

**AGENDA
CITY COUNCIL
WORK SESSION
CITY OF EAST GRAND FORKS
SEPTEMBER 27, 2011
4:00 PM**

CALL TO ORDER

CALL OF ROLL

DETERMINATION OF A QUORUM

1. Boat Storage Facility – Andy Magness & Dave Aker
2. Civic Center Parking Lot – Dave Aker
3. Sergeant Promotional Process – Mike Hedlund

ADJOURN

Upcoming Meetings

Regular Meeting – October 4, 2011 – 5:00 PM – Council Chambers
Work Session – October 11, 2011 – 5:00 PM – Training Room
Regular Meeting – October 18, 2011 – 5:00 PM – Council Chambers

Request for Council Action

Date: September 16, 2011

To: East Grand Forks City Council, Mayor Lynn Stauss, Henry Tweten, Council Members: Marc Demers, Council President Craig Buckalew, Council Vice President Wayne Gregoire, Greg Leigh, Mike Pokrzywinski and Ron Vonasek.

Cc: File

From: Dave Aker

RE: Boat House

Background:

We have looked at the four possible spots that Andy has designated by priority order where to build a boat house. The first one is overlooking the Eagle Point trail head by the parking lot facing to the north. The second one is up on the Frisbee golf course in the NE corner of the course right across the bike trail from the parking area. The third one is west of the Louie Murray Bridge by the bike path on the same side of Eagle Point. The fourth site is by the railroad bridge where the campground bath house was before. (See Maps for locations) All the sites are in the floodway or floodplain, the floodplain is on the top of the levees around the whole city of East Grand Forks. If this is the case, the four spots would not be eligible to build anything on by the ordinance of the City of East Grand Forks. To build something that had no adverse impact on the floodplains the owner would have to get a certificate from the Engineer-Of-Record (EOR) or the Design Engineer. The proposed modifications must also comply with all current Corps engineering design standards. The project would not raise or lower the flood elevation by more than 0.00 feet. Also he would have to present it to the DNR for permission.

Recommendation: It is our recommendation that Andy would not be able to build anything permanent in the floodplain. He would have to get an EOR or Design Engineer to approve the plan, he should first start with Tom Spoor.

Enclosures: Maps and the floodplains and floodplain management.

SECTION 10.19: (FW) FLOODWAY OVERLAY DISTRICT

SUBDIVISION 1: USES PERMITTED

The following uses shall be permitted uses within the FW District to the extent that they are not prohibited by any other zoning district:

- A. All uses commonly classed as agricultural.
- B. Drainage system, flood control and watershed structure, and erosion control device meeting all City and State standards.
- C. Public parks and playgrounds.
- D. Golf courses.
- E. Parking lots and loading areas.
- F. Other open space uses.
- G. Utilities, Railroad tracks, Streets, and Bridges. Public utility facilities, roads, railroad tracks, and bridges within the flood plain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree or protection may be provided for minor or auxiliary roads, railroads, or utilities.

SUBDIVISION 2: USES BY SPECIAL PERMIT

In addition to other uses specifically identified elsewhere in this Section, the following are special uses in an FW, Floodway Overlay District, and require a special use permit based upon procedures and criteria set forth in and regulated by Section 10.02 – Subdivision 2 of this Chapter:

- A. Uses or structures accessory to open space or special permit uses.
- B. Extraction of sand, gravel and other materials.
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- D. Essential Services - Governmental Uses, Buildings and Storage, and Transmission Services, provided the construction will not cause a stage increase.

SUBDIVISION 3: STRUCTURAL APPROVAL

All structures permitted in the FW District shall be approved by the Council and shall meet locational and structural requirements as they may set. All structures shall be elevated, flood proofed as per Code requirements or designed to be removed prior to flooding.

SUBDIVISION 4: GENERAL REQUIREMENTS

- A. **ALL USES:** Except as allowed in Subdivision 4(B) no structure (temporary or permanent) obstruction, storage of materials or equipment, or other uses may be allowed as special permit uses, which acting along or in combination with existing or anticipated future uses.
- B. **STRUCTURES (TEMPORARY OR PERMANENT):**
1. Structures shall not be designed for human habitation and shall be a necessary appurtenance of an open space use.
 2. Structures shall have a low flood damage potential.
 3. The structure, or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood water.
 - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 4. Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures and/or restriction of bridge openings and other narrow sections of the stream or river.
 5. Service facilities such as electrical and heating equipment shall be installed at or above the flood protection elevation for the particular area or adequately flood proofed.
 6. Recreational vehicles shall not be allowed except in the existing approved park.
 7. A necessary appurtenant accessory structure shall be placed on a parcel of at least 10 acres in size and if fill or other form of obstruction to flood flow is necessary for said construction, the applicant must provide a

hydraulic study that demonstrates that there will be no increases to the 100 year flood level. Pedestrian bridges shall be subjected to the same requirements.

8. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
9. Storage of materials and equipment:
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal, or plant life is prohibited.
 - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with an approved plan by the City.

Floodplains and Floodplain Management



Definitions

floodplain: Any normally dry land area susceptible to surface-water flooding.

100-year flood: A flood that has a 1-percent chance of being equaled or exceeded in any year.

floodway: The river channel and that portion of the floodplain required to pass 100-year floodwaters without increasing the water surface elevation more than a designated height (6 inches in Minnesota).

flood fringe: The portions of the 100-year floodplain outside the floodway but still subject to flooding.

Federal Emergency Management Agency (FEMA): Agency whose mission is to reduce loss of life and property and protect critical infrastructure from hazards.

Flood Insurance Rate Map (FIRM): The official map on which FEMA has delineated the areas of special flood hazards. It is used to determine flood insurance premiums.

Special Flood Hazard Areas (SFHA): Areas in a community that have been identified on FEMA maps as susceptible to a 100-year flood.

National Flood Insurance Program (NFIP): Program under which communities are eligible for federal flood insurance if they enroll in the NFIP and administer floodplain management regulations.

Information Links

Series of information sheets related to floodplain management:
www.dnr.state.mn.us/publications/waters
Flood insurance information:
www.floodsmart.gov
FEMA website: www.fema.gov

What are floodplains?

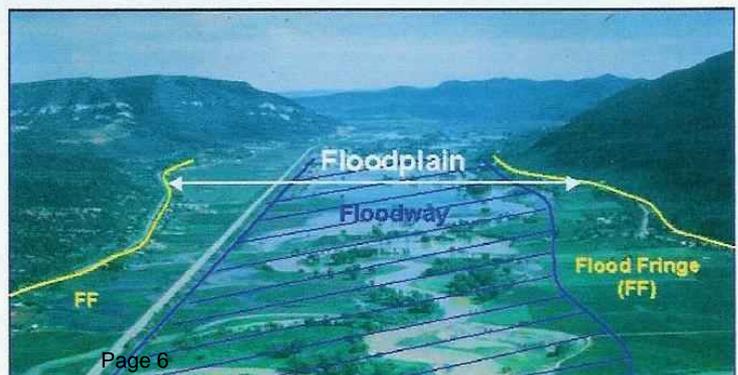
Floodplains are areas susceptible to flooding that are adjacent to rivers, streams, and lakes. In flat areas, the floodplain can extend more than a mile from the flooding source. Floodplains can also be the normally dry areas adjacent to wetlands, small ponds, or other low areas that cannot drain as quickly as the rain falls. A smaller area might be covered by floods every other year, on average (50-percent chance or 2-year floodplain), but a larger area will be covered by the flood that has a 0.2-percent chance of happening in a given year (the 500-year flood). The 1-percent chance (or 100-year) flood is the standard for Minnesota and federal minimum regulations. There is a 1-percent chance of this flood level being equaled or exceeded in any given year. The 100-year floodplain is the land adjoining lakes and rivers that would be covered by the 1-percent chance (or 100-year) flood.

Along large rivers, like the Mississippi River or Red River of the North, floodplains usually are flooded during spring after heavy snow seasons. On these and other floodplains, flooding can also result from intense rains. In fact, climatologists have seen a trend toward a greater percentage of the total annual precipitation coming during the intense rains that can cause flooding. In areas with small streams or ponds, flooding can occur within hours of the intense rain. On the larger rivers and lakes, there may be days of warning.

How are floodplains managed?

Local units of government identify permitted land uses through zoning regulations. Floodplain management regulations are also administered by local zoning authorities. If you want information about permitted land uses on a floodplain within the municipal boundary, check with your city zoning authority. If you are in a rural area, check with your county zoning office. DNR Waters and Federal Emergency Management Agency (FEMA) staffs may assist local officials, especially on complicated issues, but the permitting decisions are made locally.

If your community has a FEMA Flood Insurance Rate Map (FIRM) that shows flood-prone areas, your community should have enrolled in the National Flood Insurance Program (NFIP) and adopted zoning regulations to



Floodplains and Floodplain Management

manage land uses in the mapped floodplain. The community's floodplain management regulations must include the minimum federal and state regulations, but can be more restrictive. Most communities adopt a state model that has incorporated the minimum federal and state regulations. The minimum federal and state regulations are enforced in the 1-percent chance (100-year) floodplain that is mapped on the FIRM for the community.

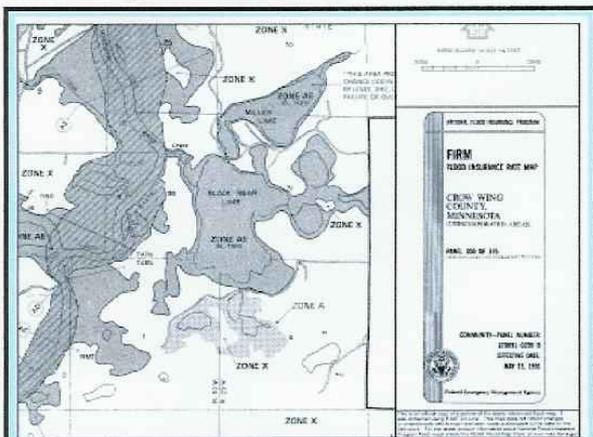
Local zoning regulations also identify permitted land uses in the floodway and flood fringe portions of the 1-percent chance (100-year) floodplain. In the floodway portion, high-velocity floodwaters are expected so most types of development are prohibited. In the flood fringe portion of the floodplain, where the backwater or low-velocity floodwaters occur, development is allowed if it meets standards such as elevating on fill or floodproofing to reduce damage when there is a flood.

Check with your local zoning authority to find out which floodplains are regulated. Local zoning authorities often have more restrictive regulations than the federal and state minimum. They might regulate activities in the 500-year floodplain, instead of just the 1-percent chance (100-year) floodplain, especially for essential services such as hospitals, fire stations, and prisons, or for locating hazardous waste sites. They also may have a local water plan that identifies the local ponds and low spots that would be flooded as a result of an intense rain and may require houses to stay above those areas. The FEMA maps usually show floodplains associated with rivers, streams, and large lakes, but the community may also regulate these locally identified areas as high flooding risks.

Flood insurance requirements

If you intend to obtain a loan from a federally regulated lender (like most mortgage lenders), the lender **MUST** require you to have flood insurance if your home is in the Special Flood Hazard Area (SFHA)—the 1-percent chance (100-year) floodplain. Lenders face penalties and fines if properties in these areas mapped as flood prone are not covered by a flood insurance policy.

If your community is enrolled in the National Flood Insurance Program (NFIP), you can buy flood insurance. More than 93 percent of Minnesotans are in communities participating in the NFIP and can buy flood insurance. A common myth is that you can only buy flood insurance if you are in the floodplain on the FEMA Flood Insurance Rate Maps. The fact is that anyone in a participating community can buy flood insurance, and that the flood insurance is much less expensive if you are not in a floodplain mapped by FEMA.



Sample FEMA Flood Insurance Rate Map (FIRM). Flood insurance is required in shaded areas. Flood insurance is available for any location in or out of the shaded area if the community is a participant in the National Flood Insurance Program.

Sometimes areas above the flood elevation are shown as flood prone on these maps. This is usually due to lack of detailed elevation information to accurately locate boundaries of the floodplain.

FEMA has processes (letter of map amendment; letter of map revision based on fill) to apply for corrections to the map when better information is available for the site.

DNR Contact Information



DNR Waters website lists Area Hydrologists:
www.dnr.state.mn.us/waters

DNR Waters in St. Paul:
500 Lafayette Road
St. Paul, MN 55155-4032
(651) 259-5700

DNR Information Center

Twin Cities: (651) 296-6157
Minnesota toll free: 1-888-646-6367
Telecommunication device for the deaf (TDD): (651) 296-5484
TDD toll free: 1-800-657-3929

This information is available in an alternative format on request. Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available regardless of race, color, national origin, sex, sexual orientation, marital status, status with regard to public assistance, age, or disability. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4031; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.



Residential uses and standards in a floodplain

When property owners discover their property is in a floodplain, a common reaction is to assume they cannot use or develop it. In some parts of the floodplain or in some communities, options for land use are very limited. In other situations, most uses are allowed, but the structures must be elevated or flood-proofed to maintain public safety and minimize risk of property damage during a flood.

Two key questions must be answered that affect what can be done to property in a floodplain:

1. Floodway or flood fringe? Is the property in a floodplain shown on a Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA)? If so, is the property in the floodway or the flood fringe? (See "What are the floodway and the flood fringe" information sheet #2.) Property in a floodway is subject to more use restrictions than property in a flood fringe.

2. Local zoning? What uses are allowed by the local zoning authority (city zoning if your property is within city limits; county zoning if it is in a rural area)? The standards discussed below are based on state and federal minimum standards. Your community will have zoning regulations according to zone, including low-density residential, high-density residential, commercial, industrial, and open space. The community can specify the allowable uses in each zone. In addition to the zoning use guidelines, your community may have building standards that are more restrictive than the state and federal minimums.

What uses are allowed in the floodway and flood fringe of the floodplain?

Floodway uses

- Open space uses and limited grading and earth moving may be permitted if they do not create an obstruction or cause any increase in the flood levels. Uses such as gardens, farming, parks, trails, or golf courses may be allowed depending on your zoning district.
- New structures, additions to existing structures, and substantial improvements to existing structures **are prohibited**.
- A structure built before the publication date of your community's first FEMA floodplain map (pre-FIRM) is "grandfathered" with the following conditions:
 - A structure *may* continue to be used, repaired, and maintained, but no addition may be constructed.
 - If a structure is damaged (e.g., by fire, flood, tornado) by more than 50 percent of the pre-damage value, the structure *may not* be reconstructed.

Flood fringe uses

- The use must be allowed by the underlying zoning of the community.
- New structures and additions to existing structures must be elevated on fill (Figure 1).
- New structures and additions, after a conditional use permit is obtained, may use alternative elevation methods, if allowed by the regulations in that community. (See "Conditional Uses in the Floodplain" information sheet #6).
- Accessory structures (e.g., garages, sheds) may be constructed if properly elevated on fill or flood-proofed (for smaller, "minimal investment" structures). (See "Residential Accessory structures in the flood fringe" information sheet #5).

(continued on back...)



Figure 1. Houses may be constructed in the flood fringe but must be properly elevated to maintain public safety and minimize damage risk during a flood.

MINNESOTA "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified professional engineer licensed to practice in the State of Minnesota.

It is further to certify that the attached technical data supports the fact that the proposal to _____

_____ (*development name / short project description*)

will not impact the floodway width or 100-year flood elevation (will not raise or lower by more than 0.00 feet) on _____ (*Name of stream*) at published sections in the Flood Insurance Study for _____ (*Name of Community*) dated _____ (*Study Date*) and will not impact the 100-year flood elevation (will not raise or lower by more than 0.00 feet) at unpublished cross-sections in the vicinity of the proposed development / project.

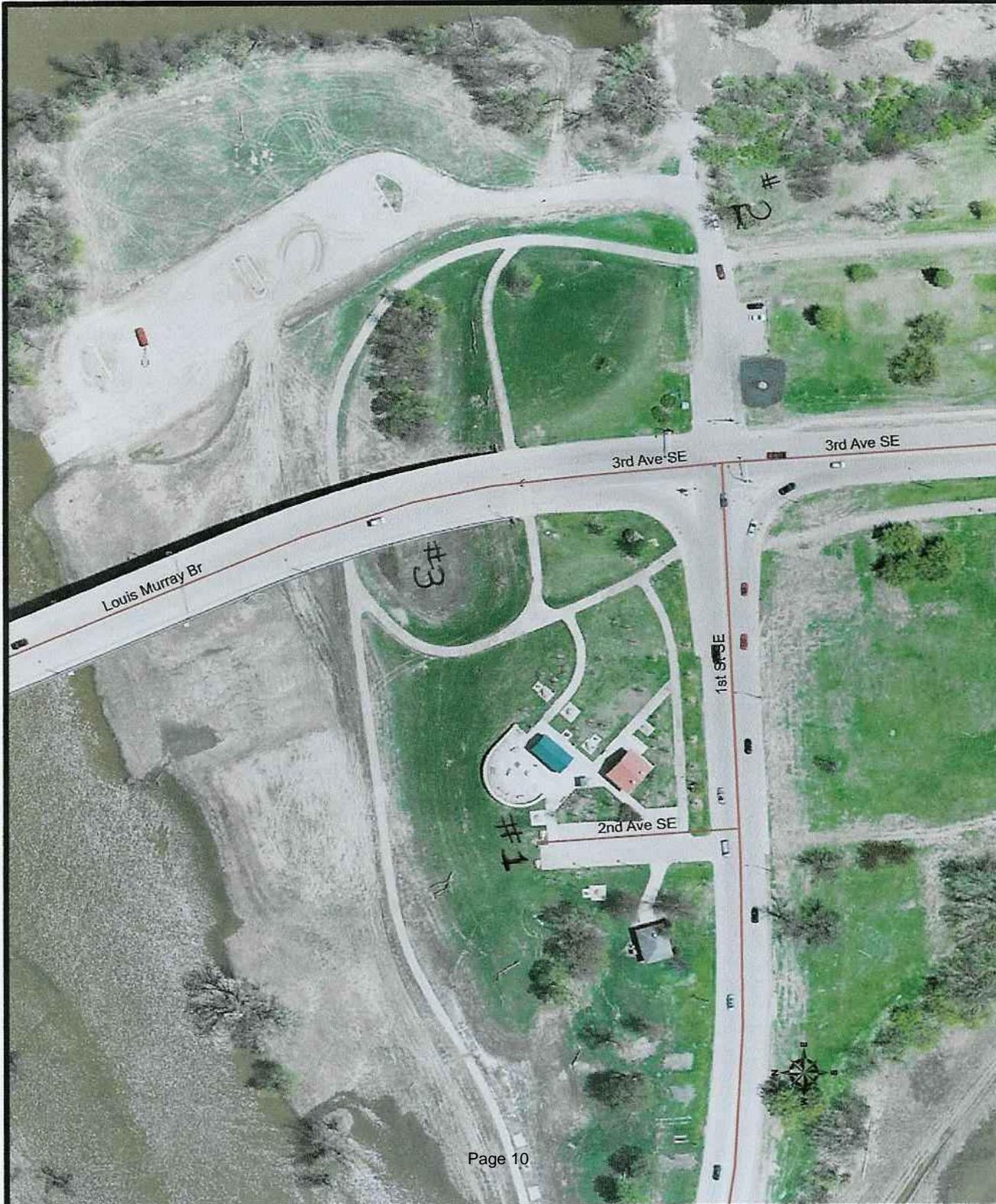
Attached are the following documents that support my findings:

Date: _____

Signature: _____

{SEAL}

Title: _____





Lafave Park Rd N

Hill St NW

71#

Request for Council Action

Date: 9-22-11

To: East Grand Forks City Council, Mayor Lynn Stauss, President Craig Buckalew, Council Vice President Wayne Gregoire, Council Members: Marc Demers, Ron Vonasek, Henry Tweten, Greg Leigh, and Mike Pokrzywinski.

Cc: File

From: Scott Huizenga

RE: Civic Center Parking Lot

Attached are quotations for the following.

One quote from Opp Construction for patching of the parking lot at the Civic Center Arena– Opp Construction does not recommend the patching option.

Two quotes for the entire resurfacing of the Civic Center parking lot.

Opp Construction - \$287,600.00

Strata Corporation - \$274,000.00

The Parks & Recreation Superintendent will address this item on Tuesday.



CONSTRUCTION COMPANY

OppConstruction.com

Offices:
Grand Forks, ND
Fargo, ND

Hwy 81 N • P.O. Box 13530 • Grand Forks, ND 58208-3530 • Phone 701-775-3322 • Fax 701-795-7020

Attn: Brian
QUOTATION
EGF Civic Center
Asphalt Patching
August 4, 2011

Description	Total
4" Asphalt Patching Asphalt Overlays	Total >> \$ 18,700.00

CLARIFICATIONS:

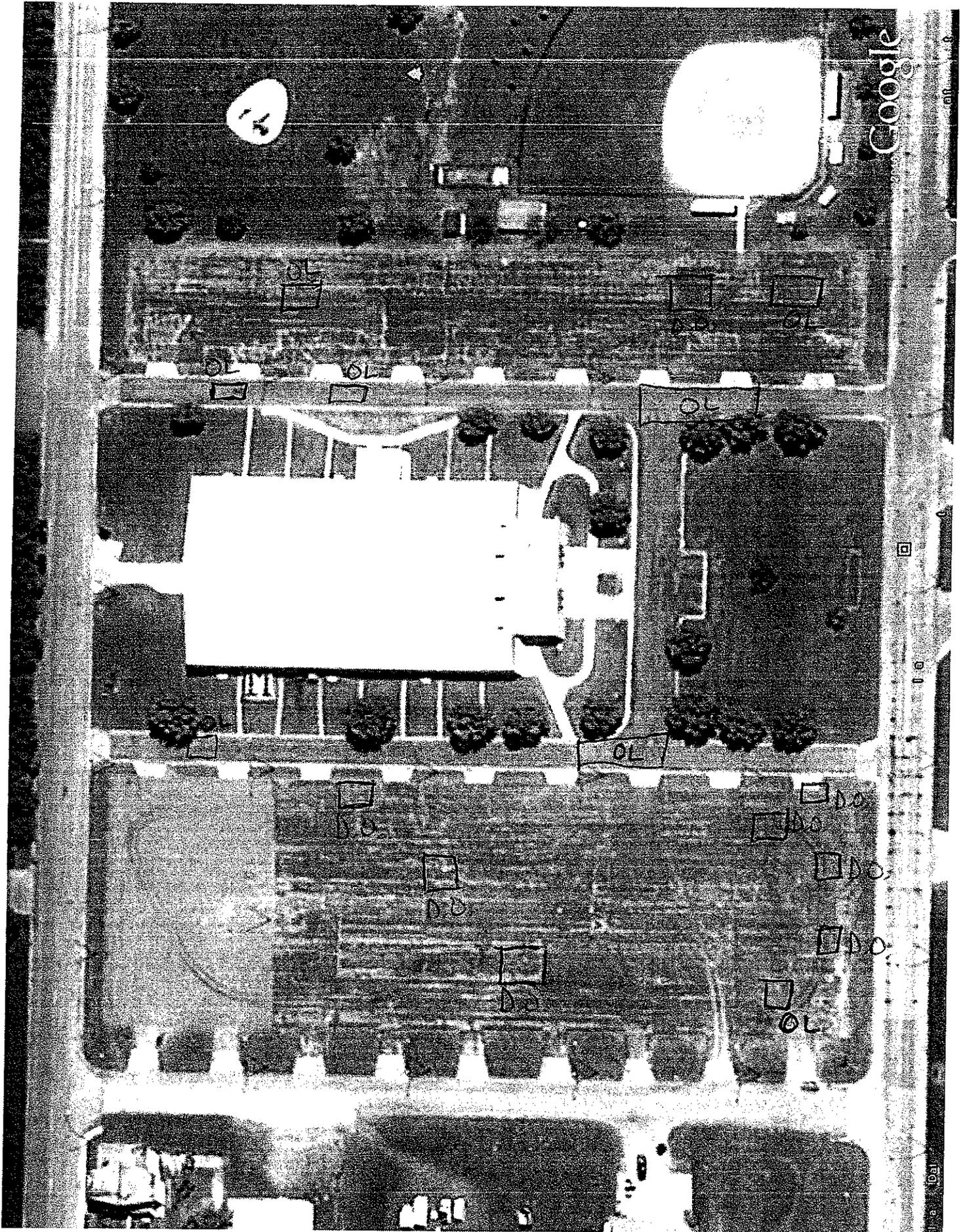
- Asphalt Dig-outs to be 4" removals with sub-grade recompaction
- Asphalt Overlays to be 1.5" in thickness
- Owner is responsible for all private utility locations
- Opp Construction will not be responsible for damage of the unknown
- Does not include permit if required
- Refer to map for locations of patches
- Quote good for 30 days

Thank You
Aaron Fultz

BUILD WITH THE BEST

"An Equal Opportunity Employer"
2010 national 1st place safety excellence award winner







Offices:
Grand Forks, ND
Fargo, ND

Hwy 81 N • P.O. Box 13530 • Grand Forks, ND 58208-3530 • Phone 701-775-3322 • Fax 701-795-7020

QUOTATION
EGF Civic Center
2" Asphalt Overlay
EGF, MN
August 15, 2011

Description	Total
2" Asphalt Overlay Re-stripe entire asphalt overlay	\$ 287,600.00

Overlay includes east and west lot, roadways on east and west side
and roadway with parking area on south side
4" Removals included as previously quoted as Dig-outs
Does not include permit if required
Prices good for 30 days

Thank You
Aaron Fultz

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"An Equal Opportunity Employer"
2010 national 1st place safety excellence award winner

Proposal

Proposal Submitted to Address:	Phone:	Date:
East Grand Forks Civic Center		08/23/11
300 15th St. NE	Fax: 218-773-8003	Addendum
East Grand Forks, MN 56721	Attn: Dave Aker	

Strata Corporation is pleased to submit the following proposal based upon the info. we've received.

Item Description: EAST PARKING LOT

Mobilization
Traffic control
Blow out vegetation in cracks
Remove and replace 1,183 SY of pavement (6" gravel and 2" asphalt)
2" asphalt overlay on 6,523 SY

LUMP SUM BID EAST PARKING LOT: \$115,000.00

Item Description: WEST PARKING LOT

Mobilization
Traffic control
Blow out vegetation in cracks
Remove and replace 232 SY of pavement (6" gravel and 2" asphalt)
2" asphalt overlay on 13,688 SY

LUMP SUM BID WEST PARKING LOT: \$159,000.00

General Notes:

Testing, Erosion Control and Permits are not included in items.
Proposal valid for 30 days and on approved credit. All permits are by others. Work associated with pavement marking is by others.
Additional work will be billed on a time and materials basis. Payments to be made every 30 days until work is completed.
Final payment due upon completion of project. All past due accounts assessed a service fee of 18% annually, or 1.5% monthly.

All material is guaranteed to be specified. All work to be completed in workmanlike manner according to standard practices. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance.

Proposal By: Kyle Sather
Call No. 701-740-0390
Office No. 701-775-4205

Authorized Signature

Acceptance of Proposal

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

X Signature

X

Request for Council Action

Date: September 15, 2011

To: East Grand Forks City Council, Mayor Lynn Stauss, President Craig Buckalew, Council Vice President Wayne Gregoire, Council Members: Henry Tweten, Marc Demers, Greg Leigh, Mike Pokrzywinski and Ron Vonasek.

Cc: File

From: Michael S. Hedlund – Chief of Police

RE: Request to Begin a Sergeant Promotional Process

Background: The East Grand Forks Police Department Patrol Division is currently aligned so as to have four shifts each of which is supervised by a Patrol Sergeant. We are anticipating an opening in one of these positions due to the pending retirement of one of the current Patrol Sergeants. We are requesting the approval to start an internal promotional process so that we can have a promotional roster in place in the event that we do have an opening as is anticipated.

Recommendation: Approve the East Grand Forks Police Department to conduct a promotional process that will result in a sergeant's promotional roster that would be used to fill any sergeant openings in the upcoming year.

Enclosures: None