

**AGENDA
CITY COUNCIL
WORK SESSION
CITY OF EAST GRAND FORKS
MARCH 27, 2012
5:00 PM**

CALL TO ORDER

CALL OF ROLL

DETERMINATION OF A QUORUM

- 1. 14th Ave SE Intergovernmental Agreement – Greg Boppre**
- 2. Redistricting – Nancy Ellis/Scott Huizenga**
- 3. EDHA Board Update – Council President Buckalew/Council Vice-President Gregoire**

ADJOURN

Upcoming Meetings

Regular Meeting – April 3, 2012 – 5:00 PM – Council Chambers
Work Session – April 10, 2012 – 5:00 PM – Training Room
Regular Meeting – April 17, 2012 – 5:00 PM – Council Chambers
Work Session – April 24, 2012 – 5:00 PM – Training Room

INTERGOVERNMENTAL AGREEMENT

Purpose.

This agreement is made pursuant to Minnesota Statutes Section 471.59 which authorizes the joint and cooperative exercise of powers common to contracting parties. The intent of this agreement is to provide street improvements to 14th Avenue S.E. "Hartsville Road" along the boundary of Huntsville Township and the City of East Grand Forks whereas the benefited property in the township will be assessed by the Township and the benefited property in the City will be assessed by the City.

Definitions

1. "City " means City of East Grand Forks.
2. "Township" means Huntsville Township.
3. "Benefited Property" means the real property adjacent to the street improvement project.
4. "Owner" means the fee title owner of the benefited property.

Project

The project is considered the street improvement project to 14th Avenue S.E. a/k/a Hartsville Road in the corporate boundaries of Huntsville Township and the City of East Grand Forks both Located in the County of Polk, State of Minnesota. The project is more fully described in the attached Exhibit "A"

Agreement.

1. The City of East Grand Forks will be responsible for the street improvement project as more fully described in exhibit "A". This responsibility shall include but not be limited to:
 - a. preparing all necessary plans and specifications;
 - b. following all statutory competitive bidding requirements;
 - c. awarding the contract;
 - d. following all requirements for financing the project with the use of special assessments; and
 - e. overseeing the street improvement project pursuant to City Code.

2. The Township agrees to pay to the City the lesser of 10 percent of the total proposed assessment at the time of bid award or \$11,607.34.
~~Payment shall be made upon collection of the special assessment from effected property owners in the Township to its properties based on total lineal footage with a contingency not to exceed 10 percent at the time of bid award.~~

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3. The Township has the right to review plans/specs and the proposed assessment roll prior to bid award.
4. The Township must pay for 25 percent of design costs if the Township opts out of the agreement after approval of design but before construction.
5. Township will follow all necessary statutory requirements for special assess of the project as outlined in this agreement and obtain written approval of the assessment and a waiver of objections to the project from the owners.
6. Township will assess, collect and transfer said proceeds from the assessment project within its territorial limits and transfer the proceeds to the City.
7. City will assess, collect the proceeds from the owners for the improvements within the City limits.
8. The Township may opt to forego the option to special assessment project and pay its share of the project cost by any means within its discretion.
9. The City agrees not to pursue annexation of the assessed property owners for a period of at least 15 years from the date of completion of the project unless petitioned by said property owners or the Township for annexation.
10. This agreement shall only be amended by written agreement of the parties.
11. This agreement may be executed in several counterparts each of which will be regarded as an original and all of which shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, duly authorized officers of the City and the Township have executed the Agreement on the _____ day of _____, 2012.

CITY OF EAST GRAND FORKS

Scott Huizenga, City Administrator

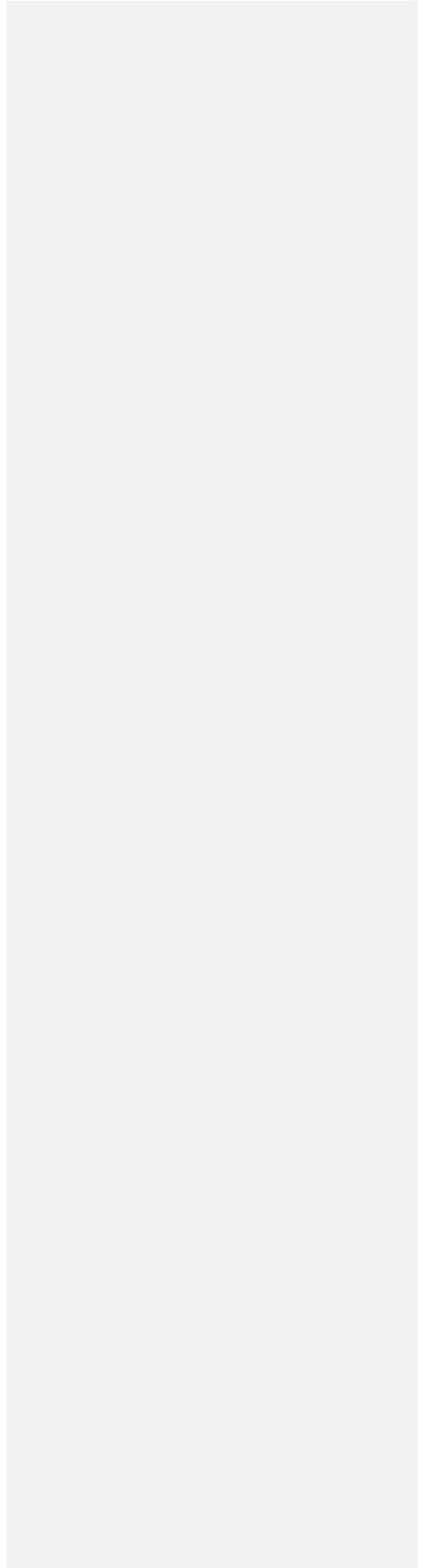
Lynn Stauss, Mayor

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HUNSTVILLE TOWNSHIP

By _____
Its _____

By _____
Its _____



RESOLUTION NO. 12 – 04 – XX**RESOLUTION APPROVING CITY OF EAST GRAND FORKS PRECINCTS AND POLLING LOCATIONS**

Council Member ____, supported by Council Member ____, introduced the following resolution and moved its adoption:

WHEREAS, the Legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute Section 204B.14, subd. 3(d) requires that precinct boundaries be established or reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, which comes first;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Grand Forks, County of Polk, State of Minnesota hereby establishes the boundaries of the voting precincts and polling places as follows:

Ward 1: Senior Center; 538 Rhinehart Drive SE

All locations to the west of Rhinehart Drive SE and to the south of 6th Street SE and the Red Lake River; and to the north of the south city limits line , 17th Street SE and the ISD 595 school district property line.

Ward 2: City Hall, 600 DeMers Avenue NW

All locations south of 7th Street NE/NW and south of Demers Avenue and north of 6th Street SE. Also includes all locations to the south of 6th Street NE west of Rhinehart Drive SE and all areas west of 5th Avenue NE and south of 10th Street NE to the north of the Red Lake River.

Ward 3: Our Savior's Lutheran Church, 1515-5th Avenue NW

All locations to the north of 10th Ave NE and to the south of 23rd Street NE/NW that are east of Central Avenue and within the city limit boundary line. Also includes all areas north of 17th Street NW and south of 23rd Street NW that are east of 5th Avenue NW and west of Central Avenue. Lastly, it includes areas that are south of 21st Street NW and east of 7th Avenue NW and areas south of 20th Street NW and east of 8th Avenue NW.

Ward 4: Our Savior's Lutheran Church, 1515-5th Avenue NW

All locations to the south of 17th Street NW and north of Demers Avenue that are to the west of Central Avenue to the Red River, except that portion that between Gateway Drive and 19th Street NW where the border is River Road NW. Also includes all locations to the north of 17th Street NW and south of 19th Street NW that are to the west of 8th Avenue NW and east of 12th Avenue NW. In addition all locations that are south of 10th Avenue NE and north of 7th Avenue NE/NW that are west of 5th Avenue NE and east of Demers Avenue.

Ward 5: Good Samaritan Heritage Grove, 2122 River Rd NW

Includes all locations to the west of 8th Avenue NW and north of 19th Street NW in addition to all areas to the west of River Road NW and 12th Avenue NW. Also includes all areas that are to the north of 21st Street NW and west of 5th Avenue NW and areas that are to the north of 20th Street NW and west of 7th Avenue NW.

Attached to this resolution, for illustrative purposes, is a map showing said precincts and the location of each polling place.

Voting Aye:
Voting Nay: None.
Absent: None.

The President declared the resolution passed.

Passed: April 3, 2012

Attest:

City Administrator/Clerk-Treasurer

President of the Council

I hereby approve the foregoing resolution this 3rd day of April, 2012.

Mayor

PROPOSED REDISTRICTING PLAN

Background

Every 10 years the census is taken which provides a new look at population numbers for the federal, state and local governments. At the state level this requires the development of a legislative redistricting plan to be implemented. The state legislature has released their redistricting plan and will approve this plan in the following months. After they approve their redistricting plan, the local jurisdictions must then alter their ward and precinct boundaries to accommodate these new legislative districts.

In the City of East Grand Forks, we have only one legislative district within city limits. This district must be broken up into five wards.

Federal Law on Redistricting

Redistricting has been contentious throughout the years. In some cases this has caused the Supreme Courts to hear some cases and provide further guidance for redistricting. Here are some highlights of the relevant court cases through the years:

Reynolds v. Sims, 377 U.S. 533 (1964) – In this case the courts found the equal protections clause (“one person – one vote”) of the 14th amendment to the U.S. Constitution requires states to establish districts that are substantially equal in population. This case did not provide guidance on what could be considered equal.

Avery v. Midland County, 390 U.S. 474 (1968) – This case used the basic concepts of the rulings in the Reynolds v. Sims case down to the local government. Therefore the “one person – one vote” principle applies at that level too.

Mahan v. Howell, 410 U.S. 315 (1973) – This case among others showed that a **10 percent deviation** is within the equal protection standards. This has traditionally been the standard set for many jurisdictions as a result.

Other court cases of importance center on minority/racial and partisan gerrymandering among other issues. In addition the courts have allowed for some deviation greater than 10% deviation under some circumstances. However, this would provide a greater chance of increased legal scrutiny.

One significant decision in *Shaw v. Reno, 509 U.S. 630 (1993)* the court provided some guidance related to “traditional districting principles” that provide good policies in the redistricting process:

- 1) Compactness

- 2) Contiguity
- 3) Preservation of political subdivision boundaries
- 4) Preservation of communities of interest
- 5) Preservation of cores of prior districts
- 6) Protection of incumbents
- 7) Compliance with Section 2 of the Voting Rights Act (pertaining to discrimination)

East Grand Forks Redistricting

The city’s population as of the 2010 census was 8,601. With five wards, this would provide an average ward size of 1,720. Using the ten percent deviation as a maximum for a standard rule, the minimum allowance for the ward is 1,634. The maximum allowance for the ward is 1,806.

Ward	Population 2000	Population 2010	Difference	% Difference
1	1,400	2,080	680	48.6%
2	1,615	1,694	79	4.9%
3	1,473	1,662	189	12.8%
4	1,553	1,645	92	5.9%
5	1,460	1,520	60	4.11%

The following graph reflects the 2010 Census population numbers for each ward.

Ward	Population	Deviation from the mean
1	2,080	+20.9%
2	1,694	-1.5%
3	1,662	-3.4%
4	1,645	-4.4%
5	1,520	-11.6%

The total standard deviation is 12.3% which is outside the tolerance level.

The city population grew by 1,100, or about 14.7% from 2000 to 2010. All wards saw an increase in population but the vast majority of this growth was located in Ward 1, which was expected due to the number of single family homes that have been built in this area since 2000. The 2010 population is well above the tolerance level and therefore must be significantly reduced in size. Ward 5 saw the smallest increase in population and was the least populous of all the wards. The population of the ward is below the tolerance level and therefore must be expanded. The population of wards 2, 3, and 4 are all adequate, but must be changed in order to accommodate the changes for wards 1 and 5.

In an attempt to provide a workable option to propose to the City Council, staff has developed four maps (with two different versions: one showing street names and one showing Census tract/block numbers). These options were developed using the policies as laid out in the Shaw v. Reno case as indicated above. The policies are:

- 1) Compactness
- 2) Contiguity
- 3) Preservation of political subdivision boundaries (legislative districts)
- 4) Preservation of communities of interest
- 5) Preservation of cores of prior districts
- 6) Protection of incumbents
- 7) Compliance with Section 2 of the Voting Rights Act

Two of the four maps, Maps 1 and 3, meet most of the policies listed above; with 3 policies closely followed: contiguity, preservation of cores of prior districts, and protection of incumbents. **Map 3 most closely follows these policies. The City of East Grand Forks will take comments and hold a public meeting in March on this map before recommending approval of Map 3 as the new Ward Map.**

We have tried to maintain compactness; however, the physical characteristics of the city and residential neighborhoods make Ward 2 somewhat large and not compact. As well, the physical addresses of Council Members made adjustments of Ward boundaries difficult. I will describe the Ward boundary lines for Map 3, which follow major streets, on the next page.

Map 3

WARD 1: All locations to the west of Rhinehart Drive SE and to the south of 6th Street SE and the Red Lake River; and to the north of the south city limits line , 17th Street SE and the ISD 595 school district property line.

WARD 2: All locations south of 7th Street NE/NW and south of Demers Avenue and north of 6th Street SE. Also includes all locations to the south of 6th Street NE west of Rhinehart Drive SE and all areas west of 5th Avenue NE and south of 10th Street NE to the north of the Red Lake River.

WARD 3: All locations to the north of 10th Ave NE and to the south of 23rd Street NE/NW that are east of Central Avenue and within the city limit boundary line. Also includes all areas north of 17th Street NW and south of 23rd Street NW that are east of 5th Avenue NW and west of Central Avenue. Lastly, it includes areas that are south of 21st Street NW and east of 7th Avenue NW and areas south of 20th Street NW and east of 8th Avenue NW.

WARD 4: All locations to the south of 17th Street NW and north of Demers Avenue that are to the west of Central Avenue to the Red River, except that portion that between Gateway Drive and 19th Street NW where the border is River Road NW. Also includes all locations to the north of 17th Street NW and south of 19th Street NW that are to the west of 8th Avenue NW and east of 12th Avenue NW. In addition all locations that are south of 10th Avenue NE and north of 7th Avenue NE/NW that are west of 5th Avenue NE and east of Demers Avenue.

WARD 5: Includes all locations to the west of 8th Avenue NW and north of 19th Street NW in addition to all areas to the west of River Road NW and 12th Avenue NW. Also includes all areas that are to the north of 21st Street NW and west of 5th Avenue NW and areas that are to the north of 20th Street NW and west of 7th Avenue NW.

Map 3 Chart shows the change in population from 2000 to 2010 and the proposed population of the new ward boundaries

Ward	Population 2000	Population 2010	Population of proposed wards
1	1,400	2,080	1760
2	1,615	1,694	1713
3	1,473	1,662	1706
4	1,553	1,645	1714
5	1,460	1,520	1708

Again, based on contiguity, preservation of district/ward cores, and protection of incumbents; the City of East Grand Forks will recommend Map 3 for the new Ward Map and will approve after an April 3, 2012 public meeting.