DUTIES OF OWNERS AND OCCUPANTS. The owner or occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 48 hours, or 24 hours in the central business district defined for this purpose 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, after its deposit thereon. Failure to comply with this section will constitute a violation.

(2) REMOVAL BY CITY. The City Administrator or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 48 hours, or 24 hours in the central business district defined for this purpose 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, after any matter has been deposited thereon, or after the snow has ceased to fall. The City Administrator or other designated person shall keep record showing the cost of removal adjacent to each separate lot and parcel.

The following are declared to be nuisances affecting public peace and safety:

(A) All snow and ice not removed from public sidewalks 48 hours, or 24 hours in the central business district defined for this purpose 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, after the snow or other precipitation causing the condition has ceased to fall.

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:

City Administrator



City of Thief River Falls

CITY ADMINISTRATOR

405 Third Street East
Thief River Falls MN 56701-0528

#8.07

PHONE: 218-681-2943

FAX: 218-681-6223

www.citytrf.net

Request for Council Action

DATE: November 20, 2018

SUBJECT: Appointment of Angie Philipp, Finance Director, as Interim City Administrator

RECOMMENDATION: It is respectfully requested that the City Council approve the recommendation of the Administrative Services Committee

MOTION TO: Appoint Angie Philipp, Finance Director, as the Interim City Administrator, effective January 29, 2019 with additional pay of \$1,068 per month which is the midpoint range between her current position and the position of City Administrator. As the result of additional duties to ensure a smooth transition, the additional pay shall begin January 1, 2019.

BACKGROUND: The Ad-Hoc Labor Committee and the Administrative Services Committee have met and both concur that Angie Philipp should be appointed as the Interim City Administrator and be compensated for the additional time, responsibilities, and duties involved during the transition. It is in the best interest of the City to have a person appointed, now, so that a smooth transition can occur before the present City Administrator retires on January 29.

KEY ISSUES: Angie was Interim City Administrator for 5 months during the previous transition. Angie has the confidence of the City Council and Department Heads and is recommended for the position by the current City Administrator.

FINANCIAL CONSIDERATION: N/A

LEGAL: N/A

DEPARTMENT/RESPONSIBLE PERSON: Rod Otterness, City Administrator

**CITY OF THIEF RIVER FALLS
PROPOSED RESOLUTION**

#8.07

**RESOLUTION NO. : APPROVAL OF APPOINTMENT OF ANGELA PHILIPP,
FINANCE DIRECTOR, AS INTERIM CITY ADMINISTRATOR**

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

WHEREAS, the Ad-Hoc Labor Committee and the Administrative Services Committee have met and both concur that Angie Philipp should be appointed as the Interim City Administrator and be compensated for the additional time, responsibilities, and duties involved during the transition. It is in the best interest of the City to have a person appointed, now, so that a smooth transition can occur before the present City Administrator retires on January 29.

THEREFORE, BE IT RESOLVED, by the City Council, to accept the findings of the Ad-Hoc Labor Committee and the Administrative Services Committee and appoint Angie Philipp, Finance Director, as the Interim City Administrator, effective January 29, 2019 with additional pay of \$1,068 per month which is the midpoint range between her current position and the position of City Administrator. As the result of additional duties to ensure a smooth transition, the additional pay shall begin January 1, 2019.

Presented at the November 20, 2018 Council Meeting

Introduced by: _____

Seconded by: _____

Roll Call (if required):

___ Holmer ___ Howe ___ Sollom ___ Lorenson ___ Brown ___ Prudhomme ___ Aarestad
___ Narverud

Notes: _____

4M FUND

First National Bank/The First	Certificate of Deposit - Brokered	\$248,300	20-Nov-18	2.010%	\$248,300.00
Modern Bank NA	Certificate of Deposit - Brokered	\$247,900	18-Dec-18	2.730%	\$247,900.00
Franklin Synergy Bank	Certificate of Deposit - Brokered	\$247,400	15-Jan-19	2.150%	\$247,400.00
Western Alliance Bank/Torrey	Certificate of Deposit - Brokered	\$246,900	19-Jan-19	2.164%	\$246,900.00
Corporate One Federal CU	Certificate of Deposit - Brokered	\$246,400	19-Mar-19	2.200%	\$246,400.00
Unity Bank	Certificate of Deposit - Brokered	\$245,900	16-Apr-19	2.243%	\$245,900.00
Servisfirst Bank	Certificate of Deposit - Brokered	\$245,200	21-May-19	2.322%	\$245,200.00
Mainstreet Bank	Certificate of Deposit - Brokered	\$244,500	18-Jun-19	2.425%	\$244,500.00

4M INVESTMENTS

\$1,972,500.00

TOTAL CD INVESTMENTS

\$6,252,899.24

MONEY MARKET ACCOUNTS

Piper Jaffray	First American Gov't Obligations Fund	1.43%	\$3,632,396.57
RBC	US Govt Money Market Fund	0.95%	\$21.34
League of Minnesota Cities	4M Money Market Fund	1.89%	\$1,160,690.71
League of Minnesota Cities	4M Plus Fund	1.96%	\$25,043.84

TOTAL MONEY MARKET SAVINGS

\$4,818,152.46

GRAND TOTAL**10/31/2018****\$11,071,051.70**

*Interest paid every 6 months.