

**AGENDA  
CITY COUNCIL  
CITY OF EAST GRAND FORKS  
SEPTEMBER 4, 2012  
5:00 P.M.**

**CALL TO ORDER:**

**CALL OF ROLL:**

**DETERMINATION OF A QUORUM:**

**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 August 21, 2012.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of August 28, 2012.

**SCHEDULED PUBLIC HEARINGS: NONE**

**SCHEDULED BID LETTINGS: 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 choose.

3. Consider approving the Gaming Permit for the Grand Forks Red River Lions Organization for a raffle and paddlewheel game.
4. Consider awarding K & K Trucking the 2012-2013 sand and gravel contract.
5. Consider adopting Resolution No. 12-09-89 authorizing the East Grand Forks Police Department to participate in the 2012-2014 Toward Zero Deaths Program.

6. Consider adopting an amendment to the ACSC By-product Disposal Agreement allowing RJ Zavoral and Sons to dump by-product on 50 additional acres of city owned land located by the sewage ponds.

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

7. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for August 2, 2012.

**COMMUNICATIONS:**

8. Acknowledging the resignation of Julie Deziel effective September 14, 2012.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

9. Consider approving the request to start the hiring process for a Secretary/Dispatcher/Jailer for the Police Department.
10. Consider approving the Civic Recreation Center and VFW Memorial Arena Lease Agreement between the City of East Grand Forks and the East Grand Forks Public School District.
11. Consider adopting Resolution No. 12-09-90 allowing Ballard King & Associates to conduct a Swimming Pool Feasibility Study for the City of East Grand Forks.
12. Consider adopting Resolution No. 12-09-91 authorizing the City Administrator to send out a request for proposals for contracting out the Building Official position.
13. Consider adopting Resolution No. 12-09-92 approving agreement 01492 between the City of East Grand Forks and MnDot allowing reimbursements to the City for non-infrastructure costs for the Safe Route to School Project.
14. Consider adopting Resolution No. 12-09-93 approving plans and specifications and ordering advertisements for bids for 2012 Assessment Job No. 4 – Utilities and Street Construction
15. Consider adopting Resolution No. 12-09-94 approving the 2012 tax levy collectable in 2013 for a total amount of \$3,211,562 and set the Truth in Taxation Hearings for December 4, 2012 at 7:00 p.m. with a continuance hearing December 18, 2012, at 7:00 p.m. if necessary.
16. Consider adopting Resolution No. 12-09-95 a Resolution to approve the 2013 preliminary budget.

**CLAIMS:**

17. Consider adopting Resolution No. 12-09-96 a Resolution authorizing the City of East Grand Forks to

approve purchases from Hardware Hank the goods referenced in check numbers 13739 for a total of \$1220.67 whereas Council Member Buckalew is personally interested financially in the contract.

18. Consider adopting Resolution No. 12-09-97 a Resolution authorizing the City of East Grand Forks to approve purchases from Bert's Truck Equipment the goods referenced in check numbers 13716 for a total of \$524.88 whereas Council Member Gregoire is personally interested financially in the contract.
19. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

**ADJOURN:**

Upcoming Meetings:

- Work Session – September 11, 2012 – 5:00 PM – Training Room
- Regular Meeting – September 18, 2012 – 5:00 PM – Council Chambers
- Work Session – September 25, 2012 – 5:00 PM – Training Room
- Regular Meeting – October 2, 2012 – 5:00 PM – Council Chambers

**UNAPPROVED  
MINUTES OF CITY COUNCIL  
CITY OF EAST GRAND FORKS  
AUGUST 21, 2012  
5:00 P.M.**

1

**CALL TO ORDER:**

*The Regular Meeting of the East Grand Forks City Council for August 21, 2012 was called to order by Council President Buckalew 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 Craig Buckalew, Council Vice President Wayne Gregoire, Council Members Marc DeMers, Ron Vonasek, Henry Tweten, Mike Pokryzwinski, and Greg Leigh*

**STAFF PRESENT:**

*Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Greg Boppre, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, Planning & Zoning; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Scott Huizenga, City Administrator; Gary Larson, Interim Fire Chief; Megan Nelson, Administrative Assistant; Jim Richter, EDHA Director; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF A QUORUM:**

*The Council President Determined a Quorum was present*

**PLEDGE OF ALLEGIANCE:**

**PRESENTATION OF AWARD:** Acknowledging the efforts of Albert Avila and thanking him for helping keep our city a cleaner place with the Cleaner City Award. Mayor Lynn Stauss presented this award to Albert's sisters.

**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."*

Dale Helms, resident of 613 2<sup>nd</sup> Ave NE, approached the council, handed out a newspaper and magazine about the 125<sup>th</sup> Anniversary Celebration and told them how upset he was with their absence during the celebration.

CITY COUNCIL MEETING  
**APPROVAL OF MINUTES:**

August 21, 2012

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of August 7, 2012.
2. Consider approving the minutes of the “Closed Meeting” for the East Grand Forks, Minnesota City Council of August 7, 2012.

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

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

**SCHEDULED PUBLIC HEARINGS: NONE**

**SCHEDULED BID LETTINGS: 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 choose.

3. Consider approving the Gaming Permit for the Red River Valley Pheasants Forever Organization for a raffle.
4. Consider approving the following “On Sale Weekday & Sunday” Liquor License Applicant El Azteca East Grand Forks located at 112 14<sup>th</sup> St NE East Grand Forks, MN 56721
5. Consider approving the hiring of a City Clerk for the Administration/Finance Office.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VONASEK, TO APPROVE ITEMS THREE (3) AND FOUR (4).**

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

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE ITEM FIVE (5) HIRING A CITY CLERK FOR THE ADMINISTRATION/FINANCE OFFICE.**

Mayor Stauss asked how much more this is going to cost the city. Mr. Huizenga explained that this position initially could cost the city less since the person they hire might have fewer years of experience. The Executive Assistant position was handling many of the responsibilities that a City Clerk would handle so the job description is being reworded to update the position pending the approval of the Civil Service Commission.

*Voting Aye: Vonasek, Buckalew, Gregoire, Leigh, Pokrzywinski, and DeMers*

*Voting Nay: Tweten*

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

6. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for July 19, 2012.

**COMMUNICATIONS:**

7. Dave Fenton has successfully completed his probationary period as a Truck Driver for the Public Works Department.

**OLD BUSINESS:**

8. Reconsider adopting Resolution No. 12-08-84 to reaffirm the proposed Waste Water Interconnect Project in the Facility Plan to the Minnesota Pollution Control Agency and to direct the City Administrator and staff to update projections and to negotiate agreements for the Waste Water Interconnect Project.

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER GREGOIRE, TO ADOPT RESOLUTION NO. 12-08-84 TO REAFFIRM THE PROPOSED WASTE WATER INTERCONNECT PROJECT IN THE FACILITY PLAN TO THE MINNESOTA POLLUTION CONTROL AGENCY AND TO DIRECT THE CITY ADMINISTRATOR AND STAFF TO UPDATE PROJECTIONS AND TO NEGOTIATE AGREEMENTS FOR THE WASTE WATER INTERCONNECT PROJECT.**

Mayor Stauss began the discussion with his explanation of vetoing this resolution. Not enough questions have been answered and the council needs to do what is best for the taxpayers. Council Member Vonasek also stated he didn't think the council should move forward. Council Member Pokrzywinski added the council was once in 100% agreement, now they are in a stalemate. He continued with stating if the council didn't act soon they might miss out on state aid for the project. Council Member Leigh added that he thinks more questions need to be answered before moving forward.

*Voting Aye: Buckalew, Gregoire, Pokrzywinski, and DeMers*

*Voting Nay: Vonasek, Tweten, and Leigh*

Motion died.

**NEW BUSINESS:**

9. Consider approving the request of the Public Works Department to approve Asphalt Over lay job to Minn-Dak Asphalt on 5<sup>th</sup> St NE from 3<sup>rd</sup> Ave NE to 5<sup>th</sup> Ave NE for \$14,310.00.

**A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER VONASEK, TO APPROVE THE REQUEST OF THE PUBLIC WORKS DEPARTMENT**

**TO APPROVE ASPHALT OVER LAY JOB TO MINN-DAK ASPHALT ON 5<sup>TH</sup> ST NE FROM 3<sup>RD</sup> AVE TO 5<sup>TH</sup> AVE NE FOR \$14,310.00.**

Public Works Director Jason Stordahl explained how the streets in this area got in this condition and how this improvement would be a relatively inexpensive fix that could last for years compared to other ways the streets could be fixed.

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

*Voting Nay: None*

10. Consider approving the request by the East Grand Forks Fire Department to declare the 1982 Sutphen Aerial as surplus property.

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE REQUEST OF THE EAST GRAND FORKS FIRE DEPARTMENT TO DECLARE THE 1982 SUTPHEN AERIAL AS SURPLUS PROPERTY.**

Interim Fire Chief Gary Larson explained to the council that since the Fire Department purchased the new truck they are in no longer need of this one. They would like to dispose of the truck since there is no space for it indoors. There have been a few phone calls about it but no one seems very interested. He was given a quote from a scrap yard that it might be worth \$8,000.00 in scrap metal. Council Member Leigh suggested that maybe it should be donated to Northland Technical College. The City Administrator and the Interim Fire Chief will decide how to dispose of the truck.

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

*Voting Nay: None*

11. Consider approving the agreement with the Grand Forks Air Force Base Fire Department for Mutual Aid in Fire Protection and Hazardous Materials Incident Response.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE AGREEMENT WITH THE GRAND FORKS AIR FORCE BASE FIRE DEPARTMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE.**

The City Attorney had looked over the agreement and thinks it is satisfactory.

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

*Voting Nay: None*

12. Consider adopting Resolution No. 12-08-87 that would support the Greater Minnesota Regional Parks and Trails Coalition.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GREGOIRE, TO ADOPT RESOLUTION NO. 12-08-87 THAT WOULD SUPPORT THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COALITION.**

Parks & Recreation Superintendent Dave Aker gave a brief explanation of how funds are divided in Minnesota when it comes to the different parks and where they are located. Supporting the Greater Minnesota Regional Parks and Trails Coalition would help try and secure more funding for parks like the Red River State Recreational Area we have in our city.

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

*Voting Nay: None*

13. Consider approving the request for Temporary Right to Construct to the Minnesota Department of Transportation (MnDOT) for ADA curb and sidewalk construction on DeMers Ave and 4<sup>th</sup> Street NW

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GREGOIRE, TO APPROVE THE REQUEST FOR TEMPORARY RIGHT TO CONSTRUCT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) FOR ADA CURB AND SIDEWALK CONSTRUCTION ON DEMERS AVE AND 4<sup>TH</sup> STREET NW.**

City Administrator Scott Huizenga informed the council that the MnDOT needs to come in and reconstruct areas of our sidewalks downtown so they are in compliance with ADA regulations that have been federally mandated. The MnDOT will be paying for this project but they will have to take out some of the brick work that has been done.

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

*Voting Nay: None*

**CLAIMS:**

14. Consider adopting Resolution No. 12-08-88 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 13624 for a total of \$1,078.21 whereas Council Member Buckalew is personally interested financially in the contract.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 12-08-88 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 13624 FOR A TOTAL OF \$1,078.21 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.**

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

*Voting Nay: None*

*Abstain: Buckalew*

15. 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: Vonasek, Buckalew, Tweten, Gregoire, Leigh, Pokrzywinski, and DeMers*

*Voting Nay: None*

**OTHER:**

16. 2013 Preliminary Budget

Scott Huizenga informed the council of how the budget currently looks. With a brief overview the budget is balanced without a levy increase but they need to keep in mind the different projects that could take place as well as labor negotiations that are coming up. A preliminary budget needs to be passed by September 15, 2012.

**COUNCIL/STAFF REPORTS:**

Mayor Stauss told the council he should have his financial report about the 125<sup>th</sup> Anniversary Celebration by the next meeting.

Council Member Vonasek thanked the mayor and everyone who helped for doing such a good job putting on the 125<sup>th</sup> Anniversary Celebration.

Council Member Buckalew said his family that was in town from out of state was very impressed with all of the activities during the celebration. He also wanted to thank the city staff for doing such a good job.

Council Member Tweten thanked the Mayor for doing an outstanding job on the celebration. There were great events and huge turnouts and a big thank you to the Shriners who contributed to our celebration.

Council Member Leigh took offense to the comments made by Mr. Helms at the beginning of the meeting. He informed Mr. Helms that he also helped with organizing of events and did attend some of the events but wasn't able to make it to all of them.

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE AUGUST 21, 2012 REGULAR MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:51 P.M.**

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

*Voting Nay: None*

---

Scott Huizenga, City Administrator/Clerk-Treasurer

**UNAPPROVED  
MINUTES OF THE OF THE  
EAST GRAND FORKS  
CITY COUNCIL  
TUESDAY, AUGUST 28, 2012 – 5:00 PM**

**CALL TO ORDER**

*The Work Session of the East Grand Forks City Council for August 28, 2012 was called to order by Craig Buckalew, Council President 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 Craig Buckalew, Council Vice-President Wayne Gregoire, Council Members Marc DeMers, Ron Vonasek, Henry Tweten, Mike Pokrzywinski, and Greg Leigh.*

**STAFF PRESENT:**

*Dave Aker, Parks and Recreation Superintendent; Karla Anderson, Finance Director; Brad Bail, City Engineer; Ron Galstad, City Attorney; Charlotte Helgeson, Library Director; Scott Huizenga, City Administrator; Gary Larson, Interim Fire Chief; Megan Nelson, Administrative Assistant; Tom Spoor, Building Inspector; and Jason Stordahl, Public Works Superintendent.*

**DETERMINATION OF A QUORUM**

*The Council President determined a quorum was present.*

**1. Comprehensive Annual Financial Report (CAFR) – Karla Anderson**

Ms. Anderson gave a brief over of the Comprehensive Annual Financial Report (CAFR). She clarified the Request for Council Action form. She stated that the Public Works Department had less expenses this last year due to the fact they had done fewer projects. There was some more discussion about higher revenues and less sales in the Water and Light Department along with where lot sales are designated to. After answering a few questions from the council members, Ms. Anderson reminded them that if they ever have any questions that they can stop by her office to get them answered.

**2. Boat Ramp – Greg Boppre/Dave Aker**

Mr. Bail informed the council about the boat ramp project that is being scheduled by the DNR to help redevelop the current boat ramp and make it more user friendly. This project is going to cost somewhere between \$200,000 and \$250,000. There are two options the council needs to consider. The first would be for the city to pay for the engineering and the DNR would cover the rest. The price for the engineering would be around \$37,000. The second option would be for the DNR to complete the entire project but the project would not be started until a couple years from now. After some discussion considering both options it was suggested to look into both and see which one works better when it

comes to budgeting and if any group using this area, like the Chamber, would be willing to help pay for some of the engineering costs.

### **3. 2012-2013 Gravel and Sand Bids – Jason Stordahl**

Mr. Stordahl announced to the council that he had only received one bid for gravel and sand. It was from K & K Trucking. They gave a quote of \$12.85 per yard of gravel and \$13.75 per yard of sand. Mr. Stordahl also told the council that K & K Trucking was our supplier last year and these numbers are only slightly higher than last year. After more discussion on different sources of sand and salt for the winter, Mr. Stordahl was going to check into where the city was able to purchase salt and/or a mix of salt and sand for the winter months. He also recommended awarding K & K Trucking the contract.

### **4. MN Department of Public Safety Traffic Safety Enforcement Projects – Mike Hedlund**

With the absence of Mike Hedlund, Mr. Huizenga spoke on his behalf. By signing the agreement the State of Minnesota's program Toward Zero Deaths, formerly Safe & Sober, funding will be provided to the East Grand Forks Police Department so they are able to have additional officers out working to help with traffic control/enforcement and DWI enforcement. The city has participated in this for a number of years. It was recommended to continue this program.

### **5. Zavoral Beet Lease (ASCS By-product Disposal Agreement) – Scott Huizenga**

Mr. Huizenga explained to the council a proposed amendment that could be added to the agreement the city already has with the RJ Zavoral and Sons, Inc to dump beet by-product near the city lagoons. If allowed they would be able to dump on approximately 50 more acres in addition to the 30 acres they currently are allowed to dump on. The Mayor asked if this waste will contaminate the soil. City Attorney, Ron Galstad explained that only 2 of the 4 types of waste are allowed to be dumped on city property and that this is the same waste that farmers get dumped on their property for fertilizer.

### **6. Swimming Pool Feasibility Study – Scott Huizenga**

Mr. Huizenga informed the council of a feasibility study that could be done by Ballard King & Associates to help the council come to a decision about the city pool. This firm does come highly recommended and has worked in Minnesota before. The cost of having this study done is \$9,625.00 plus travel reimbursements. This firm could help narrow down options for the pool. The council is currently stuck on what direction should be taken and this group could come up with a recommendation that could be satisfactory for most if not everyone. After some discussion it was said that this was a good idea not only to get good information but to understand the needs of the community and hopefully fulfill those needs.

### **7. Building Official – Scott Huizenga**

Mr. Huizenga began by reminding the council that Tom Spoor, the Building Official is retiring in October and the council needs to decide what will happen. Mr. Huizenga came up with four options for the council. The first option is just to contract with a person or company. The second would be to merge the building official office and the planning office together to make a Community Development

Department and hopefully offer some more services to the city. The third option is to have the position merge in with the fire department and possibly make it a building official/fire marshal position. The last option would be to hire a new building official. After much discussion and input from Mr. Spoor, many of the council members thought that a short term contracted position will work until it is decided what option will be the best one to move forward with.

#### **8. 2013 Budget – Scott Huizenga**

Mr. Huizenga gave a brief overview of what the budget currently looks like. The proposed budget that he gave them did not include some of the big projects being discussed. He reminded the council that they needed to set the preliminary budget but September 15<sup>th</sup>. After some discussion it was agreed to set the levy at 10% with the intention of bringing it down to zero so there is not increase. The Mayor informed the council he would veto anything over a 5% increase of a levy. It was asked of Mr. Huizenga to create a list of projects that need to be considered so the council can make a list of priorities when looking over the budget.

#### **9. Senior Citizens Board Update – Henry Tweten**

Mr. Tweten informed the council that membership at the Senior Center has gone up the every year for the last three years. Many activities that the members participate in revolve around health. The fire department comes over and checks blood pressure, there have been lectures on nutrition, and there is an exercise room, along with other activities that help promote a healthy lifestyle. The exterior of the building was painted this year. Next year there is going to be trees and grass planted on the south side of the building. Lastly Mr. Tweten invited the council to attend the pig roast that will be on September 16<sup>th</sup> to show their support for the Senior Center.

#### **10. MPO Update – Mike Pokrzywinski/Greg Leigh**

Mr. Pokrzywinski introduced Mr. Earl Haugen Executive Director of the Grand Forks-East Grand Forks Metropolitan Planning Organization. Mr. Haugen gave a summary of some of the big projects that are coming up for the Planning Organization. These projects include improvements done to the Kennedy Bridge, the Sorlie Bridge, and updating the long range transportation plan. Many of these projects are group efforts between the state of Minnesota, North Dakota, and the MPO. The council will be asked for their input on some of these projects. Mr. Pokrzywinski also reminded the council that the MPO meetings are on the 3<sup>rd</sup> Wednesday of each month and if they aren't able to make it, the minutes are available online.

#### **ADJOURN**

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE AUGUST 28, 2012 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:45 P.M.**

**LG220 Application for Exempt Permit**

3

An exempt permit may be issued to a nonprofit organization that: - conducts lawful gambling on five or fewer days, and - awards less than \$50,000 in prizes during a calendar year. If total prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.	<b>Application fee</b>	
	If application posted or received: less than 30 days before the event <b>\$100</b>	more than 30 days before the event <b>\$50</b>

**ORGANIZATION INFORMATION**

Organization name: Grand Forks Red River Lions Club  
 Previous gambling permit number: X-31953

Minnesota tax ID number, if any: \_\_\_\_\_ Federal employer ID number (FEIN), if any: \_\_\_\_\_

**Type of nonprofit organization. Check one.**

Fraternal   
  Religious   
  Veterans   
  Other nonprofit organization

Mailing address: PO Box 14433   
 City: Grand Forks   
 State: ND   
 Zip code: 58208   
 County: \_\_\_\_\_

Name of chief executive officer [CEO]: Grant Kalbaugh   
 Daytime phone number: 701-739-2761   
 E-mail address: natcollector2000@yahoo.com

**NONPROFIT STATUS**

Attach a copy of ONE of the following for proof of nonprofit status.

- Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103  
 Phone: 651-296-2803
- IRS income tax exemption [501(c)] letter in your organization's name.  
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter] *(on file)*  
 If your organization falls under a parent organization, attach copies of both of the following:
  - a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
  - b. the charter or letter from your parent organization recognizing your organization as a subordinate.

**GAMBLING PREMISES INFORMATION**

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.  
 American Legion Club

Address [do not use PO box]: 1009 Central Ave W   
 City or township: East Grand Forks   
 Zip code: 56721   
 County: Polk

Date[s] of activity. For raffles, indicate the date of the drawing.  
 November 15, 2012

Check each type of gambling activity that your organization will conduct.  
 Bingo\*   
 Raffle   
 Paddlewheels\*   
 Pull-tabs\*   
 Tipboards\*

\*Gambling equipment for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**CITY APPROVAL  
for a gambling premises  
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].
- The application is denied.

Print city name \_\_\_\_\_

Signature of city personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**Local unit of government must sign**

**COUNTY APPROVAL  
for a gambling premises  
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name \_\_\_\_\_

Signature of county personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**TOWNSHIP -If required by county.** On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name \_\_\_\_\_

Signature of township officer \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature *Grant Kalbaugh* Date *8/24/2012*

Print name *Grant Kalbaugh*

**Print form and have CEO sign**

**REQUIREMENTS**

**Reset form**

**Complete a separate application for:**

- all gambling conducted on two or more consecutive days, or
  - all gambling conducted on one day.
- Only one application is required if one or more raffle drawings are conducted on the same day.

**Send application with:**

- a copy of your proof of nonprofit status, and
- application fee. Make check payable to "State of Minnesota."

**To:** Gambling Control Board  
1711 West County Road B, Suite 300 South  
Roseville, MN 55113

**Financial report and recordkeeping required**

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at [www.gcb.state.mn.us](http://www.gcb.state.mn.us).

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

**Questions?**

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

# Request for Council Action

Date: 8-22-2012

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: Jason Stordahl

RE: 12-13 Gravel and Sand Bids

---

Consider approving the request to approve

K &K Trucking was the sole bidder for the 2012-2013 gravel and sand contract. The bid results per yard for sand and gravel are:

	<u>Gravel</u>	<u>Sand</u>
K & K Trucking	\$12.85	\$13.75

Recommendation: Award K & K trucking the 2012-2013 sand and gravel contract for the bid prices of \$12.85/yard gravel and \$13.75/yard sand.

**RESOLUTION NO. 12-09-89**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT**

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

**BE IT RESOLVED** the East Grand Forks Police Department enter into a grant agreement with the Minnesota Department of Public Safety, for traffic safety enforcement projects during the period from October 1, 2012 through September 30, 2014.

Chief of Police Michael S. Hedlund (or his designee) is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the East Grand Forks Police Department and to be the fiscal agent and administer the grant.

Passed and adopted by the City Council of the City of East Grand Forks this

\_\_\_\_\_ Day of \_\_\_\_\_, 2012.

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4th day of September, 2012.

\_\_\_\_\_  
Mayor

Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held August 2, 2012 at 5:00 P.M.

Present: Ogden, Quirk, Tweten

Absent: Brickson

It was moved by Commissioner Tweten second by Commissioner Quirk that the minutes of the previous meeting of July 19, 2012 be approved as read.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Tweten to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$368,252.73.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

It was moved by Commissioner Tweten second by Commissioner Quirk to adjourn to the next regular meeting on August 16, 2012 at 5:00 P.M.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

Lori Maloney  
Sec'y

# Request for Council Action

Date: August 31, 2012

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

Cc: File

From: Michael S. Hedlund – Chief of Police

RE: Request approval to begin a hiring process to fill a projected opening for the position of Secretary/Dispatcher/Jailer

---

## Background:

The East Grand Forks Police Department has two full-time Secretary/Dispatcher/Jailer positions on our staff that primarily fill our payroll/data entry/accounts payable and transcribing duties. A third position with this title primarily serves as a full-time dispatcher. We currently have a projected opening in one of the positions that is primarily secretarial in nature. One of our staff plans to leave effective Friday September 14, 2012.

## Recommendation:

Approve the advertising for, and subsequent filling or a Secretary/Dispatcher/Jailer position with the East Grand Forks Police Department. Under the current contract this position is a pay grade 5 with a starting salary of \$30,036.15.

**EAST GRAND FORKS  
CIVIC RECREATION CENTER AND VFW MEMORIAL ARENA  
LEASE AGREEMENT**

This Agreement entered into this 27<sup>th</sup> day of August, 2012, by and between the City of East Grand Forks, Minnesota, a municipal corporation (hereinafter referred to as "Lessor"), and Independent School District No. 595, East Grand Forks, Minnesota (hereinafter referred to as "Lessee").

**WHEREAS**, Lessor is the owner of the certain buildings and grounds commonly known as the East Grand Forks Civic Recreation Center and VFW Memorial Arena which have facilities for making artificial ice, together with ice maintenance equipment, locker rooms, and other facilities commonly used in the sport of hockey; said facilities and space being amendable for many other school activities, such as but not limited to, physical education classes, soccer, dances, graduation exercises, and other activities; and

**WHEREAS**, Lessee desires to enter into a Lease Agreement with Lessor, wherein and whereby Lessee shall have the right to use said Civic Recreation Center and VFW Memorial Arena during the school year of the fall of 2012, for school activities, at such times and for such rental payments and terms and conditions as hereinafter set forth;

**NOW THEREFORE**, in consideration of the covenants and promises contained herein, the parties hereto do now hereby agree as follows, to-wit:

That the Lessor shall lease the said Civic Recreation Center and VFW Memorial Arena to Lessee for the 2012-2013 school year, the school year normally being considered as being from August 15<sup>th</sup> to June 15 of the following year, for the consideration of \$100,000.00;

**IT IS HEREBY FURTHER AGREED** by and between the parties hereto as follows, to-wit:

**I. Lessor shall:**

A. During the school year period as defined above, permit the Lessee to schedule its School activities in the Civic Recreation Center and VFW Memorial Arena, said scheduling being subject to the following conditions.

1. Lessee shall have first priority in scheduling the boys and girls varsity hockey games. Junior varsity for boys are included in the above priority position when preliminary to the varsity games. When junior varsity games are not preliminary games, scheduling of the same shall be scheduled at the convenience of the parties hereto.

2. Lessee hockey team practice for all teams shall not exceed four and one-half (4 ½) hours on any one day, with such practice terminating no later than 7:00 p.m. or as agreed.
  3. In addition to scheduling hockey games and practices, as hereinbefore provided, the Lessee may schedule, subject to the approval and advice of the Lessor's Superintendent of Parks and Recreation, any and/or all of the following activities of the Lessee, to-wit: graduation ceremonies, physical education classes, dances, and such other school activities as may be conveniently scheduled.
- B. Lessor shall provide all maintenance for the building, machinery and ancillary facilities, together with heat and utilities.
  - C. Lessor shall have sole control over the sale of merchandise, advertising and concession stands providing food and refreshments for the participants and spectators.

**II. Lessee shall:**

- A. Pay the rents as hereinbefore set forth. The first half of the payment is due and payable no later than January 15, 2013. The remaining balance shall be payable no later than April 15, 2013.
- B. Provide and pay the cost of all security personnel necessary for policing activities conducted by the Lessee, and shall be solely responsible for the supervision and control of the participants and spectators at any event under Lessee's sponsorship.
- C. Provide all first aid equipment and personnel to provide on site medical assistance to include but not limited to the participants, spectators and volunteers at any event under the Lessee's sponsorship.
- D. Be solely responsible for the supervision and control of its volunteers and it is strongly recommended by the Lessor that if said volunteers are working directly with children that background checks be performed in accordance with "The Minnesota Child Protection Act (MN Stat. 299C)". Any volunteers provided by the Lessee are not "City Volunteers" and are acting on behalf of the Lessee and **ARE NOT** acting on behalf of the Lessor.

- E. At its discretion provide medical and accident coverage for injuries to participants involved in any event under the Lessee's sponsorship. Further, the Lessee shall provide liability insurance to cover any injuries to third parties as a result of the actions of the employees, volunteers, participants and/or the Lessee's agents and representatives at any event under the Lessee's sponsorship.
- F. Not allow discrimination of any kind, no person or organization at any Lessee sponsored event shall in any way be favored or discriminated against because of race, color creed, age, religion, marital status, sex, political opinion or affiliation, disability, sexual orientation, or welfare assistance status.
- G. Be responsible for maintaining the Green Wave locker room for boys and girls.
- H. That Lessee does hereby agree to defend, save, hold harmless, and indemnify the Lessor from and against all liability, damage loss, claims, dements and actions of any nature whatsoever which arise out of or are connected with, or are claims to arise out of or be connected with the use of the Civic Recreation Center and VFW Memorial Arena or any other Recreational facility owned by the Lessor and used by the Lessee as set forth in the Agreement or otherwise.

**III. Fire and Property Insurance.**

- A. Lessor shall secure and pay for insurance coverage upon the Premises for fire, windstorm, and the risks covered by extended coverage; Lessee shall secure and pay for such insurance coverage upon its own property, furniture, fixtures, inventory or other risks as it, in its discretion, shall determine.
- B. Lessee shall not permit any operation to be conducted on the premises that would cause suspension or cancellation or a premium increase of any insurance coverage secured by Lessor.
- C. Any insurance secured by Lessor covering the perils of fire, windstorm, and extended coverage, and insuring the Premises against loss or damage shall be for the sole benefit of Lessor and the policy shall be under its sole control.

IV. **Waiver of Subrogation.**

Each party hereto waives any and every claim which arises or may arise in its favor and against the other party hereto during the term of this Lease or any renewal or extensions thereof for any and all loss of, or damage to, any of its property located within or upon, or constituting a part of the Premises leased to Lessee hereunder, which loss or damage is covered by valid and collectable fire, windstorm, tornado or extended coverage insurance policies, to, and only to, the extent that such loss or damage is recoverable under said insurance policies. Said mutual waivers shall be in addition to, and not in limitation or derogation of, any other waivers or release contained in this Lease with respect to loss of, or damage to, property of the parties hereto. Because the above mutual waivers preclude the assignment of any aforesaid claim by way of subrogation (or otherwise) to an insurance company (or any other person) each party hereto agrees immediately to give to the insurance company which has issued its policies of fire, tornado, windstorm or extended coverage insurance, written notice of the terms of said mutual waivers, and to have said insurance policies properly endorsed, if necessary, to prevent the invalidation of said insurance coverage by reason of said waivers.

V. **Destruction or condemnation of premises.**

If the Premises are partially destroyed in a manner that prevents the conducting of Lessee's use of the Premises in a normal manner, and if the damage is reasonably repairable within sixty days after the occurrence of the destruction Lessor shall repair the Premises and lease payments shall

abate during the period of the repair. However, if the damage is not repairable within sixty days, or if Lessor is prevented from repairing the damage by forces beyond Lessor's control, or if the property is condemned, this Lease shall terminate upon twenty days' written notice of such event or condition by either party.

VI. **Government Data Practices Act.**

Numerous types of data are categorized as private, non-public, or confidential under the Minnesota Government Data Practices Act. In many circumstances, data may not be disclosed except with authorization of the subject of the data or pursuant to court order. To ensure that the Data Practices Act is not violated, the parties to this lease agreement are strictly prohibited from disclosing to a third party, any personnel data, data relating to pending civil legal actions, or any other data that might be classified as private, non-public, or confidential without the Lessor's express authorization.

**VII. Assignment, Amendments, Waiver, and Contract Complete.**

- A. **Assignment.** The Lessee may neither assign nor transfer any rights or obligations under this agreement without the prior consent of the Lessor and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- B. **Amendments.** Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- C. **Waiver.** If the Lessor fails to enforce any provision of this agreement, that failure does not waive the provision or its right to enforce it.
- D. **Contract Complete.** This agreement contains all negotiations and agreements between the Lessor and the Lessee. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

**IN WITNESS WHEREOF**, the parties hereto have hereunder set their hands the day and year first above written.

INDEPENDENT SCHOOL DISTRICT NO. 595

By: Susan K. Black 8-27-12  
School Board Chair Date

By: [Signature] 8/27/12  
School Board Clerk Date

CITY OF EAST GRAND FORKS, MINNESOTA

By:

\_\_\_\_\_  
Lynn Stauss, Mayor Date

By:

\_\_\_\_\_  
Scott Huizenga, Administrator/Clerk-Treasurer Date

**RESOLUTION NO. 12 – 09 - 90**

**RESOLUTION TO ALLOW BALLARD KING & ASSOCIATES TO CONDUCT A SWIMMING POOL FEASIBILITY STUDY FOR THE CITY OF EAST GRAND FORKS**

**WHEREAS**, The City of East Grand Forks has struggled with how to approach a potential swimming pool renovation or design;

**WHEREAS**, Ballard King & Associates has proposed to perform a feasibility study that would analyze all aspects of the City’s project and that would guide the City Council to a final facilitated decision;

**WHEREAS**, The cost of this study will be \$9625.00 plus travel reimbursements not to exceed \$4,000.00 and will be completed within a 4 to 6 month period.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council authorizes the Mayor and City Administrator to execute all documents related to the swimming pool feasibility study.

Voting Aye:  
Voting Nay:  
Absent:

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4<sup>th</sup> of September, 2012.

\_\_\_\_\_  
Mayor

**RESOLUTION NO. 12-09-91**

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO SEND OUT A REQUEST FOR PROPOSALS FOR CONTRACTING OUT THE BUILDING OFFICIAL POSITION**

**WHEREAS**, the current Building Official will be retiring at the end of October 2012;

**WHEREAS**, the City Council directed the City Administrator to recommend options on the future of the Building Official position;

**WHEREAS**, the City Administrator has come up with four possibilities:

- 1 – Contract with a private or part-time Building Official
- 2 – Combine City Planning and Building Inspections into a Community Development Department
- 3 – Merge Building Inspections into the Fire Department
- 4 – Recruit and hire a full-time Building Official and maintain existing operations

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of East Grand Forks affirms its intent to contract for a the Building Official while determining which option will be the best for the city’s future.

**BE IT FURTHER RESOLVED**, the City Council authorizes the City Administrator to issue a Requests for Proposals for Building Official services.

Voting Aye:  
Voting Nay:  
Absent:

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4th day of September, 2012.

\_\_\_\_\_  
Mayor

**RESOLUTION NO. 12-09-92**

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

**RESOLUTION APPROVING AGREEMENT NO. 01492 BETWEEN THE CITY OF EAST GRAND FORKS AND THE MNDOT ALLOWING REIMBURSEMENTS TO THE CITY FOR NON-INFRASTRUCTURE COSTS FOR THE SAFE ROUTE TO SCHOOL PROJECT**

**BE IT RESOLVED**, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of East Grand Forks to accept as its agent, federal funds which may be made available for eligible transportation related projects.

**BE IT FURTHER RESOLVED**, the Mayor and the City Administrator are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 01492", a copy of which said agreement was before the City Council and which is made a part of hereof by reference.

Voting Aye:  
Voting Nay:  
Absent:

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4th day of September, 2012.

\_\_\_\_\_  
Mayor

State of Minnesota  
County of Polk

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the City of East Grand Forks at a duly authorized meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as shown by the minutes of said meeting in my possession.

Notary Public – My Commission Expires \_\_\_\_\_  
\_\_\_\_\_  
Notary

STATE OF MINNESOTA AGENCY AGREEMENT  
BETWEEN  
DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF EAST GRAND FORKS

FOR FEDERAL PARTICIPATION IN PRELIMINARY ENGINEERING  
FOR  
S.P. 119-591-003; M.P. SRTS 6011(038)

---

This agreement is entered into by and between City of East Grand Forks ("City") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT"),

Pursuant to Minnesota Statutes Section 161.36, the City desires MnDOT to act as the City's agent in accepting federal funds on the City's behalf for the construction, improvement, or enhancement of transportation financed either in whole or in part by federal funds, hereinafter referred to as the "Project"; and

The City is proposing a federal aid project to increase pedestrian safety by the development of pedestrian safety materials, hereinafter referred to as the "Preliminary Engineering;" and

The Preliminary Engineering is eligible for the expenditure of federal aid funds, and is identified in MnDOT records as State Project 119-591-003, and in Federal Highway Administration ("FHWA") records as Minnesota Project SRTS 6011(038); and

The CFDA number for this project is 20.205; and

MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

THE PARTIES AGREE AS FOLLOWS:

I. DUTIES OF THE CITY.

A. DESIGNATION. The City designates MnDOT to act as its agent in accepting federal funds on its behalf made available for the Project.

B. ELIGIBILITY / COSTS. The estimated cost of the Preliminary Engineering is \$5,000.

1. It is anticipated that 100% (up to \$ 5,000) of the cost of the Preliminary Engineering is to be paid from federal funds made available by the FHWA. The City will pay any part of the cost or expense of the work that the FHWA does not pay.

2. Costs were incurred by the City prior to authorization of the Federal Funds, however the FHWA has granted forgiveness and any costs related to the project shall be eligible for reimbursement regardless of when they were incurred.
3. Eligible cost and expense, if approved, may consist of the following:
  - a) The cost of bicycle and pedestrian safety training supplies and safety items as well as coordination and encouragement activities for bike and pedestrian safety.
  - b) The direct labor charges for City employees for the time that said employees are performing work pursuant to this agreement must be documented in a Public Interest Finding and approved by the FHWA. Said labor charges may include the prorata share of "labor additives" applicable to said labor charges. Costs to the City of "labor additives" consisting of holiday pay, vacation, sick leave, retirement, pension, unemployment taxes, compensation and liability insurance, lost time charges and similar costs incidental to labor employment will be reimbursed only when supported by adequate records.
  - c) The applicable equipment rental charges for City owned equipment used by the City and mileage charges for employee owned vehicles used by the City on work performed pursuant to this agreement, at rates reflective of the City actual cost.
  - d) Expenditures for materials, supplies, mechanical data processing and equipment rental, limited to the actual expenditures for the purposes of this agreement.
  - e) The cost incurred by the City to employ outside forces to perform any or all of the work pursuant to this agreement, subject to the provisions of section I.D. SUBLETTING.
4. Expenditures for general administration, supervision, maintenance and other overhead or incidental expenses of the City are not eligible for federal participation.
5. Acceptability of costs under this agreement will be determined in accordance with the cost principles and procedures set forth in the applicable Federal Acquisition Regulations, Contract Cost Principles and Procedures, 48 Code of Federal Regulations (CFR) 31 which is hereby incorporated by reference and made a part of this agreement.
6. For costs expected to exceed \$ 5,000, the City must request the preparation and execution of a supplement to this agreement, prior to incurring such costs.

#### C. STAFFING.

1. The City will designate a publicly employed licensed engineer, ("Project Engineer"), to be in responsible charge of the Project and to supervise and direct the work performed under any contract let for the Project. If City elects to use a private consultant for engineering services, the City will provide a qualified, full-time public employee of the City, to be in responsible charge of the Project. The services of the City to be performed pursuant to this agreement may not be

assigned, sublet, or transferred unless the City is notified in writing by MnDOT that such action is permitted under 23 CFR 1.33 and 23 CFR 635.105 and state law. This written consent will in no way relieve the City from its primary responsibility for performance of the work.

2. During the progress of the work on the Project, the City authorizes its Project Engineer to request in writing specific engineering and/or technical services from MnDOT, pursuant to Minnesota Statutes Section 161.39. Such services may be covered by other technical service agreements. If MnDOT furnishes the services requested, and if MnDOT requests reimbursement, then the City will promptly pay MnDOT to reimburse the state trunk highway fund for the full cost and expense of furnishing such services. The costs and expenses will include the current MnDOT labor additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit. Provision of such services will not be deemed to make MnDOT a principal or co-principal with respect to the Project.
  3. The City will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project.
- D. SUBLETTING. The City may prepare request for proposals in accordance with Minnesota law and applicable Federal laws and regulations.
1. The City may solicit proposals for Preliminary Engineering after obtaining written notification from MnDOT that the FHWA has authorized the Project. Any Project advertised prior to authorization will not be eligible for federal reimbursement.
  2. The City will prepare the request for proposal, which will include all of the federal-aid provisions supplied by MnDOT.
  3. The City will prepare and publish the proposals solicitation for the Project as required by state and federal laws. The City will include in the solicitation the required language for federal-aid contracts as supplied by MnDOT. The solicitation will state where the City will receive the sealed proposals.
  4. The City may not include other work in the contract for the authorized Project without obtaining prior notification from MnDOT that such work is allowed by FHWA. Failure to obtain such notification may result in the loss of some or all of the federal funds for the Project.
  5. The City will prepare proposal packages and prepare and distribute any addendums, if needed.
  6. The City will receive, open, and evaluate proposals.
  7. After the proposals are opened, the City will consider the proposals and begin negotiations on the price of the Preliminary Engineering in accordance with the practice commonly known as Quality Based Selection. If the proposal contains a goal for Disadvantaged Business Enterprises, the City will not award the bid until it has received certification of the Disadvantaged Business Enterprise participation from the MnDOT Equal Employment Opportunity Office.
  8. This written consent will in no way relieve the City from its primary responsibility

for performance of the work. Subcontractor agreements must contain all appropriate terms and conditions of this agreement.

#### E. CONTRACT ADMINISTRATION.

1. The City will request approval from MnDOT for all costs in excess of the amount of federal funds previously approved for the Project prior to incurring such costs. Failure to obtain such approval may result in such costs being disallowed for reimbursement.
2. The City will prepare reports, keep records, and perform work so as to enable MnDOT to collect the federal aid sought by the City. The City will retain all records and reports in accordance with MnDOT's record retention schedule for federal aid projects.
3. Upon completion of the Project, the Project Engineer will determine whether the work will be accepted.

#### F. PAYMENTS.

1. The entire cost of the Project is to be paid from federal funds made available by the FHWA and by other funds provided by the City. The City will pay any part of the cost or expense of the Project that is not paid by federal funds.
2. The City may request partial payments not more than once each thirty (30) days. The Project Engineer will certify each partial payment.
3. The invoice and supplements thereto, will contain all details that may be necessary for a proper audit. Such details will consist of at least the following:
  - (a) A breakdown of labor by individual, classification, dates and hours worked times the applicable rate to arrive at a total dollar amount for each individual.
  - (b) The labor additive shall be applied to total labor dollars.
  - (c) The equipment charges shall be broken down by type of equipment times the applicable rate and dates used to arrive at total equipment charges.
  - (d) A detailed breakdown of outside services used and supporting invoices and documentation that costs of outside services have been paid.
  - (e) Detail for materials, supplies, and other items with the description, units, and unit prices included in the invoice. If materials or supplies are purchased from an outside source, a copy of that invoice should be included.
  - (f) The invoices will include 100% of eligible charges applicable to the Preliminary Engineering so that the prorata share of federal and City participation can be applied to the total costs.

4. Following certification of the final estimate, the City may request reimbursement for costs eligible for federal funds. The City's request will be made to MnDOT and will include a copy of the certified final estimate along with the required records.
5. Reimbursement of costs under this agreement will be based on actual costs.

G. LIMITATIONS.

1. The City will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
2. Nondiscrimination. It is the policy of the FHWA and the State of Minnesota that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the proscribed bases of discrimination include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the City to carry out the above requirements.
3. Workers' Compensation. Any and all employees of the City or other persons while engaged in the performance of any work or services required or permitted by the City under this agreement will not be considered employees of MnDOT, and any and all claims that may arise under the Workers' Compensation Act of Minnesota on behalf of said employees, or other persons while so engaged, will in no way be the obligation or responsibility of MnDOT. The City will require proof of Workers' Compensation Insurance from any contractor and sub-contractor.

H. AUDIT.

1. The City will comply with the Single Audit Act of 1984 and Office of Management and Budget (OMB) circular A-133 including amendments and successors thereto, which are incorporated herein by reference.
2. As provided under Minnesota Statutes Section 16C.05, subdivision 5, all books, records, documents, and accounting procedures and practices of the City are subject to examination by the United States Government, MnDOT, and either the Legislative Auditor or the State Auditor as appropriate, for a minimum of six years. The City will be responsible for any costs associated with the performance of the audit.

- I. MAINTENANCE. The City assumes full responsibility for the operation and maintenance of any facility constructed or improved under this Agreement.

- J. CLAIMS. The City acknowledges that MnDOT is acting only as the City's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to the Project. The City will pay any and all lawful claims arising out of or incidental to the Project including, without limitation, claims related to contractor selection (including the solicitation, evaluation, and acceptance or rejection of bids or proposals), acts or omissions in performing the Project work, and any *ultra vires* acts. The City will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any claims or costs arising out of or incidental to the Project, including reasonable attorney fees incurred by MnDOT. The City's indemnification obligation extends to any actions related to the certification of DBE participation, even if such actions are recommended by MnDOT.
- K. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA). This Agreement requires the City to provide supplies and/or services that are funded in whole or in part by federal funds that are subject to FFATA. The City is responsible for ensuring that all applicable requirements, including but not limited to those set forth herein, of FFATA are met and that the City provides information to the MnDOT as required.

The City shall comply with the following:

- 1, Reporting of Total Compensation of the City's Executives.
  - (a) The City shall report the names and total compensation of each of its five most highly compensated executives for the City's preceding completed fiscal year, if in the City's preceding fiscal year it received:
    - i. 80 percent or more of the City's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
    - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

Executive means officers, managing partners, or any other employees in management positions.

- (b) Total compensation means the cash and noncash dollar value earned by the executive during the City's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. Salary and bonus.
  - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - v. Above-market earnings on deferred compensation which is not tax qualified.
  - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.
2. The City must report executive total compensation described above to the MnDOT by the end of the month during which this agreement is awarded.
3. The City will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this agreement. This number shall be provided to MnDOT on the plan review checklist submitted with the plans for each project. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>.
4. The City's failure to comply with the above requirements is a material breach of this agreement for which the MnDOT may terminate this agreement for cause. The MnDOT will not be obligated to pay any outstanding invoice received from the City unless and until the City is in full compliance with the above requirements.

## II. DUTIES OF MnDOT.

- A. ACCEPTANCE. MnDOT accepts designation as Agent of the City for the receipt and disbursement of federal funds and will act in accordance herewith.
- B. PROJECT ACTIVITIES.
  1. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
  2. MnDOT will provide to the City copies of the required Federal-aid clauses to be included in the proposal solicitation and will provide the required Federal-aid provisions to be included in the Proposal.
  3. MnDOT will review and certify the DBE participation and notify the City when

certification is complete. If certification of DBE participation cannot be obtained, then the City must decide whether to proceed with awarding the contract. Failure to obtain such certification will result in the project becoming ineligible for federal assistance, and the City must make up any shortfall.

C. PAYMENTS.

1. MnDOT will receive the federal funds paid by the FHWA for the Project, pursuant to Minnesota Statutes § 161.36, Subdivision 2.
2. MnDOT will review and certify each partial pay request. Following certification of the partial estimate, MnDOT will reimburse the City, from said federal funds made available to the Project, for each partial payment request, subject to the availability and limits of those funds.
3. Upon completion of the Project, the City will prepare a final payment request in accordance with the terms of this agreement. MnDOT will review and certify the final payment request with a final audit.
4. No more than 90% of the reimbursement due under this agreement will be paid until completion of the final audit and approval by MnDOT's authorized representative.
5. If MnDOT does not obtain funding from the FHWA or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the City may continue the work with local funds only, until such time as MnDOT is able to process the federal aid reimbursement requests.

D. AUTHORITY. MnDOT may withhold federal funds, if MnDOT or the FHWA determines that the Project was not completed in compliance with federal requirements.

E. INSPECTION. MnDOT, the FHWA, or duly authorized representatives of the state and federal government will have the right to audit, evaluate and monitor the work performed under this agreement. The City will make available all books, records, and documents pertaining to the work hereunder, for a minimum of seven years following the closing of the construction contract.

III. AUTHORIZED REPRESENTATIVES. Each authorized representative will have responsibility to administer this agreement and to ensure that all payments due to the other party are paid pursuant to the terms of this agreement.

A. The City authorized representative is Greg Boppre, 1600 Central Avenue NE, East Grand Forks, MN 56721, or his successor.

B. MnDOT's authorized representative is Mao Yang, Minnesota Department of Transportation, State Aid for Local Transportation, 395 John Ireland Boulevard, Mail Stop 500, St Paul, MN 55155, phone 651-366-3827, or her successor.

IV. TORT LIABILITY. Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts

and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.

- V. ASSIGNMENT. Neither party will assign or transfer any rights or obligations under this agreement without prior written approval of the other party.
- VI. AMENDMENTS. Any amendments/supplements to this Agreement must be in writing and be executed by the same parties who executed the original agreement, or their successors in office.
- VII. TERM OF AGREEMENT. This agreement will be effective upon execution by the City and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five (5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.
- VIII. TERMINATION. This agreement may be terminated by the City or MnDOT at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the City as set forth in this Agreement. In the event of such a termination the City will be entitled to reimbursement for MnDOT-approved federally eligible expenses incurred for work satisfactorily performed on the Project to the date of termination subject to the terms of this agreement.

Remainder of this page left intentionally blank.

# Request for Council Action

Date: August 29, 2012

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

Cc: File

From: Greg Boppre, P.E.

RE: File Plans/Specifications – 2012 Assessment Job No. 4 – Utilities and Street Construction

---

Background:

I would like to file the plans and specifications for the above referenced project, get authorization to advertise and set bid date.

I will also bring a Report of Feasibility for the project area.

Recommendation:

File plans/specifications, advertise and set bid date

Enclosures:

Plans/Specifications and Report of Feasibility will be filed at the Council meeting

## RESOLUTION NO. 12 – 09 - 94

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

BE IT RESOLVED, By the City Council of the City of East Grand Forks, Minnesota, that the proposed property tax levy collectible in year 2013 upon the taxable property within the said City, in accordance with truth-in-taxation and levy limit regulations, be set as follows:

General Operations	\$ 3,025,536
General, Unallotment Special Levy	0
Certificates of Indebtedness	115,421
Improvement Bonds 2004/2006	38,092
PERA-Employer Share Increase	<u>32,513</u>
<b>TOTAL LEVY</b>	<b>\$ 3,211,562</b>

BE IT FURTHER RESOLVED, That the Administrator/Clerk-Treasurer will certify said proposed tax levy to the County Auditor of Polk County.

BE IT FURTHER RESOLVED, That the meeting to discuss, allow citizen input and possibly adopt the final budget will be held at 7:00 p.m. on **Tuesday, December 4, 2012**, with a final hearing, if necessary, on **Tuesday, December 18, 2012**, at the same time.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of the Council

I hereby approve the foregoing resolution this 4<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
Mayor

# RESOLUTION NO. 12 – 09 - 95

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

WHEREAS, The 2013 Proposed Budget must be adopted by September 15, 2012; and

WHEREAS, The 2013 Actual Final Budget adopted subsequent to this resolution may be **higher or lower** and such amounts are not preordained; and

WHEREAS, The city through resolution 02-04-36 established that current revenues will be used to finance current expenditures and regularly occurring capital expenditures; and

WHEREAS, The city through resolution 06-09-79 adopted as sound fiscal policy that enterprise fund transfers shall not be used to finance current expenditures and regularly occurring capital expenditures in other funds; and

BE IT RESOLVED, By the City Council of the City of East Grand Forks, Minnesota, that the budgeted expenditures, excluding depreciation, for each fund during the 2013 calendar fiscal year shall be as follows:

General Fund:	
General Government	\$ 907,747
Public Safety	3,397,490
Public Works - Streets	1,266,276
Parks and Recreation	1,323,090
Community Development	60,000
Library	426,695
Senior Center	98,621
Other Expenditures	245,670
Capital Outlay	
General Government	
Public Safety	60,500
Public Works-Streets	385,000
Parks and Recreation	55,000
Other Expenditures	50,000
Other Financing Uses-Transfers	165,162
Total General Fund	\$8,441,251
Building Maintenance Fund	250,000
Community Growth Fund	110,000
Greenway Maintenance Fund	45,000
Transit Fund	323,800
State Aid Street Fund	311,804
Cemetery Fund	52,260
Perpetual Care Fund	6,760
Insect Control	30,245
Sewage Fund	773,588
Campbell/Olson Memorial Fund	1,000
Levee	6,500

Water Fund	2,601,607
Electric Fund	12,529,721
Refuse and Recycling Fund	789,196
Storm Water Fund	249,374
Lot Incentive Fund	310,000
Riverwalk & Commercial Properties Fund	161,330

Voting Aye:  
Voting Nay:  
Absent:

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
Mayor

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

**RESOLUTION RATIFYING CONTRACTS**

WHEREAS, the City of East Grand Forks purchased from Hardware Hank the goods referenced in check number 13739 for a total of \$1220.67.

WHEREAS, Craig Buckalew, was personally interested financially in the contract, but the purchases were made because the price was as low as or lower than other local vendors.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF EAST GRAND FORKS:

1. The above mentioned purchase by the City and the claim of the vendor based thereon are confirmed and the Mayor and Clerk are directed to issue an order-check in payment of such claim on the filing of the affidavit of official interest required under Minnesota Statutes, Section 471.89.
2. It is hereby determined that the total price of \$1220.67 paid for such goods is as low as, or lower than, the price at which they could have been obtained elsewhere at the time the purchase was made.
3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
4. Resolution passed by unanimous vote of the council on September 4, 2012.

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

The President declared the resolution passed.

Passed: July 17, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4<sup>th</sup> of September, 2012.

\_\_\_\_\_  
Mayor

AFFIDAVIT OF OFFICIAL INTEREST CLAIM

STATE OF MINNESOTA )  
COUNTY OF POLK ) ss  
CITY OF EAST GRAND FORKS )

I, Craig Buckalew, being duly sworn states the following:

1. I am 3<sup>rd</sup> Ward Council Member of the City of East Grand Forks.
2. The City of East Grand Forks check number 13739 for a total of \$1220.67.
3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
4. Resolution passed by unanimous vote of the council on September 4, 2012.

Affiant states further that to the best of his knowledge and belief (a) the contract price was as low as or lower than the price at which the services could be obtained from other sources.

Affiant further states that the affidavit constitutes a claim against the city for the contract price, that the claim is just and correct, and that no part thereof has been paid.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Official)

**RESOLUTION NO. 12 – 09 - 97**

Council Member \_\_\_\_\_, reported by Council Member \_\_\_\_\_, introduced the following resolution and moved its adoption:

**RESOLUTION RATIFYING CONTRACTS**

WHEREAS, the City of East Grand Forks purchased the following goods from Bert’s Truck Equipment:

<u>Date</u>	<u>Invoice</u>	<u>Description</u>	<u>Total Amount</u>
08/09/12	53087	7-Way RV Flat Trailer Plug-in	9.32
08/10/12	53114	Trailer Receiver Hitch #250	494.24
8/20/12	53245	Trailer Hitch Receiver Adapter	21.32

WHEREAS, Wayne Gregoire, was personally interested financially in the contract, but the purchases were made because the price was as low as or lower than other local vendors.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF EAST GRAND FORKS:

1. The above mentioned purchase by the City and the claim of the vendor based thereon are confirmed and the Mayor and Clerk are directed to issue an order-check in payment of such claim on the filing of the affidavit of official interest required under Minnesota Statutes, Section 471.89.
2. It is hereby determined that the total price of \$524.88 on check number 13716 paid for such goods is as low as, or lower than, the price at which they could have been obtained elsewhere at the time the purchase was made.
3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
4. Resolution passed by unanimous vote of the council on September 4, 2012.

Voting Aye:  
Voting Nay: None.  
Abstain: Gregoire.

The President declared the resolution passed.

Passed: September 4, 2012

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 4<sup>th</sup> of September, 2012.

\_\_\_\_\_  
Mayor

AFFIDAVIT OF OFFICIAL INTEREST CLAIM

STATE OF MINNESOTA )  
COUNTY OF POLK ) ss  
CITY OF EAST GRAND FORKS )

I, Wayne Gregoire, being duly sworn states the following:

- 1. I am 5<sup>th</sup> Ward Council Member of the City of East Grand Forks.
- 2. The following goods were furnished to the City of East Grand Forks by Bert's Truck Equipment:

<u>Date</u>	<u>Invoice</u>	<u>Description</u>	<u>Total Amount</u>
08/09/12	53087	7-Way RV Flat Trailer Plug-in	9.32
08/10/12	53114	Trailer Receiver Hitch #250	494.24
8/20/12	53245	Trailer Hitch Receiver Adapter	21.32

- 3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
- 4. Resolution passed by unanimous vote of the council on September 4, 2012.

Affiant states further that to the best of his knowledge and belief (a) the contract price was as low as or lower than the price at which the services could be obtained from other sources.

Affiant further states that the affidavit constitutes a claim against the city for the contract price, that the claim is just and correct, and that no part thereof has been paid.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Official)

# Accounts Payable

## Check Register Totals Only



# City of East Grand Forks

P. O. Box 373  
 East Grand Forks, MN 56721  
 (218) 773-2483

19

User: mnelson  
 Printed: 8/29/2012 - 2:17 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
13710	09/04/2012	ACM001	Acme Electric Companies	491.03	0
13711	09/04/2012	AGA001	Agassiz Audubon Society	94.00	0
13712	09/04/2012	AME002	American Tire Service	765.63	0
13713	09/04/2012	AME005	Ameripride Linen & Apparel Services	341.77	0
13714	09/04/2012	AUT001	Auto Glass & Aftermarket Inc	365.80	0
13715	09/04/2012	BAK001	Baker & Taylor Co	296.21	0
13716	09/04/2012	BER001	Bert's Truck Equipment	524.88	0
13717	09/04/2012	BLU001	Blue Cross Blue Shield of ND	7,114.70	0
13718	09/04/2012	BNS001	BNSF Railway Company	377.74	0
13719	09/04/2012	BRA005	Braun Intertec Corporation	4,181.50	0
13720	09/04/2012	BRO002	Brodart Co	292.98	0
13721	09/04/2012	CAP001	Capstone Press Inc	752.09	0
13722	09/04/2012	CAR504	Cardmember Service	218.84	0
13723	09/04/2012	CAR002	Carquest Auto Parts	12.28	0
13724	09/04/2012	CEN006	Century Link	47.69	0
13725	09/04/2012	CHE006	Cherry Lake Publishing	682.30	0
13726	09/04/2012	COA001	Coalition of Greater MN Cities	11,884.00	0
13727	09/04/2012	COA003	Coquette Crop Service	285.85	0
13728	09/04/2012	COL002	Cole Papers Inc	162.14	0
13729	09/04/2012	CRO004	Crookston Daily Times	122.00	0
13730	09/04/2012	CUM001	Cummins NPower LLC	128.73	0
13731	09/04/2012	DRU001	Drummer's Diesel Inc	39.58	0
13732	09/04/2012	EXP002	Exponent	540.76	0
13733	09/04/2012	FIN003	Finest Auto Trim Inc.	50.00	0
13734	09/04/2012	FOR001	Forks Freightliner	326.19	0
13735	09/04/2012	G&K001	G&K Services	80.36	0
13736	09/04/2012	GAF002	Gaffaney's	129.59	0
13737	09/04/2012	GAR001	Garden Hut Inc	178.03	0
13738	09/04/2012	GGF001	GGF Convention & Visitors Bureau	1,466.62	0
13739	09/04/2012	HAR001	Hardware Hank	1,220.67	0
13740	09/04/2012	HEA001	Heartland Paper	317.69	0
13741	09/04/2012	HOL002	Holiday Credit Office	31.50	0
13742	09/04/2012	HUG001	Hugo's	103.58	0
13743	09/04/2012	INT003	Integra Telecom	80.36	0
13744	09/04/2012	JAC006	Therese Jacobson	18.29	0
13745	09/04/2012	JET001	Jet Way Multiple Services Inc	5,747.50	0
13746	09/04/2012	KEM001	KEM Shriners	2,750.00	0
13747	09/04/2012	LEA002	League of MN Cities	595.38	0
13748	09/04/2012	LIB001	Liberty Business Systems	77.40	0
13749	09/04/2012	LIB007	Library Journal	84.00	0
13750	09/04/2012	LIT001	Lithia Payment Processing	200.22	0
13751	09/04/2012	M&W001	M&W Services	462.65	0
13752	09/04/2012	MAC002	MacQueen Equipment	79.25	0
13753	09/04/2012	MAR004	Marco	75.89	0
13754	09/04/2012	MAR001	Marco Inc	305.51	0
13755	09/04/2012	MEN001	Menards	195.29	0
13756	09/04/2012	MPO001	Metropolitan Planning Organization	12,859.81	0
13757	09/04/2012	MID003	Midcontinent Communications	230.35	0
13758	09/04/2012	MIN002	Minnesota State University-Mankato	7,754.00	0
13759	09/04/2012	MND013	MN Dept of Transportation	2,107.02	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
13760	09/04/2012	MND009	MN Drivers & Vehicle Services	11.00	0
13761	09/04/2012	MNS006	MN Secretary of State - Notary	120.00	0
13762	09/04/2012	NOR007	Northland Custom Woodworking	432.00	0
13763	09/04/2012	NWA001	Northwest Asphalt Maintenance Inc	21,500.00	0
13764	09/04/2012	ORE001	O'Reilly Auto Parts	38.46	0
13765	09/04/2012	ORC002	Roger Orchard	1,081.50	0
13766	09/04/2012	PEA001	Peak Performance	95.00	0
13767	09/04/2012	PEN001	Penworthy Company	104.00	0
13768	09/04/2012	PBF001	Peterbilt of Fargo	172.87	0
13769	09/04/2012	POL004	Polk County Recorder	20.00	0
13770	09/04/2012	PRA001	Praxair Distribution	24.45	0
13771	09/04/2012	PUM001	Pumpkin Books	188.30	0
13772	09/04/2012	ROG001	Rogers Construction	3,485.00	0
13773	09/04/2012	SCH003	Karen Schiller	96.62	0
13774	09/04/2012	SMI002	Smitty's Transmission	14.70	0
13775	09/04/2012	SPR002	Spray Advantage	76.26	0
13776	09/04/2012	STE001	Stennes Granite	950.00	0
13777	09/04/2012	STU001	Stuart's Towing	210.31	0
13778	09/04/2012	CHI001	The Child's World Inc	600.45	0
13779	09/04/2012	THE003	Theodore Moen and Choice Financial	3,750.00	0
13780	09/04/2012	TIG001	Tiger Direct.com	1,148.37	0
13781	09/04/2012	TOD001	Todays Organized Living LLC	225.00	0
13782	09/04/2012	TOP001	Top Quality Motors, Inc	9.00	0
13783	09/04/2012	TRI001	Tristeel Manufacturing	343.16	0
13784	09/04/2012	TRU001	True Temp	771.54	0
13785	09/04/2012	TRY001	Try-County Refrigeration	408.00	0
13786	09/04/2012	UMN002	Attn: Sean Peterson University Of Mir	50.00	0
13787	09/04/2012	VAL002	Valley Truck	292.06	0
13788	09/04/2012	WAS001	Waste Mgmt	1,924.21	0
13789	09/04/2012	WAT001	Water & Light Department	20,206.88	0
13790	09/04/2012	WDA001	WDAZ TV	1,423.00	0
13791	09/04/2012	WIZ001	Wizard's Enterprises Inc.	490.00	0
13792	09/04/2012	XCE001	Xcel Energy	1,074.27	0
				<hr/> <hr/>	
				Check Total:	128,586.06
				<hr/> <hr/>	