

**APPROVED
MINUTES
OF THE
EAST GRAND FORKS
CITY COUNCIL
Tuesday, March 3, 2009 – 5:00 PM**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for March 3, 2009 was called to order by Council President Dick Grassel at 5:00 P.M.

CALL OF ROLL:

On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Lynn Stauss, Council President Dick Grassel, Council Vice President Henry Tweten, Council Member Marc Demers, Craig Buckalew, Wayne Gregoire, Mike Pokrzywinski, and Greg Leigh.

STAFF PRESENT:

Scott Huizenga, City Administrator; Michelle French, Executive Assistant; Ron Galstad, City Attorney; Greg Boppre, City Engineer; Charlotte Helgeson, Library Director; Dave Aker, Parks & Rec Superintendent; Mike Hedlund, Police Chief; John Wachter, Public Works Superintendent; Nancy Ellis, Planning & Zoning; Jerry Skyberg, Building Official; Dan Boyce, Water & Light Manager.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the City Council on items not on the current Agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate.”

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of February 17, 2009.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE “REGULAR MEETING” FOR THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL OF FEBRUARY 17, 2009.

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Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.
Voting Nay: None.

2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of February 24, 2009.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE “WORK SESSION” FOR THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL OF FEBRUARY 24, 2009.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.
Voting Nay: None.

3. Consider approving the minutes of the “Closed Meeting” for the East Grand Forks, Minnesota City Council of February 24, 2009.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE “CLOSED MEETING” FOR THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL OF FEBRUARY 24, 2009.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.
Voting Nay: None.

SCHEDULED BID LETTINGS:

4. Consider approving the request to award the bid for “2009 City Project No. 2 – Curb, Gutter, and Paving” to Opp Construction for a total bid price of \$354,733.00 contingent upon MnDot approval.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO AWARD THE BID FOR “2009 CITY PROJECT NO. 2 – CURB, GUTTER, AND PAVING” TO OPP CONSTRUCTION FOR A TOTAL BID PRICE OF \$354,733.00 CONTINGENT UPON MNDOT APPROVAL.

Council Member Gregoire asked if this would increase the engineering fees and what exactly are the contingencies. Mr. Boppre announced this is a change order for the contract price itself. He stated that they always try to include a 5% contingency. Discussion occurred regarding the completion date.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.
Voting Nay: None.

SCHEDULED PUBLIC HEARINGS: NONE.

CONSENT AGENDA:

Items under the “Consent Agenda” will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they chose.

Council President Grassel asked that #7 be pulled.

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5. Consider approving the request to change the licensing process and authorize the City Administrator/Clerk-Treasurer to sign the recommended licenses providing proper documentation and fees excluding all liquor licenses.
6. Consider approving the application for a Parade Permit for the Praise God Parade, on, May 16, 2009 from 10:30 A.M. to 11:45 A.M. pending MnDot approval.
7. Consider approving the application for an Exempt Gambling Permit for a raffle for East Grand Forks Ducks Unlimited to be held April 4, 2009 at American Legion Club, 1009 Central Avenue NW, East Grand Forks, MN 56721 and waive the 30-day waiting period.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GREGOIRE, TO APPROVE CONSENT MOTIONS NUMBER FIVE (5) THROUGH SIX (6) AS SUBMITTED.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.
Voting Nay: None.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

8. The minutes of the Water, Light, Power and Building Commission for February 5, 2009.
9. The minutes of the East Grand Forks Campbell Library Board Meeting for February 24, 2009.

COMMUNICATIONS: NONE.

OLD BUSINESS:

10. Consider approving the Towing Service Agreement with Grand Cities Towing and the City of East Grand Forks for a term commencing February 17, 2009 and terminating February 17, 2010.

Council Member Pokrzywinski announced that the current contract states up to a three year contract so he will vote “no.” He stated that if this fails, he would like to approve a contract striking the language of a three year contract. Council Member Leigh thought the language had been taken out after the work session and he would like to see a multiple year contract in the future.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE THE TOWING SERVICE AGREEMENT WITH GRAND CITIES TOWING AND THE CITY OF EAST GRAND FORKS FOR A TERM COMMENCING FEBRUARY 17, 2009 AND TERMINATING FEBRUARY 16, 2010.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.
Voting Nay: None.

11. Reconsideration of the Memorandum of Understanding between Law Enforcement Labor Services, In., Local No. 152 (LELS) and the City of East Grand Forks.

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Council Member DeMers stated that he did not want this item to fail, so he would like to reconsider this motion.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO RECONSIDER OF THE MEMORANDUM OF UNDERSTANDING BETWEEN LAW ENFORCEMENT LABOR SERVICES, IN., LOCAL NO. 152 (LELS) AND THE CITY OF EAST GRAND FORKS.

Voting Aye: Pokrzywinski, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: DeMers.

NEW BUSINESS:

12. Consider adoption of Ordinance No. 308 3rd Series and Ordinance an ordinance of the City of East Grand Forks, Minnesota, repealing Subd 7 Resident Manager or Agent of City Code Chapter 3, Entitled “3.2 Percent Malt Liquor, Wine and Intoxicating Liquor Licensing” and by promulgating Subd. 7 designated agent, to code Chapter 3; and adding Subd .25 “Designated Agent” to Section 3.01 definitions and by adopting by reference City Code Chapter 1, which among other things, contain penalty provisions. (2nd Reading)

Council Member Gregoire would like clarification on this ordinance. Mr. Galstad stated that the current ordinance requires a resident/agent to reside in East Grand Forks so therefore; this new ordinance would be taking out the residency requirement.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT ORDINANCE NO. 308 3RD SERIES AND ORDINANCE AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, REPEALING SUBD 7 RESIDENT MANAGER OR AGENT OF CITY CODE CHAPTER 3, ENTITLED “3.2 PERCENT MALT LIQUOR, WINE AND INTOXICATING LIQUOR LICENSING” AND BY PROMULGATING SUBD. 7 DESIGNATED AGENT, TO CODE CHAPTER 3; AND ADDING SUBD .25 “DESIGNATED AGENT” TO SECTION 3.01 DEFINITIONS AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1, WHICH AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS. (2ND READING)

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: None.

13. Consider approving the request to approve the Personal Policy Manual revision effective immediately to only pay out 160 hours of vacation upon retirement or resignation.

Scott asked that this item be pulled.

14. Consider adopting Resolution No. 09-03-17 a Resolution to obtain the appropriate right of ways, easements, and temporary construction easements for the 23rd Street NW project as well as the 14th Avenue SE and the 17th Avenue SE construction projects.

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Council Member Leigh asked at what point will the City Council know the costs of the easements. Mr. Boppre announced that the dollar amounts are based on the Flood Control Project which will be approximately \$23,000 for 17th Ave. SE. Council Member Leigh would like to have all signatures before the project is started. Mr. Boppre announced that the City needs the right-of-ways before the project is bid. Mr. Galstad explained the difference between a Quick Take and a normal process. He stated that a Quick Take is done if the date of notification is received, the City can have possession within 90 days and the normal process could take 1 year. He stated that the Quick Take Option will only be used if necessary.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER GREGOIRE, TO ADOPT RESOLUTION NO. 09-03-17 A RESOLUTION TO OBTAIN THE APPROPRIATE RIGHT OF WAYS, EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE 23RD STREET NW PROJECT AS WELL AS THE 14TH AVENUE SE AND THE 17TH AVENUE SE CONSTRUCTION PROJECTS.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: None.

15. Consider approving the request to file the report of feasibility and set hearing date for “2009 Assessment Job No. 3 – Paving” – Peabody 1st Addition and Greenway 1st Addition.

Mr. Boppre suggested not doing 11th Ave. unless the City receives a petition.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO APPROVE THE REQUEST TO FILE THE REPORT OF FEASIBILITY AND SET HEARING DATE FOR “2009 ASSESSMENT JOB NO. 3 – PAVING” – PEABODY 1ST ADDITION AND GREENWAY 1ST ADDITION.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: None.

16. Consider approving the General Obligation Bonding Grant Agreement necessary for the \$200,000 in State General Obligation Bond funds appropriated last session for the Red River State Recreation Area campground improvements.

Mr. Huizenga announced that he is looking at 24 additional camping spots. Mr. Boppre stated that he has plans and specifications ready for the next meeting. Council President Grassel informed City Council that the Red River State Recreation Area was one of the top campgrounds to take in money.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER BUCKALEW, TO APPROVE THE GENERAL OBLIGATION BONDING GRANT AGREEMENT NECESSARY FOR THE \$200,000 IN STATE GENERAL OBLIGATION BOND FUNDS APPROPRIATED LAST SESSION FOR THE RED RIVER STATE RECREATION AREA CAMPGROUND IMPROVEMENTS.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: None.

CLAIMS:

17. Consider adopting Resolution No. 09-03-18 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 2428 for a total of \$3180.13 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 09-03-18 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 2428 FOR A TOTAL OF \$3180.13 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

Voting Aye: Pokrzywinski, DeMers, Grassel, Tweten, Gregoire, and Leigh.

Voting Nay: None.

Abstain: Buckalew.

18. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

Acme Electric Companies	Replace Bathroom Fan	\$119.00
Advanced Business Methods	Copier Lease	\$142.21
Airgas	Gas For Welder	\$35.47
Aker Dave	Meal/Mileage Reimb	\$199.50
Allied 100	AED Equip	\$470.00
Alltel	Police Cell Phone	\$63.59
Altru Health System	Blood Draw - James Smith Jr	\$32.25
Ameripride Linen & Apparel Services	Mats	\$530.51
Anytime Plumbing	Garage Floor Drains	\$385.65
Baker & Taylor Co	Books	\$259.50
Becker Arena Products Inc	Edger Blade	\$117.98
Blue Cross Blue Shield of ND	EDHA BCBS 03/09	\$4,482.60
Brady Martz & Assoc	Audit Of Fin Statements - HUD Reports	\$2,050.00
Brodart Co	Books	\$241.94
Business Essentials	Binders, Toner, File Tabs,	\$192.16
Butler Machinery Co	Inv Parts #163	\$597.54
D&M Distributing	Headlight Bulbs	\$21.41
Demco Educational Corp	Books	\$35.46
Diamond Cleaning Supply Richard Papenfuss	Toilet Tissue	\$82.54
DOVS	Membership	\$10.00
Drivers License Guide Company	I.D. Checking Guides	\$28.95
EGF City Petty Cash Ckng	Reimb Dec 08	\$763.91
Emphasys Computer Solutions	Monthly Software Agreement	\$541.91
Explorer Post #38	Squad Car Cleaning	\$40.00
Exponent	Subscription, Christmas Tree Pick Up	\$85.00
Floan Sanders	Prof Services	\$49,861.50
Forx Builders Association	Membership Dues	\$320.00
Fossen Ronald and Mary Colleen	Housing Incentive Program Tax Rebate	\$1,753.64
Franklin Sylvia	Tub Refurbishing	\$150.00
Fred Pryor Seminars/Career Track Returns	Excel Beyond Seminar - Vonasek/Roberts	\$256.00

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G&K Services	Mats	\$235.42
Gale	Books	\$23.37
Garden Hut	Wiper Arm, Engine Repair #348	\$796.03
Garry Gravel	298.8 Tons Sand	\$2,647.61
GC Distributing Co	44 Boxes Yellow Bags	\$1,912.68
GF Fire Equipment	Gloves & Firefighting Foam/Gear	\$41,993.92
GF Herald	2009 Newspaper Subscription	\$376.00
Grand Cities Towing	Towing	\$180.00
Grand Forks City	4th Qtr Transit (Oct - Nov 2008)	\$33,319.00
Grand Forks Taxi Company	Dial-A-Ride Service Jan 09	\$2,229.48
Grenier John	MMOA Dues	\$25.00
GW & Sons Construction Inc	Replace Ck 030115 - Water Slide Install	\$2,410.00
Haarsager Laverne	Reimb Dryer Malfunction	\$15.00
Hajicek Rick	Cleaning 02/02 - 02/06	\$256.50
Hams James	Over Payment Of Parking Ticket	\$30.00
Hardware Hank	Thinner, Toilet Flapper, Hardware	\$3,180.13
Hawkins Chemical	Replace Gas Monitor Sensors	\$288.48
Heartland Paper	Tissue	\$927.49
Holiday Credit Office	561 & 575 Gas	\$96.89
oliday Inn Express Hotel & Suites Vadnais Heights	Dillion Nelson Seminar	\$300.63
Hugo's	Tagboard	\$39.41
Inprints Screenprinting	T-Shirts For Paid On Call	\$240.00
International Code Council	Membership Dues 09	\$100.00
League of MN Cities	1st Qtr City Insurance	\$48,798.70
Learning Opportunities Inc	Books	\$31.00
Lithia Payment Processing	Remaining Amount On Invoice - Inv Parts	\$111.86
Lucke Gerald	Conf Reg Fee	\$646.80
Marco - Fargo Inc	Usage	\$515.27
Mark Cowger Construction	Ice Removal & Roof Exploration	\$887.75
Menards	Paint Supplies	\$28.83
Metropolitan Planning Organization	Planning/Transit/Local Share	\$9,150.11
Midcontinent Communications	Sr Center/Sunshine Terrace	\$744.13
Midwest Refrigeration Inc	Low Pressure Switch / Labor	\$276.11
Mike's Pizza	Food & Beverage	\$59.69
MN Chief of Police Association	CLEO & Command Academy	\$480.00
MN Dept of Labor & Industry	09 CCLD Seminar Reg	\$50.00
MN Dept of Revenue VOID****VOID****VOID***	Sales & Use Tax Jan 09	\$1,148.00
MN Drivers & Vehicle Services	Reg Tax 03Merc 16011	\$210.50
MN State Retirement System	Health Care Savings Plan Participant	\$10,930.53
MN State Treasurer - Treasury Division	Sale Of Seized 96 Pontiac Bonneville	\$77.29
Moore Ryan	Gas Reimb Warroad Roseau	\$28.00
National Rifle Association	Handgun/Shotgun School	\$525.00
ND EMS Association	09 EMS Rendezvous Reg - Hansen/M.Manias	\$380.00
North Central Rental & Leasing	Eq't Rental 2/3 - 3/3 & 235 Hrs @ \$60/hr	\$16,125.00
O'Reilly Auto Parts	Parts	\$528.56
Party America Corp Offices	Supplies	\$37.46
PS Door Services	Doors #4	\$58.00
Public Employees Retirement Association	Michael Anderson- Police Patrol Pera	\$14,154.05
Quill Corp	Desktop Sorter/Toner Cartridges	\$272.71
Qwest	Phone	\$3,798.98

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Radio Shack Corporation	Switches	\$5.75
Ray German Law Office	Overpayment Of Special Assessments	\$93.75
RDO Equipment Co	Inv Parts #163	\$38.47
RDO Truck Centers	Parts #105	\$35.96
Reed Business Information	2009 CP #2 Bid Publication	\$492.00
Rochester Police Dept	Range Fee Chris Olson	\$50.00
Schumacher Todd	Gas Reimb Roseau/Fargo	\$44.32
Speedy Sign	LLC	\$1,302.00
Star Tribune	Newspaper Subscription	\$234.00
Streichers	Holster/Uniforms/Partition Screens	\$2,264.25
Stuart's Towing	HWK058 - Unlock & Tow	\$130.00
The Child's World Inc	Books	\$20.95
Thur-O-Clean	Single Jail Clean Up	\$110.00
Tiger Direct.com	Barcode Scanner/Computer Upgrade	\$475.13
Tran Duc and Chau	Housing Incentive Program Tax Rebate	\$3,621.49
Tri-Star Recycling Inc	Recycling Clean Up	\$2,925.33
True Temp	Materials & Labor	\$220.48
United States Post Office	Stamps	\$554.00
US Bearings & Drives	Bearings #125	\$35.14
Valley Petroleum Equipment	Diesel Pump	\$107.56
Valley Truck	Inv Parts #105	\$31.67
Vilandre Heating & A/C	Pump Tripped Repair/Extended Venting	\$390.15
Water & Light Department	W&L	\$31,521.38
WDAZ TV	Riverwalk Center	\$350.00
Wizard's Enterprises	Inc.	\$490.00
Xcel Energy	520 DeMers Ave	\$12,416.75
Xcel Energy	711 3rd St SE	\$3,411.08
Young Joseph Myranda	Housing Incentive Program Tax Rebate	\$1,143.56
	Total	\$328,062.76

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO AUTHORIZE THE CITY ADMINISTRATOR/CLERK-TREASURER TO ISSUE PAYMENT OF RECOMMENDED BILLS AND PAYROLL.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Stauss congratulated the library for the photography contest and encouraged City Council to attend events within the community. He announced that he was disturbed with the Governor's comments regarding the Coalition of Greater Minnesota Cities.

Council Member DeMers announced that Thursday, March 12, 2009 at 6:30 p.m. at the Senior Center, Ward 1 will be having a meeting to set goals and priorities.

Council Member Tweten stated that everyone needs to be optimistic and government starts here. He encouraged everyone to get involved in the community and volunteer.

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Council Member Gregoire thanked the seniors for attending the City Council Meeting and he encouraged them to get involved in the community.

Council Member Leigh clarified his thought on the paving for 11th Ave. He wants to know if the people want to be assessed for this project with the economy change.

Council Member Pokrzywinski announced that the Council approved a check on the book project. Mr. Huizenga stated that he had met with Mr. Strandell and he will have an update soon. Council Member Pokrzywinski would like to see exactly how much everything will cost.

Council President Grassel informed City Council that the 2000 pound tulips will be appearing shortly.

Mr. Huizenga stated that he will be out of the office in the morning and the next work session the Council will be looking at trash and street improvements. He explained the current LGA situation. Council Member Pokrzywinski would like to start budget discussions soon.

Mr. Aker stated that five teams are going to regions for hockey. The Winter Fest was a success with 150 5K racers and 212 snowmobile racers. The Big Event will be May 2nd.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER BUCKALEW, TO ADJOURN THE MARCH 3, 2009 REGULAR MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:45 P.M.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.

Voting Nay: None.

Scott Huizenga, City Administrator/Clerk-Treasurer