

**APPROVED  
MINUTES OF THE  
OF THE  
EAST GRAND FORKS  
CITY COUNCIL  
TUESDAY, JULY 3, 2012 – 5:00 PM**

**CALL TO ORDER:**

*The Regular Meeting of the East Grand Forks City Council for July 3, 2012 was called to order by Council Vice-President Gregoire 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 Vice President Wayne Gregoire, Council Members Marc DeMers, Ron Vonasek, Henry Tweten, Mike Pokrzywinski, and Greg Leigh.*

**STAFF PRESENT:**

*Dave Aker, Parks & Recreation Superintendent; Greg Boppre, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, Planning & Zoning; Michelle French, Executive Assistant; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Scott Huizenga, City Administrator; Teri Kouba, MPO; Gary Larson, Interim Fire Chief; and Jason Stordahl, Public Works Director.*

**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.” If you would like to address the City Council, please come up to the podium to do so.*

**APPROVAL OF MINUTES:**

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of June 19, 2012.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of June 26, 2012.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE ITEMS ONE (1) AND TWO (2).**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*

*Voting Nay: None.*

*Absent: Buckalew.*

**SCHEDULED PUBLIC HEARINGS:**

3. Public Hearing for 2011 Assessment Job No. 1 – Curb, Gutter, and Paving – 14<sup>th</sup> Ave. SE.

Mr. Boppre discussed the proposed project and the proposed assessment roll.

Steven Gerszweski, 1508 14<sup>th</sup> Avenue SE, spoke against the project. He stated that he did not want to pay for the assessment on a new road. He asked why he did not receive letters for meetings on the project. Mr. Huizenga stated that the City held no fewer than three public hearings on the project. All meetings were advertised and notices were sent via certified mail.

Peter Hjerstedt, 1514 14<sup>th</sup> Avenue SE, stated that he was opposed to the project.

Melanee Myers, 1604 14<sup>th</sup> Avenue SE, stated her support for the project.

Mr. Galstad stated that any objection had to be presented in writing either prior to or at the public hearing. After informing the residents of their options, no written appeal was filed at the public hearing.

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO CLOSE THE PUBLIC HEARING FOR 2011 ASSESSMENT JOB NO. 1 – CURB, GUTTER, AND PAVING – 14<sup>TH</sup> AVE. SE.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*

*Voting Nay: None.*

*Absent: Buckalew.*

4. Public Hearing for 2012 Assessment Job No. 3 – Paving – 13<sup>th</sup> St. SE and Greenway Blvd.

There were no public comments.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO CLOSE THE PUBLIC HEARING FOR 2012 ASSESSMENT JOB NO. 3 – PAVING – 13<sup>TH</sup> ST. SE AND GREENWAY BLVD.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*

*Voting Nay: None.*

*Absent: Buckalew.*

**SCHEDULED BID LETTINGS:**

5. Consider adopting Resolution No. 12-07-64 a Resolution accepting and awarding the bid for improvements to Opp Construction for 2011 Assessment Job No. 1 – Curb, Gutter, and Paving – 14<sup>th</sup> Ave. SE for a bid price of \$337,058.60.

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 12-07-64 A RESOLUTION ACCEPTING AND AWARDING THE BID FOR IMPROVEMENTS TO OPP CONSTRUCTION FOR 2011 ASSESSMENT JOB NO. 1 – CURB, GUTTER, AND PAVING – 14<sup>TH</sup> AVE. SE FOR A BID PRICE OF \$337,058.60.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, and Vonasek.*

*Voting Nay: None.*

*Absent: Buckalew.*

*Abstain: DeMers.*

6. Consider adopting Resolution No. 12-07-65 a Resolution accepting and awarding the bid for improvements to Opp Construction for 2012 Assessment Job No. 3 – Paving – 13<sup>th</sup> St. SE and Greenway Blvd for a bid price of \$506,512.60.

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 12-07-65 A RESOLUTION ACCEPTING AND AWARDING THE BID FOR IMPROVEMENTS TO OPP CONSTRUCTION FOR 2012 ASSESSMENT JOB NO. 3 – PAVING – 13<sup>TH</sup> ST. SE AND GREENWAY BLVD FOR A BID PRICE OF \$506,512.60.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, and Vonasek.*

*Voting Nay: None.*

*Absent: Buckalew.*

*Abstain: DeMers.*

7. Consider adopting Resolution No. 12-07-66 a Resolution accepting and awarding the bid for improvements to ICS, Inc. for 2012 City Project No. 6 – Pool Repairs for a bid price of \$1,523,736.00.

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 12-07-66 A RESOLUTION ACCEPTING AND AWARDING THE BID FOR IMPROVEMENTS TO ICS, INC. FOR 2012 CITY PROJECT NO. 6 – POOL REPAIRS FOR A BID PRICE OF \$1,523,736.00.**

Council Member Leigh stated that the total cost of the pool would be close to \$2 million, which exceeded original estimates, and would necessitate a large tax increase. He thought the pool was functional in its current state even if it was not very attractive. Council Member Pokrzywinski suggested the City Council take a step back to further study project and funding alternatives. He said that he was for the project but that the Mayor and the Council President should be present for the discussion and vote. Council Member Tweten suggested that the writing was on the wall that the issue would have to go back for further study. Council Member DeMers stated that he felt it was an issue of priorities and whether or not the swimming pool was

the top priority among many city needs for scarce funding. He did not feel that rebidding the project would change the results. Council Member Vonasek stated that he concurred with further discussion on the issue and that a two-week delay would not alter the construction schedule.

**COUNCIL MEMBER VONASEK WITHDREW HIS SECOND; COUNCIL MEMBER TWETEN WITHDREW HIS MOTION.**

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO POSTPONE INDEFINITELY RESOLUTION NO. 12-07-66 A RESOLUTION ACCEPTING AND AWARDING THE BID FOR IMPROVEMENTS TO ICS, INC. FOR 2012 CITY PROJECT NO. 6 – POOL REPAIRS FOR A BID PRICE OF \$1,523,736.00.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*

*Voting Nay: None.*

*Absent: Buckalew.*

**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 choose.*

8. Consider approving the contract with Braun Intertec for Special Inspections for the Library Roof Reconstruction.
9. Consider approving the Joint Powers Agreement between Northland Community and Technical College and the City of East Grand Forks to use the Cities Area Transit (CAT) for a lump sum fee paid by the college.
10. Consider adopting Resolution No. 12-07-67 a Resolution to authorize a two year tax abatement for newly constructed homes ready for occupancy in 2012.
11. Consider adopting Resolution No. 12-07-68 a Resolution appointing election judges and designating polling places.
12. Consider adopting Resolution No. 12-07-69 a Resolution approving the 2012 Transit Development Plan Update.
13. Consider approving the Minnesota Heights Development Agreement.
14. Consider adopting Resolution No. 12-07-70 a Resolution approving the use of TIF funds for the Minnesota Heights Development.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE CONSENT MOTIONS NUMBER EIGHT (8) AND THIRTEEN (13) AS SUBMITTED.**

Item 14 was postponed to the regular council meeting of July 17, 2012.

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:**

15. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for May 17, 2012.
16. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for June 7, 2012.

**COMMUNICATIONS: NONE.**

**OLD BUSINESS: NONE.**

**NEW BUSINESS:**

17. Consider adopting Ordinance No. 4 – 4<sup>th</sup> Series an ordinance of the City of East Grand Forks, Minnesota to amend Title XV Land Usage Chapter 10 to establish rules and regulations relative to ground/street level residential or senior housing in the Downtown Commercial (C-1) District; and by adopting by reference City Code Chapter 10 and Section 10.99 which, among other things, contain penalty provisions. (2<sup>nd</sup> Reading)

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT ORDINANCE NO. 4 – 4<sup>TH</sup> SERIES AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA TO AMEND TITLE XV LAND USAGE CHAPTER 10 TO ESTABLISH RULES AND REGULATIONS RELATIVE TO GROUND/STREET LEVEL RESIDENTIAL OR SENIOR HOUSING IN THE DOWNTOWN COMMERCIAL (C-1) DISTRICT; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS. (2<sup>ND</sup> READING)**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

18. Consider adopting Resolution No. 12-07-71 a Resolution to adopt assessment roll #321 for 2011 Assessment Job No. 1 – Curb, Gutter, and Paving – 14<sup>th</sup> Ave. SE for a total assessment amount of \$337,058.60.

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 12-07-71 A RESOLUTION TO ADOPT ASSESSMENT ROLL #321 FOR 2011 ASSESSMENT JOB NO. 1 – CURB, GUTTER, AND PAVING – 14<sup>TH</sup> AVE. SE FOR A TOTAL ASSESSMENT AMOUNT OF \$337,058.60.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

19. Consider adopting Resolution No. 12-07-72 a Resolution to adopt assessment roll #322 for 2012 Assessment Job No. 3 – Paving – 13<sup>th</sup> St. SE and Greenway Blvd for a total assessment amount of \$506,512.60.

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 12-07-72 A RESOLUTION TO ADOPT ASSESSMENT ROLL #322 FOR 2012 ASSESSMENT JOB NO. 3 – PAVING – 13<sup>TH</sup> ST. SE AND GREENWAY BLVD FOR A TOTAL ASSESSMENT AMOUNT OF \$506,512.60.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

**CLAIMS:**

20. Consider adopting Resolution No. 12-07-73 a Resolution authorizing the City of East Grand Forks to approve purchases from Bert’s Truck Equipment the goods referenced in check numbers 13140 for a total of \$242.79 whereas Council Member Gregoire is personally interested financially in the contract.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 12-07-73 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM BERT’S TRUCK EQUIPMENT THE GOODS REFERENCED IN CHECK NUMBERS 13140 FOR A TOTAL OF \$242.79 WHEREAS COUNCIL MEMBER GREGOIRE IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.**

*Voting Aye: Tweten, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*  
*Abstain: Gregoire.*

21. Consider adopting Resolution No. 12-07-74 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 13175 for a total of \$1,048.84 whereas Council Member Buckalew is personally interested financially in the contract.

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 12-07-74 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 13175 FOR A TOTAL OF \$1,048.84 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

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

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

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

**COUNCIL/STAFF REPORTS:**

Mayor Stauss commented that the downtown looks great. He complimented Parks and Recreation staff for their efforts.

Council Member Tweten welcomed Mr. Larson as Interim Fire Chief. He stated that he hopes that he is in that position for a long time. Mayor Stauss asked the City Administrator if he planned an external recruitment for the vacant fire chief. Mr. Huizenga stated that his intent and recommendation was to recruit externally similar to past managerial appointments, but that the hiring process was a matter of Council discretion. Mayor Stauss stated that the City should save money and hire from within.

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE JULY 3, 2012 REGULAR MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:49 P.M.**

*Voting Aye: Tweten, Gregoire, Leigh, Pokrzywinski, DeMers, and Vonasek.*  
*Voting Nay: None.*  
*Absent: Buckalew.*

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Scott Huizenga, City Administrator/Clerk-Treasurer