

**AGENDA
CITY COUNCIL
CITY OF EAST GRAND FORKS
SEPTEMBER 18, 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 September 4, 2012.
2. Consider approving the minutes of the “Special Meeting” and the “Work Session” for the East Grand Forks, Minnesota City Council of September 11, 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 Min-Dak Border Chapter Minnesota Deer Hunters Association Organization for a raffle being held on October 25, 2012.
4. Consider approving the temporary liquor license application for the St. Michael’s Church holding an event at Sacred Heart Church for October 27, 2012 and contract with Liberty Lanes for liquor services.

5. Consider approving Resolution No. 12-09-99 declaring that the City of East Grand Forks acts as the legal sponsor for the FY 2012-2013 funding to the State of Minnesota Department of Natural Resources for the trail maintenance of snowmobile trails managed by the Red River Snowmobile Club.
6. Consider approving Resolution No. 12-09-98 authorizing the City of East Grand Forks to act as the legal sponsor and apply for Legacy funds through the Minnesota Department of Natural Resources for Greenway Improvements.
7. Consider approving the Memorandum of Understanding Covering Public Participation with the Metropolitan Planning Organization.
8. Consider adopting the Transit Procurement Policy of the Metropolitan Planning Organization.
9. Consider adopting the Standard Operating Procedures and Policy Reference of the Metropolitan Planning Organization.
10. Consider adopting Resolution No. 12-09-100 authorizing issuance and sale of general obligation bonds, Series 2012A.
11. Consider approving the American Crystal Copper Nitrate Agreement between the City of East Grand Forks and American Crystal Sugar.
12. Consider approving the Cemetery Commission to charge a 20 percent administration fee to people when selling their lot back to the city.
13. Consider approving the Minnesota Municipal Utilities Association Service Agreement for the Safety Management Program split 50/50 between the City and Water & Light Department for beginning October 1, 2012 through September 30, 2013.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

14. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for August 16, 2012.
15. Regular meeting minutes of the Resurrection Cemetery Commission Meeting for July 25, 2012.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS: NONE

CLAIMS:

16. Consider adopting Resolution No. 12-09-101 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check number 13848 for a total of \$2,014.33 whereas Council Member Buckalew is personally interested financially in the contract.
17. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

ADJOURN:

Upcoming Meetings:

- League of Minnesota Cities Regional Meeting – September 19, 2012 – 1:00 pm to 7:30 pm –
American Legion, Thief River Falls
- Work Session – September 25, 2012 – 5:00 PM – Training Room
- Regular Meeting – October 2, 2012 – 5:00 PM – Council Chambers
- Work Session – October 9, 2012 – 5:00 PM – Training Room
- Regular Meeting – October 16, 2012 – 5:00 PM – Council Chambers

**UNAPPROVED
MINUTES OF THE
EAST GRAND FORKS
CITY COUNCIL MEETING
TUESDAY SEPTEMBER 4, 2012 - 5:00 P.M.**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for September 4, 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 Pokrzywinski, 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; 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:

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.

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

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

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT ITEMS THREE (3), FIVE (5), AND SIX (6) AS SUBMITTED.

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

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT ITEM FOUR (4) AS SUBMITTED.

Council Member DeMers asked for clarification and to see if an arrangement could be worked out with either the county or MnDOT for sand and salt. Mr. Stordahl explained that he had made some phone calls but is waiting for a response. There is still a chance that an agreement could be made for this winter season.

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

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.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE THE REQUEST TO START THE HIRING PROCESS FOR A SECRETARY/DISPATCHER/JAILER FOR THE POLICE DEPARTMENT.

Chief Hedlund explained the position and why it was needed. Discussion followed with Chief Hedlund and Mr. Huizenga answering questions from the council.

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

Voting Nay: None.

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.

A MOTION WAS MADE BY COUNCIL MEMBER GREGOIRE, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE 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.

Council Member Leigh asked why there was an increase to the agreement. Mr. Huizenga explained there have been improvements made to the facilities, a new zamboni had been purchased, and there are plans to implement ideas from the energy study. This was also the first increase in three years.

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

Voting Nay: None.

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.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 12-09-90 ALLOWING BALLARD KING & ASSOCIATES TO CONDUCT A SWIMMING POOL FEASIBILITY STUDY FOR THE CITY OF EAST GRAND FORKS.

Discussion followed with clarification that this company will only complete a feasibility study and not be retained for designing.

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

Voting Nay: None.

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.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT RESOLUTION NO. 12-09-91 AUTHORIZING THE CITY ADMINISTRATOR TO SEND OUT A REQUEST FOR PROPOSALS FOR CONTRACTING OUT THE BUILDING OFFICIAL POSITION.

Council Member Tweten told the Council how important this position is to the community. Other council members agreed but explained they owe it to the taxpayers to look into what would be best for the future of the Building Official position.

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

Voting Nay: Tweten

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.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER GREGOIRE, TO ADOPT 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.

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

Voting Nay: None.

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

Mr. Huizenga asked the council to postpone this item until the next meeting.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GREGOIRE, TO POSTPONE THE DISCUSSION AND ADOPTION OF RESOLUTION NO. 12-09-93 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENTS FOR BIDS FOR 2012 ASSESSMENT JOB NO. 4 – UTILITIES AND STREET CONSTRUCTION UNTIL THE NEXT MEETING

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

Voting Nay: None.

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.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT 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 AND TAXATION HEARINGS FOR DECEMBER 4, 2012 AT 7:00 PM WITH A CONTINUANCE HEARING DECEMBER 18, 2012 AT 7:00PM IF NECESSARY

Mr. Huizenga explained to the council that these numbers include the 10 percent increase.

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

Voting Nay: Pokrzywinski

16. Consider adopting Resolution No. 12-09-95 a Resolution to approve the 2013 preliminary budget.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT RESOLUTION NO. 12-09-95 TO APPROVE THE 2013 PRELIMINARY BUDGET.

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

Voting Nay: None

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.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT 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 \$1,220.67 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None

Abstain: Buckalew

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.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT 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.

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

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

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

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

SUSPENSION OF RULES:

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO SUSPEND RULES.

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

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE THE REQUEST FOR STREET AND STORM WATER REPAIRS NEAR THE INTERSECTION OF JAMES AVE AND RIVER DRIVE SE USING OPTION #2 AND THE LOWEST BIDDER.

Mr. Stordahl told the council the background of why this project came up and presented them with an RCA and a recommendation for repairs. Option #1 was to repair and resurface the street in one season. Option #2 was to perform the street resurfacing in the spring after the freeze/thaw cycle. The repairs will be paid for money from the street budget.

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

COUNCIL/STAFF REPORTS:

Council Member Leigh wanted to remind the council that even though they approved a 10 percent increase for the preliminary levy, their job is to get it down to as minimal as possible.

If Department Heads have anything to say, have them step up to the podium.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE SEPTEMBER 4, 2012 REGULAR MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:40 P.M.

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

Voting Nay: None

**UNAPPROVED MINUTES
OF THE
EAST GRAND FORKS
CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 11, 2012 – 5:00 PM**

CALL TO ORDER:

The Special Council Meeting of the East Grand Forks City Council for September 11, 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 Ron Vonasek, Henry Tweten, Mike Pokrzywinski, and Greg Leigh.

STAFF PRESENT:

Karla Anderson, Finance Director; Greg Boppre, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, Senior Planner; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Scott Huizenga, City Administrator; Teri Kouba, Transit; Gary Larson, Interim Fire Chief; Megan Nelson, Administrative Assistant; and Jason Stordahl, Public Works Director.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present

NEW BUSINESS:

1. 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

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 12-09-93 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENTS FOR BIDS FOR 2012 ASSESSMENT JOB NO. 4 – UTILITIES AND STREET CONSTRUCTION

Mr. Boppre explained the project and presented the council with the plans. Bids are scheduled to be opened on October 2, 2012. Discussion followed with explanations about the developer's agreement and the number of catch basins there will be.

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

Voting Nay: None.

Absent: Demers

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE SEPTEMBER 11, 2012 REGULAR MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:12 P.M.

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

Voting Nay: None.

Absent: Demers

Scott Huizenga, City Administrator/Clerk-Treasurer

**UNAPPROVED MINUTES
OF THE CITY COUNCIL
WORK SESSION
CITY OF EAST GRAND FORKS
SEPTEMBER 11, 2012
5:00 PM**

CALL TO ORDER

The Work Session of the East Grand Forks City Council for September 11, 2012 was called to order by Craig Buckalew, Council President at 5:12 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 Ron Vonasek, Henry Tweten, Mike Pokrzywinski, and Greg Leigh.

STAFF PRESENT: DO NOT READ

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 Superintendent.

DETERMINATION OF A QUORUM:

1. Parks Legacy and Regional Park Grant Application – Nancy Ellis

Ms. Ellis told the council the background of the Greenway establishment plan that was adopted years ago. Lafave Park and the Red River State Recreation Area did not meet their potential. She continued with how there is funding available to improve these areas and the Department of Natural Resources asked the City of East Grand Fork to apply for Legacy Funds. Ms. Ellis went over what was included in the application, the proposed plan, and asked for input from the council for any changes they think were necessary.

2. Memorandum of Understanding Covering Public Participation – Teri Kouba

Ms. Kouba explained the FTA came in and conducted a review which they do every three years. They found there was not policy for public comment on fares and major service changes. She asked the council to consider a Memorandum of Understanding Covering Public Participation. This will be included in transit policies and will be amended when needed.

3. Transit Procurement Policy – Teri Kouba

Ms. Kouba informed the council that the current transit procurement policy needs to be followed when transit dollars are used to buy equipment or for a project. This will ensure that transit will receive all of the documentation they are required to have for reviews by the FTA.

4. Standard Operating Procedures & Policy Reference – Teri Kouba

Ms. Kouba told the council there had been some changes to the Standard Operation Procedures and Policies manual. East Grand Forks has never formally adopted this manual before and now would be a good time since it was just revised.

5. Pinehurst Court Alley – Scott Huizenga

Mr. Huizenga explained to the council a request had been made by a property owner in Pinehurst Court to have the city maintain the alley in Pinehurst Court. Currently it is private land with a utility easement going through making the property owners responsible for the alley. It was explained to the residents attending the meeting the steps they will need to take in order for the city to take over the maintenance of this alley.

6. Dakota Carrier Network Fiber Optic Agreement – Ron Galstad

Mr. Galstad told the council he has drafted an agreement between the City of East Grand Forks and Dakota Carrier Network. This agreement would allow the city to control where fiber optic cables would be placed and to protect the city from any damages that may occur. Discussion followed with concerns about selling or giving the easement, if access can be refused, and what the permit cost might be. Mr. Galstad will be doing some research to find answers to these questions.

7. Refinancing Bonds – Brenda Krueger/Karla Anderson

Ms. Anderson informed the council that there is an opportunity for the city to refinance some bonds that are currently not being covered by special assessments or grants. She introduced Brenda Krueger who works for Springsted and who could help the city refinance these bonds. If the city refinanced it would save around \$8,000.00 a year with a total savings of \$80,000.00 and would drop the interest rate almost a whole percent. Ms. Krueger also explained that the city will have to have an updated credit rating, how that is calculated, and what the current rating of the city is.

8. American Crystal Copper Nitrate Agreement – Jason Stordahl

Mr. Stordahl informed the council that American Crystal Sugar asked the city if it was acceptable for copper nitrate to end up in the waste water ponds. He told the council that if too much copper would get into the ponds the system could be killed off. After speaking with three different agencies including the Minnesota Pollution Control Agency, he was reassured that the very small amount of copper would not have an effect on the pond system. Mr. Galstad has

created an agreement with American Crystal with provisions in place to protect the city.

9. Cemetery Commission Update – Wayne Gregoire

Mr. Gregoire updated the council with changes the cemetery commission is dealing with. Updates are taking place within the cemetery grounds to help with maintenance, winter burials are now available due to a Minnesota mandate, the commission is looking into selling half plots since cremation is becoming so popular, and also possibly changing the one marker maximum to allowing at least military personnel two markers. Mr. Gregoire told the council the perpetual fund has grown to \$155,623.00 since 2007. He also explained to the council they are thinking about charging a 20 percent administration fee for people who decide to sell back their plot to the city.

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER VONASEK, TO ADJOURN THE SEPTEMBER 11, 2012 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:42 P.M.

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

Voting Nay: None.

Absent: Demers

Scott Huizenga, City Administrator/Clerk-Treasurer

LG220 Application for Exempt Permit

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.	Application fee	
	If application posted or received: less than 30 days before the event \$100	more than 30 days before the event \$50

ORGANIZATION INFORMATION

Organization name: Min-Dak Border Chapter Minnesota Deer Hunters Assoc. Previous gambling permit number: X-03501

Minnesota tax ID number, if any: Federal employer ID number (FEIN), if any: 41-1390958

Type of nonprofit organization. Check one.
 Fraternal Religious Veterans Other nonprofit organization

Mailing address: 2128 Pioneer Court NW City: East Grand Forks State: MN Zip code: 56721 County: Polk

Name of chief executive officer [CEO]: Loren Abel Daytime phone number: 701-741-1147 E-mail address: lorenelabel@gra.midco.net

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]
 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.
 Eagles Club #350

Address [do not use PO box]: 227 10th St NW City or township: East Grand Forks Zip code: 56721 County: Polk

Date[s] of activity. For raffles, indicate the date of the drawing.
 October 25, 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 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 _____ Date _____

Print name Loren Abel

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.

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.



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar Street Suite 133, St. Paul MN 55101-5133
 (651) 215-6209 Fax (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



APPLICATION AND PERMIT
 FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

4

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <i>St. Michael's Catholic Church</i>		DATE ORGANIZED <i>10/27/12</i>	TAX EXEMPT NUMBER <i>N/A</i>	
STREET ADDRESS <i>520 6th Str. North</i>		CITY <i>GF</i>	STATE <i>ND</i>	ZIP CODE <i>58703</i>
NAME OF PERSON MAKING APPLICATION <i>Sheila Schreiber</i>		BUSINESS PHONE <i>(701) 772-2624</i>	HOME PHONE <i>(701) 740-4086</i>	
DATES LIQUOR WILL BE SOLD <i>10/27/2012</i>		TYPE OF ORGANIZATION <input type="checkbox"/> CLUB <input type="checkbox"/> CHARITABLE <input checked="" type="checkbox"/> RELIGIOUS <input type="checkbox"/> OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <i>Sheila Schreiber</i>		ADDRESS <i>3103 Chestnut Street Grand Forks, ND 58701</i>		
ORGANIZATION OFFICER'S NAME		ADDRESS		
ORGANIZATION OFFICER'S NAME		ADDRESS		

Location license will be used. If an outdoor area, describe

Sacred Heart Church

Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service.

Liberty Lane (Pat Gaddy) 1500 8th Ave NE, FGF

Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage.

No, Liberty Lane will be

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT

CITY/COUNTY *City of East Grand Forks*

DATE APPROVED _____

CITY FEE AMOUNT *\$100.00*

LICENSE DATES _____

DATE FEE PAID *9/12/12*

SIGNATURE CITY CLERK OR COUNTY OFFICIAL

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event

PS-09079 (02/05)

RESOLUTION NO. 12 – 09 - 99

A RESOLUTION DECLARING THAT THE CITY OF EAST GRAND FORKS ACT AS THE LEGAL SPONSOR FOR AN APPLICATION FOR THE FY 2012/2013 FUNDING TO THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE TRAIL MAINTENANCE OF SNOWMOBILE TRAILS MANAGED BY THE RED RIVER SNOWMOBILE CLUB.

Council Member _____, supported by Council Member _____, introduced the following Resolution and moved its adoption:

BE IT RESOLVED, that City of East Grand Forks will act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance of snowmobile/ski trails managed by the Red River Snowmobile Club.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the City of East Grand Forks may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that City Administrator/Clerk-Treasurer, is hereby authorized to serve as the fiscal agent for the above referenced project.

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

The President declared the resolution passed.

Passed: September 18, 2012

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 18th of September, 2012.

Mayor

**MINNESOTA SNOWMOBILE TRAILS ASSISTANCE PROGRAM
SNOWMOBILE FY 2013
MAINTENANCE AND GROOMING GRANT AGREEMENT**

Local Unit of Government (Sponsor)	Trail/Club Name	Grant Amount
City of East Grand Forks	Red River Snowmobile Club, Inc./Northern Lights Snowmobile Trail	\$18,706.80

THIS AGREEMENT is made between the STATE OF MINNESOTA, acting by and through the Commissioner of Natural Resources, hereinafter referred to as the "State," and Local Unit of Government, hereinafter referred to as the "Sponsor" relating to the maintenance and grooming of the trails specified above; and

WHEREAS, the Sponsor desires to maintain trails for the enjoyment of the public; and

WHEREAS, the Minnesota Snowmobile Trails Assistance Program provides grants to local units of government for the maintenance of recreational trails pursuant to Minnesota Statutes Chapter 84.83; and

WHEREAS, the Sponsor has applied to the State for a grant for said trails and has submitted the Minnesota Snowmobile Trails Assistance Program Maintenance and Grooming application form, maps, required attachments, and resolution of the Sponsor authorizing the proposed maintenance and grooming and said application form, map and resolution are attached and incorporated into this agreement as Exhibit A, hereinafter referred to as the "Plan"; and

NOW THEREFORE, it is agreed between the parties as follows:

A. TRAIL OBLIGATION OF THE SPONSOR. The Sponsor agrees to maintain the proposed trails in accordance with the guidelines contained within the current **Minnesota Snowmobile Trails Assistance Program Maintenance and Grooming Manual**, hereinafter referred to as the "Manual" as accepted or amended by the State. All work will be the responsibility of the Sponsor, it's employees, or the sponsor's agent provided the agent is registered as a nonprofit corporation with the State of Minnesota. The Sponsor shall:

1. Proceed to acquire necessary interests in lands on the Trail. The Sponsor must acquire land in fee, easement, lease, permit, or other authorization for said Trail. The term of said interest shall be no less than four (4) months between November 15 of any year and April 1 of the succeeding year. For each parcel of land crossed by the Trail, the Sponsor shall obtain from the owner of said parcel a permit, lease, easement, deed, or other authorization for said crossing in accordance with Minnesota Statutes Chapter 604A. The Sponsor shall certify that the necessary interests in the land have been obtained and are on file with the Sponsor or the sponsor's agent.

2. Provide adequate maintenance and grooming on the Trail, which shall include keeping it reasonably safe for public use; provide sanitation and sanitary facilities when needed; and provide other maintenance and grooming as may be required. The Sponsor and not the State is responsible for maintaining signs and maintenance and grooming of the Trail.

B. TECHNICAL ASSISTANCE. Upon the request of the Sponsor to the extent possible, the State will provide technical assistance with major problems encountered in the maintenance and grooming of the Trail.

C. FUNDING. The State's sole responsibility under this Agreement is to provide funds to the Sponsor. In the event that state funds become unavailable because of legislative or executive action or restraints, the grant amount may be reduced or canceled by the State.

D. DISBURSEMENT. The State agrees to disburse funds to the Sponsor pursuant to this Agreement based upon the satisfactory completion of significant performance benchmarks as identified in section F. This grant shall not exceed the Grant Amount as specified above. Funds not earned and paid out will be canceled annually at the end of the State's fiscal year (June 30).

E. GROOMING. In order to receive maximum disbursement from this Agreement, the Sponsor agrees to groom the entire Trail referred to within the Plan in accordance with the Trail Grooming Guidelines established in the Manual.

F. PAYMENT.

1. Trail Completion Benchmark, 40% of Total Grant Amount

Disbursement of these funds is contingent on the sponsor providing a high quality map that shows the final alignment of the trail and a Trail Completion Certification Form that the trail is open and available for use. The certification must be received by December 15th of that year. This includes having the trail brushed, bridges in repair, signs installed, gates were capable of being open (snow permitting), and any other additional work needed. Also the Sponsor ensures that interest in lands to operate a snowmobile trail have been acquired through fee, easement, lease, permit, or other authorizations of interest throughout the entire Trail.

2. Grooming Certification Benchmark, Opening – January 15, 25% of Total Grant Amount

A portion of the grooming monies will be disbursed to the Sponsor by the DNR based upon the Certification of Satisfactory Grooming Form received from the Sponsor that the trails have been properly groomed from opening day through January 15th. The certification must be received by February 15th of that year. The Sponsor in coordination with the Club must maintain sufficient records to document the activity.

3. Grooming Certification Benchmark, January 16 – Closing, 25% of Total Grant Amount

The second disbursement of the grooming monies will be made to the Sponsor by the DNR based upon the Certification of Satisfactory Grooming Form received from the Sponsor and verification that the trails were groomed to the satisfaction of the Sponsor from January 16th through the end of the season. The certification must be received by April 15th of that year. The Sponsor in coordination with the Club must maintain sufficient records to document the activity.

4. Trail Closure/Application Submission Benchmark, 10% of Total Grant Amount

The final payment will be based upon the Trail Closure/Application Submission Certification form received from the Sponsor. The certification must be received by May 15th. A completed application for the next year must accompany the certification. Must provide evidence that Sponsor and Club attended spring training session conducted by DNR. A map indicating the "anticipated" alignment of the trail must also be submitted. A back-up grooming plan must also be provided.

G. PENALTIES.

- a) If it is determined that the **Trail Completion Certification benchmark** in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 40% of the Total Annual Grant Amount.

- b) If it is determined that the **Grooming Certification benchmark for the period of opening day through January 15** in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 25% of the Total Annual Grant Amount.
- c) If it is determined that the **Grooming Certification benchmark for the period of January 16 through the end of the season** in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 25% of the Total Annual Grant Amount.
- d) If it is determined that the **Trail Closure/Application Submission Certification** benchmark in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 10% of the total annual Grant Amount.

In addition to the above penalties, the State reserves the right to reduce payment in the following year's agreement or to exclude the Sponsor from participation in the Trails Assistance Program for up to 3 years.

H. ACCOUNTING AND AUDIT. The Sponsor shall maintain books, records, documents, and other evidence relevant to this grant and in such detail that will accurately reflect the benchmarks that have been reached in this program and that have received payment. The Sponsor shall use generally accepted accounting principles and these records shall be retained for six years after this grant terminates. The State, its representative or the legislative auditor shall have the right to examine this evidence and the Sponsor shall make them available at the office at all reasonable times during the record retention period. Records shall be sufficient, as defined in the Manual to reflect significant costs incurred and volunteer donation of time, equipment, and/or materials in performance of this grant.

I. WORKER'S COMPENSATION. The Sponsor shall comply with the provisions for worker's compensation in Minnesota Statutes Chapter 176.181, Subd: 1 and 176.182 and all applicable rules and subsequent amendments thereto.

J. LIABILITY. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The provisions of the Minnesota Tort Claims Act, Minnesota Statutes Chapter 3.736 and other applicable law shall govern the State's liability. The provisions of Minnesota Political Subdivisions Tort Liability, Minnesota Statutes Chapter 466.02 and other applicable law shall govern the Sponsor's liability.

K. TERM.

- K.1 **Effective date: August 1, 2012**, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
- K.2 **Expiration date: June 30, 2013**, or until all obligations have been satisfactorily fulfilled, whichever is sooner.

L. TERMINATION. This Agreement may be terminated by the State in the event of a default by the Sponsor; the legislature appropriates insufficient monies for the program, or the abandonment of the Trail. The State and the Sponsor may also terminate it upon mutual agreement, upon 30 days' written notice to each entity.

M. ASSIGNMENT OR MODIFICATION. The Sponsor may not assign any of its rights or obligations under this Agreement without the prior written consent of the State. No change or modification of the terms or provisions of this Agreement shall be binding unless such change or modification is in writing and signed by both parties to this Agreement.

N. DATA DISCLOSURE. Under Minnesota Statutes § 270.66, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

O. GOVERNING LAW, JURISDICTION, AND VENUE. Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

P. AUTHORIZED REPRESENTATIVE. The State's Authorized Representative is the Trail Area Supervisor from the Parks and Trails Division of the Department of Natural Resources for the area where the trail is located, or his/her successor, and has the responsibility to monitor the Sponsors performance and the authority to accept the services provided under this grant contract. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment. A list of the Trail Area Supervisors can be found on the program webpage (http://files.dnr.state.mn.us/assistance/grants/recreation/ohv/area_sups.pdf).

The Sponsor's Authorized Representative is the contact person and individual who provide the authorized signature for the Sponsor, which can be found on the program application (incorporated here into this agreement by reference). If the Sponsor's Authorized Representative changes at any time during this grant contract, the Sponsor must immediately notify the State.

The authorized representative of the sponsor is prohibited from being an officer or bookkeeper/accountant of the club or organization receiving this grant on behalf of the State.

Q. INVASIVE SPECIES PREVENTION. Grantees and subcontractors must follow Minnesota DNR's Operational Order 113, which requires preventing or limiting the introduction, establishment and spread of invasive species during activities on public waters and DNR-administered lands. This applies to all activities performed on all lands under this grant agreement and is not limited to lands under DNR control or public waters. Duties are listed under Sections II and III (p. 5-8) of Operational Order 113 which may be found at http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/oporder_113.pdf.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

LOCAL UNIT OF GOVERNMENT SPONSOR

Local Unit of Government (Sponsor)		
City of East Grand Forks		
Authorized Signature	Title	Date
Authorized Signature	Title	Date

DEPARTMENT OF NATURAL RESOURCES

Individual certifies that funds have been encumbered as required by M.S. § 16A.15 and 16C.05. 	State Encumbrance Verification SWIFT PO #: 26524	Date 8/24/12
Signature (Recommend for Approval)	Parks and Trails Regional Manager	Date
Authorized Signature	Parks and Trails Division Director	Date

RESOLUTION NO. 12 – 09 - 98

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

WHEREAS, the City of East Grand Forks has identified Greenway Maintenance and Improvements, with specific respect to LaFave Park, as a high priority in its Capital Improvements Plan;

WHEREAS, livability, walkability, health, and wellness in natural landscapes is a vital component of a vibrant community;

WHEREAS, the City of East Grand Forks approved its updated Greenway Trail Plan via Resolution 12-08-83; which includes major upgrades, enhancements, and long-term maintenance plans in LaFave Park;

WHEREAS, the Minnesota Department of Natural Resources (DNR) announced a request for eligible projects for its Parks and Trails Legacy Grant Program available to Greater Minnesota jurisdictions;

WHEREAS, the City of East Grand Forks has identified the LaFave Park area of the Greenway Trail as an eligible and highly-competitive use of the Parks and Legacy Grant Program;

THEREFORE, BE IT RESOLVED that the City of East Grand Forks acts as legal sponsor for the project contained in the Park Legacy and/or Regional Park Application to be submitted on 28 September 2012 and that Scott Huizenga, City Administrator or his successors is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of East Grand Forks.

BE IT FURTHER RESOLVED that the City of East Grand Forks has the legal authority to apply for financial assistance, and financial capability to meet the match requirement and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that the City of East Grand Forks has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described on Item 4.

BE IT FURTHER RESOLVED that the City of East Grand Forks has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of East Grand Forks may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of East Grand Forks certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that the City Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of East Grand Forks on September 18, 2012.

SIGNED:

WITNESSED:

Council President _____

Request for Council Action

Date: September 18, 2012

To: East Grand Forks City Council and Mayor Lynn Stauss

Cc: File

From: Nancy Ellis, GF/EGF MPO Senior Planner

RE: Approval of the Legacy Grant proposal

Recommendation:

Consideration and Approval of the City's application to the Mn DNR Legacy Grant. The City is requesting \$465,000 (10% match by city) to construct elements of the LaFave Park concept plan found in the new Greenway Plan Update

Request:

The Greenway Technical Committee has updated the two cities Greenway Plan, which was first completed in early 2000's. This plan was written to provide goals, objectives, plans and concepts for the Greenway in Grand Forks and East Grand Forks. In the last 10 years since adoption, not all of the plans and concepts were completed or will come to fruition in the upcoming years. Therefore, the plan was reviewed and augmented with both cities approving the new Greenway Plan Update this year.

The City of East Grand Forks decided to focus most of their update on revising plans for the area between the Sorlie Bridge and the Louis Murray Bridge, known as the LaFave Park Area. The Committee prepared a plan and concept drawings of what the residents and greenway users would like to see in the area based on public comment and survey results. These plans improve an already heavily used area, making more outdoor recreational space available for all residents and visitors to use. The concepts approved were: natural playground with parking lot, lookout area, dedicated on-shore fishing areas with platforms, miscellaneous landscaping and plantings. These concepts meet the objectives of the DNR legacy grant. Therefore, I am requesting that the City of East Grand Forks consider applying for the grant to construct these projects

Attached is the narrative for the LaFave Park projects and concept drawings for each individual project. The estimated amount we will be requesting is approximately \$465,000 for all projects (engineering can be included in the grant request). No match is required, however, a match does give the applicant additional consideration for the grant funds. Therefore, providing a minimum of a 10% match (46,500) would be beneficial to our application. The following supporting documents are attached:

1. Solicitation letter from DNR for the grant.
2. Drawings and narrative of LaFave Park concept.
3. Cost estimate



Parks Legacy and Regional Park Grant Program

FY 2013 Grant Application

Use this application for both the Park Legacy and the Regional Park grant programs. These programs are identical except for the funding source and match requirements. The Park Legacy grants are funded with the Parks and Trails Fund and require no matching funds. The Regional Park grants are funded with the Environment and Natural Resources Trust Fund and require a 40% non-state match in the form of cash, donations, or in-kind services. Enter the amount of your grant request and match commitment in Item 1 for each grant program you are applying to.

Before completing this application please read the [FY 2013 Park Legacy Program Manual](#) and the [FY 2013 Regional park program manual](#) for further information Applicants may use the form provided for each item presented in the application or reproduce it in the same format. Please do not send your applications in binders, folders, or other plastic – a simple clip is enough. Use **Item 1 – Application Summary** as your cover sheet.

These programs are very competitive. Staff members are available to discuss your project or review application materials. You are encouraged to submit draft application or materials by September 3 if you would like staff to provide comments. Applications that are not complete or submitted by the application deadline will not be considered for funding.

For assistance, please contact

Joe Hiller	651/259-5538	joe.hiller@state.mn.us
Audrey Mularie	651/259-5549	audrey.mularie@state.mn.us

DNR Information Center: 1-888-646-6367 (Outside of the Metro Area)
651/296-6157 (Metro Area)

You may now submit your completed application either by mail or electronically.

By mail: Submit your application to:

Local Grants Program
Department of Natural Resources, Division of Parks and Trails
500 Lafayette Road, Box 52, St. Paul, Minnesota 55155-4052

Applications must be received or postmarked by September 28, 2012.

Electronically: Send a pdf version of your application to Joe or Audrey at the email address above. Have them confirm that your application has arrived in a useable form by the September 28, 2012 deadline.

ITEM 3- Project Narrative: Master Conceptual Plan

The concept behind the plan for LaFave Park is to create a family atmosphere, full of activities for the whole family to enjoy, while keeping the natural environment. Some activities include fishing (boat access is already present and shore fishing), a shaded picnic area and a natural playground. This plan also keeps the school activities held on this site, such as football games and bonfires. Open turf areas are great locations for family games, street fairs or music festivals.

This park is designed to keep pedestrians safe, but utilizing “signal trees” (trees that have a distinctive quality, such as form or color, to alert pedestrians), bollards to allow pedestrians and non-motorized transportation on trails, dedicated road crossings and keeping activities in proximity to keep crossing to a minimum.

The riparian area, or “no mow” area, has many benefits, including a naturalized area that slows and filters runoff, is aesthetically pleasing and requires less maintenance.

Lookout Area Concept

This area has the best views in the park, overlooking the riparian area, the Greenway, and the forks of the Red and Red Lake Rivers, making it an ideal location for viewing. This area features vegetation and shade for comfort, formal (benches) and informal seating (boulders), trash receptacle and is next to the trail system. This location is perfect for historical information; signage can direct views while education visitors.

Natural Playground Concept

Natural playgrounds differ from traditional playgrounds because they feature natural environmental elements versus manufactured equipment. Natural play environments are designed to stimulate children’s imagination and engage them in the outdoor world, instead of a structured play area. Natural playgrounds also educate children of natural processes. Natural playgrounds can easily be designed to encourage play at all skill levels, as this particular natural playground was designed. The parking lot has 8 spots (one ADA) and has a turnaround to accommodate vehicular traffic.

Some features of this play area will include: Hedge Maze for exploration, hiding and games; “Jungle” or “Sensory” Garden to explore and stimulate children; Sand River/Lake for play with boulder, rope, or bridge crossings; Concrete Slide; Berm “Field” for hiding and games; Rock “Pile” for climbing; Central “viewing” location for guardians; Bridges to walk over or crawl under; Vegetative Enclosures for children’s safety

Fishing along Shore

There will be dedicated locations along the riverbank that allows fishing. This area features graveled or small aggregate base with access to the roadway, formal (bench) and informal seating (boulder), an adjustable fishing platform and trash receptacle. Parking will also be provided.

Optional Planting List

(plants are native, flood tolerant, or low maintenance)

Sandbar Willow

Swamp White Oak

Eastern Cottonwood

Bur Oak

Red and Silver Maple Hybrid, such as Freeman

Linden

River Birch

Eastern Redbud

Spruce (tree and shrub)

Juniper

Yew

Amur Maple

Barberry

Burning Bush

Hydrangea

Spirea

Ninebark

Hosta

Feather Reed Grass

Blue Fescue

Blue Oat Grass

Bee Balm

Daylily

Coral Bells

Conceptual Plans



NATURAL PLAYGROUND CONCEPT

Natural playgrounds differ from traditional playgrounds because they feature natural environmental elements versus manufactured equipment. Natural play environments are designed to stimulate children’s imagination and engage them in the outdoor world, instead of a structured play area. Natural playgrounds also educate children of natural processes. Natural playgrounds can easily be designed to encourage play at all skill levels. The parking lot has 8 spots (one ADA) and has a turnaround to accommodate vehicular traffic.

Natural playgrounds can be developed as funds become available, and are great opportunities for the community or organizations to be involved.

Some features of this play area could include:

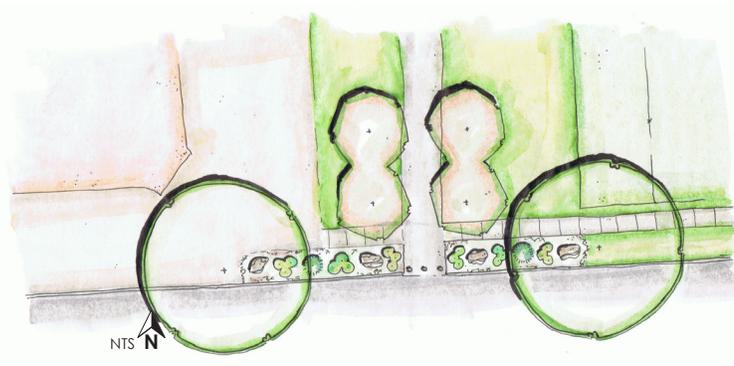
- Hedge Maze for exploration, hiding and games
- “Sensory” Garden to explore and stimulate
- Sand River/Lake Play area
- Wetlands Play area
- Natural Slide
- Berm “Field” for hiding and games
- Rock “Pile” for climbing
- Central observation location for guardians
- Bridges to walk over or crawl under
- Wood Wind Chime Station, wheelchair accessible
- Vegetative Enclosures for children’s safety





LOOKOUT AREA CONCEPT

This area has the best views in the park, overlooking the riparian area, the Greenway and the fork of the Red and Red Lake Rivers, making it an ideal location for viewing. This area features vegetation and shade for comfort, formal seating (benches), informal seating (boulders), and trash receptacle and is located near the trail system. This location is perfect for historical information; the interpretive panels will educate visitors.



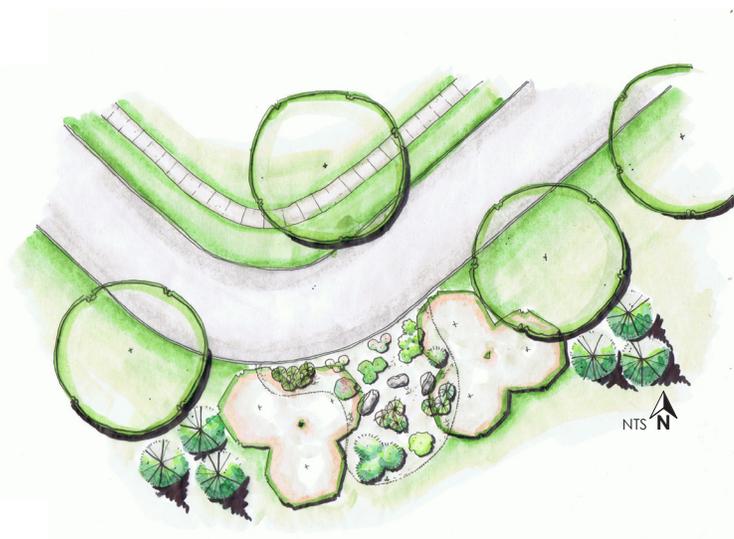
LANDSCAPING ALONG ROAD CONCEPT

This area originally had partial paved road access. As with the landscaped corner, this area will no longer allow vehicular access. To deter vehicles from driving, a permanent solution is needed, including curb and gutter, bollards, vegetation and boulders. No area will be wide enough to allow a vehicle through.



FISHING ALONG SHORE

This image suggests a typical location along the riverbank that allows fishing. This area features graveled or small aggregate base with access to the roadway, formal seating (bench), informal seating (boulder), an adjustable fishing platform and trash receptacle.



LANDSCAPED CORNER

Originally, a gravel road continues southwest off the paved road, toward the river. The vehicular traffic inhibits natural growth of the riparian area. By adding vegetation and boulders, this area would limit access to traffic and signal that this area is no longer drivable. Grasses and trees will fill in the riparian area. No area will be wide enough to allow a vehicle through.

Subject: Lafave Park
From: chipshea@polarcomm.com (chipshea@polarcomm.com)
To: nancy.ellis@theforksmmpo.org;
Date: Friday, September 7, 2012 3:25 PM

Nancy,

Here are some rough budgeting numbers for you to use on the Lafave Park grant application.

Looking at the concept drawings and what I would consider standard installation practices/materials this is what I have come up with for just the planting portions of the overall park concept:

Lookout Area: \$30,000

Car and Trailer Lot (trees and seeding only, not paving or gravel): \$5000

Landscaped Corner: \$10,000

Landscaping along road concept: \$7500.00

Fishing along Shore (gravel surfacing): \$8,000

As far as the Natural Playground Concept goes I would suggest aiming high and hoping for the best. There are so many cost variables and different types of elements to consider that it is very difficult to put an actual cost on it without doing more legwork. I would think that you could get a very nice area done for a budget of around \$200,000 and that would be figuring just a gravel pathway as designed and not a paved surface. I hope this helps.

Please let me know if you have any additional questions.

Chip Shea

Tim Shea's Nursery, Inc.

Owner/Landscape Contracting Manager/Landscape Designer

3515 S. Washington St.

Grand Forks, ND 58201

Phone: 701.772-3489

Fax: 701.772-0928

ITEM 4 - COST BREAKDOWN

Development (see Program Manual for eligibility)

Facility (e.g. picnic area, campground)	Description (linear feet, dimension of structures, number of components, etc.)	Estimated Cost	Expected Completion Date
natural playground	\$200,000 labor & materials	200,000	
parking lot (10 stalls)	landscaping \$ 5000 8 spots + 2 handicapped = \$45,000	50,000	
fishing areas (5)	Platforms - \$15,000 to 28,000/kit bench - \$8000 per bench; landscaping	175,000	
lookout area	benches - \$1000/bench x 2 landscaping 28,000 (signs)	30,000	
landscaped corner	\$ 10,000 defines corner w/ landscaping	10,000	
Total		465,000	

Land Acquisition

Parcel Identification Number or location	Acres	Appraised Value	Expected Acquisition Date
* DO NOT APPLY			
Total			

Request for Council Action

Date: September 11, 2012
To: East Grand Forks City Council and Mayor Lynn Stauss
From: Teri Kouba, Planner – EGF Transit
RE: MOU for Public Comment on Fare and Service Changes

GENERAL INFORMATION:

In June 2012 FTA came and did a review of East Grand Forks and Grand Forks transit. In this review it was pointed out that there was no policy for public comment on fare and major service changes. Currently the MPO Public Participation Policy is used for all transit public comment but it does not specifically have any statements for fare and major service changes. The attached MOU will cover this finding by the FTA review process.

RECOMMENDATION:

Staff recommends adoption of the MOU.

Support Material:

- Memorandum of Understanding Covering Public Participation within the Grand Forks-East Grand Forks Metropolitan Area

Memorandum of Understanding Covering Public Participation within the Grand Forks-East Grand Forks Metropolitan Area

This Memorandum of Understanding (MOU) is between the Grand Forks-East Grand Forks Metropolitan Planning Organization, hereinafter “MPO,” and the city of Grand Forks and the city of East Grand Forks, hereinafter collectively “Public Transportation Operator.”

WHEREAS, joint responsibilities for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process is defined and required by the United States Department of Transportation (USDOT) in regulations at *23 CFR 450 Subpart A – Transportation Planning and Programming Definitions; 23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming*, 23 U.S.C. 134 and 135; and 49 U.S.C. 5303 and 5304; and

WHEREAS, The regulations at *23 CFR 450.314 – Metropolitan Planning Agreements* and 49 CFR 613 – Metropolitan Transportation Planning and Programming direct that the metropolitan planning organization (MPO) and Public Transportation Operators shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement; and

WHEREAS, the Public Transportation Operator is the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 5307 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak; and

WHEREAS, nothing in this MOU shall be construed to limit or affect the legal authorities of the parties or require the parties to perform beyond their respective authority,

NOW, THEREFORE, the MPO and the Public Transportation Operator agree to cooperatively undertake a continuing and comprehensive transportation planning and programming process for the defined metropolitan planning area. The process will be completed in accordance with state and local goals for urban planning, the provisions of 23 U.S.C. 135, 49 U.S.C. 5303 and 5304, 23 C.F.R. 450, and 23U.S.C 5307, as amended, and the provisions of this Memorandum of Understanding, in which it is mutually agreed that each agency has the following responsibilities:

I. Public Comment Process on Fare / Service Changes

The parties must solicit and consider public comment before implementation of all changes in fares or significant changes in service.

A. Metropolitan Planning Organization

- Prepare and maintain a Long Range Transportation Plan that includes the operational and financial plans for the Public Transportation Operators
- Periodically consider amendments to the LRTP that may cause change in fares and/or changes in public transportation services
- Process proposed amendments in accordance with the adopted MPO’s Public Participation Plan

B. Public Transportation Operator

- Participate in the preparation and maintenance of the LRTP.
- Periodically consider changes to fares and/or services.
- Process proposed changes in fares and/or services as proposed amendments to the MPO’s LRTP.
- Participate in the public process as provided in the MPO’s Public Participation Plan

II. Definitions of Service changes

A. Definition of Temporary Service Changes

Temporary service changes are those that are in effect for a limited time period due to road construction, special events, etc., and are not intended to be permanent.

Temporary service changes shall be made administratively by the Public Transportation Operator. If a temporary service change is to become permanent, it should be evaluated to determine if it is minor or significant based on the following criteria.

B. Definition of Significant Service Changes

Route or service changes are considered significant if any of the following apply:

1. Elimination of a route
2. Addition of a route
3. Any change in routes in excess of 25% of the existing route mileage

4. Route changes that would reduce or eliminate service to schools, elderly/public housing, hospitals or social service agencies

All significant route changes would be subject to the amendment process of the MPO's LRTP and implemented after approval by the MPO.

C. Definition of Minor Service Changes

Route or service changes are considered minor if they are less than 25% of existing route mileage. Minor service changes shall be made upon approval of the Public Transportation Operator.

III. Period of Agreement

1. This Memorandum of Understanding shall be effective upon execution by the MPO and the Public Transportation Operator and may be terminated by any one of the parties by giving 90 days written notice to each of the other parties. This Memorandum of Understanding will remain in effect until terminated as provided in this clause, or until replaced by a new Memorandum of Understanding.
2. Any amendments to this Memorandum of Understanding must be mutually agreed to in writing.
3. It is mutually agreed that this Memorandum of Understanding will be reviewed (and amended as determined necessary) following the reauthorization of the current surface transportation authorization act.

The parties hereto execute this Memorandum of Understanding through their authorized representatives:

METROPOLITAN PLANNING ORGANIZATION

By _____
Chair of Grand Forks-East Grand Forks
Metropolitan Planning Organization

Date

PUBLIC TRANSPORTATION OPERATOR: City of Grand Forks, ND

By _____ Date
Mayor of Grand Forks, ND

PUBLIC TRANSPORTATION OPERATOR: City of East Grand Forks, MN

By _____ Date
Mayor of East Grand Forks, MN

Request for Council Action

Date: September 11, 2012
To: East Grand Forks City Council and Mayor Lynn Stauss
From: Teri Kouba, Planner – EGF Transit
RE: Transit Procurement Policy

GENERAL INFORMATION:

In June 2012 FTA came and did a review of East Grand Forks and Grand Forks transit. In this review there was a finding of not following the procurement policy. This policy was not available at the time of the bus purchase but it also did not have everything needed to create the documentation that FTA needs. The new document has all that is needed so that if it is a transit procurement that is not done often, like the bus, anyone who has not done the procurement before can do the job correctly. This document will be kept on file electronically and a hard copy will be on hand.

RECOMMENDATION:

Staff recommends adoption of the Transit Procurement Policy.

Support Material:

- Transit Procurement Policy

Request for Council Action

Date: September 11, 2012

To: East Grand Forks City Council and Mayor Lynn Stauss

From: Teri Kouba, Planner – EGF Transit

RE: Standard Operating Procedures and Policy Reference for all Cities Area Transit Employees

GENERAL INFORMATION:

The Standard Operating Procedures and Policy Reference for all Cities Area Transit Employees covers general information for employees as well as the needed information for vehicle maintenance, general safety/security, fixed route and paratransit procedures. This document is updated and revised as needed and was last revised in 2009. The City of East Grand Forks has never formally adopted this as their own for transit in East Grand Fork. Even though the employees are hired by Grand Forks for oversight purposes it is best to know the expectations of the person who operates the bus that is owned by the City of East Grand Forks.

RECOMMENDATION:

Staff recommends adoption of the Standard Operating Procedures and Policy Reference for all Cities Area Transit Employees.

Support Material:

- Standard Operating Procedures and Policy Reference for all Cities Area Transit Employees

RESOLUTION NO. 12-09-100

Council Member _____ introduced the following resolution and moved its adoption, which motion was seconded by Council Member _____:

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL
OBLIGATION BONDS, SERIES 2012A**

BE IT RESOLVED by the City Council of the City of East Grand Forks, Minnesota (the City), as follows:

SECTION 1. AUTHORIZATION AND SALE.

This Council has heretofore ordered various local improvements under Minnesota Statutes, Chapter 429 (the Improvements). It is hereby determined to be in the best interests of the City to issue its General Obligation Bonds, Series 2012A, in the aggregate principal amount of \$2,250,000 (the Bonds), pursuant to Minnesota Statutes, Section 412.301 and Chapters 429 and 475, to finance the Improvements, to finance various items of equipment and to refund the 2014 through 2024 maturities of the City's General Obligation Improvement Bonds, Series 2003, dated December 1, 2003.

SECTION 2. TERMS OF PROPOSAL.

Springsted Incorporated, financial consultant to the City, has presented to this Council a form of Terms of Proposal for the Bonds which is attached hereto and hereby approved and shall be placed on file by the City Administrator. Each and all of the provisions of the Terms of Proposal are hereby adopted as the terms and conditions of the Bonds and of the sale thereof. Springsted Incorporated is hereby authorized, pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, paragraph (9), to solicit proposals for the Bonds on behalf of the City on a competitive basis without requirement of published notice.

SECTION 3. SALE MEETING.

This Council shall meet at the time and place shown in the Terms of Proposal, for the purpose of considering proposals for the purchase of the Bonds and of taking such action thereon as may be in the best interests of the City.

APPROVED AND ADOPTED this 18th day of September, 2012.

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 18th of September, 2012.

Mayor

CERTIFICATION OF MINUTES RELATING TO
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2012A

Issuer: City of East Grand Forks, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on September 18, 2012, at 5:00 p.m. at the City offices in East Grand Forks, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (pages):

RESOLUTION NO. 12-09-100

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL
OBLIGATION BONDS, SERIES 2012A**

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on September 18, 2012.

City Administrator

Request for Council Action

Date: 9-6-2012

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

Cc: File

From: Jason Stordahl

RE: American Crystal Copper Nitrate Agreement

American Crystal must update one of their sugar testing lines. The new testing equipment requires them to use a reagent solution that contains small amounts of copper nitrate. Copper Nitrate in large amount could be harmful to waste water pond systems, but in small amount will have little or no effect.

I have spoken with MN Rural water, and MPCA to question whether or not to allow American Crystal to dispose of this solution into our sewer system. MPCA's opinion was that the copper nitrate discharge will most likely not cause issues with the EGF wastewater pond effluent discharge. And MN Rural water had a similar opinion.

I have requested that Mr. Galstad draft up an agreement between the City of East Grand Forks and American Crystal. The agreement would allow American Crystal to dispose of the copper nitrate reagent solution into the City's sanitary sewer system, with terms and conditions relieving the city of any liability.

Below I present the City Council with two options.

Option 1: The City council approves the agreement with American Crystal, and the City will allow American Crystal to dispose of copper nitrate reagent solution into to our sanitary sewer system based on the stipulations of the agreement.

Option 2: The City council does not approve agreement, and the Public Works Department will not allow American Crystal to dispose of copper nitrate reagent solution into our sanitary sewer system.

**CITY OF EAST GRAND FORKS
WASTEWATER TREATMENT
BEET SAMPLING AGREEMENT**

This agreement is between the City of East Grand Forks, Minnesota, acting through its Public Works Department hereafter referred to as the "City" and the American Crystal Sugar Company hereafter referred to as "ACS".

Recitals

ACS has changed processes for beet sampling which will include a small amount of copper sulfate. The City has been requested by ACS to be allowed to discharge copper sulfate into the City's Wastewater Treatment System. Copper sulfate is a toxic pollutant that is regulated by the MPCA through the State Disposal System permit. This agreement will control ACS's discharge of copper sulfate into the City's Wastewater Treatment System.

Agreement

1. Term of Agreement

1.1 Effective date: September 1, 2012, or the date the City obtains all required signatures, whichever is later.

1.2 Expiration date: July 31, 2013, or until earlier termination as addressed in this agreement.

2. Agreement between the Parties

ACS during the term of this agreement, unless earlier terminated may discharge copper sulfate through its beet sampling system. The discharge is limited to one sampling line. The City will monitor the ACS discharge by priority pollutant scan and whole effluent toxicity testing. If it is determined that the amount of copper nitrate being discharged is in violation of City Code Chapter 23 Sewer Regulations, causes MPCA to require pretreatment controls or increased monitoring, or if the discharge violates any other Federal, State or Local regulation that all costs including cleanup costs or penalties incurred by the City will be the sole responsibility of ACS.

3. Payment

The payment of any costs incurred by the City or penalty assessment to the City will be paid by ACS to the City within 30 days of the payment request by the City.

4. Authorized Representatives

The City's authorized representation is Jason Stordahl, Director of Public Works, 1001 Second Street N.E. East Grand Forks, MN 56721. Telephone (218) 773-1313

ACS authorized Representative is: _____

5. Assignment, Amendments, Waiver, and Contract Complete

5.1. Assignment. The ACS may neither assign nor transfer any rights or obligations under this agreement without the prior consent of the City and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.

5.2. 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.

5.3. Waiver. If the City fails to enforce any provision of this agreement, that failure does not waive the provision or its right to enforce it.

5.4. Contract Complete. This agreement contains all negotiations and agreements between the City and ACS. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

6. Liability

ACS will indemnify, save, and hold the City, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the City, arising from the performance of this agreement by ACS or ACS's agents or employees. This clause will not be construed to bar any legal remedies ACS may have for the City's failure to fulfill its obligations under this agreement.

7. Government Data Practices

The City must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the City under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by the parties.

If the City receives a request to release the data referred to in this Clause, the City will immediately notify ACS. The City will make the determination if the information will be released to the requesting party.

8. Venue

Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Polk County, Minnesota.

9 Termination

9.1. Termination. The City or ACS may terminate this agreement at any time, with or without cause, upon 30 days' written notice to the other party.

9.2. The City may terminate this agreement immediately if it is determined by the MPCA's Toxics Program that the discharge copper nitrate exceeds acceptable copper nitrate concentration levels.

Dated _____

CITY OF EAST GRAND FORKS

AMERICAN CRYSTAL SUGAR

BY: _____
Lynn Stauss, Mayor

BY: _____

BY: _____
Scott Huizenga
City Administrator

BY: _____

Request for Council Action

Date: September 4, 2012

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

Cc: File

From: Dave Aker

RE: Cemetery (Buy lots back)

Background:

At the July 25, 2012 cemetery meeting the commission talked about buying lots back if people don't want them anymore. It was decided that it would cost people 20% to sell their lots back to the City. To buy the lot and get a full refund did not seem right, they still have 30 days from when they first buy the lot to return it for a full refund. Charging 20% after that seems fair, on a \$500 lot it would be \$100 or on a \$1,000 lot it would be \$200.

Recommendation: The commission voted to charge 20% and I would recommend that we do the 20%.

Enclosures: Minutes from the July 25 meeting.

AMENDMENT TO SERVICES AGREEMENT

Safety Management Program

Contract Date: August 27, 2012

Contract Number: 28-2013

The services agreement entered into between Minnesota Municipal Utilities Association (MMUA) and City of East Grand Forks (East Grand Forks), dated August 30, 2011, contract number 28-2012, is amended as follows:

PART II, Section 1.

1. DURATION: This Agreement shall remain in force from October 1, 2012 until September 30, 2013 (the "expiration date").

PART III, Section 1.

1. COMPENSATION: For the services covered by this Agreement, East Grand Forks shall pay MMUA an annual fee of twenty-nine thousand two hundred fifty dollars and 00 cents (\$ 29,250.00) for the 2012-13 annual period. Such compensation shall be due and payable according to the selected payment terms below.

Payment terms for the fee agreed to above shall be based on one of the following options (select one):

- Annual Payment (\$29,250.00)
- Quarterly Payments (\$ 7,312.50 each)

For any term of less than twelve full calendar months, the fee shall be a portion of the annual fee, pro-rated based on the number of calendar months or partial calendar months in which the services were provided as a percentage of twelve (12).

The parties hereby accept the terms of the Agreement as modified.

City of East Grand Forks

By _____

Title _____

Date _____

Purchase Order # _____

Minnesota Municipal Utilities Association

By 

Title Executive Director

Date August 27, 2012

Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held August 16, 2012 at 5:00 P.M.

Present: Ogden, Brickson, Quirk

Absent: Tweten

It was moved by Commissioner Quirk second by Commissioner Brickson that the minutes of the previous meeting of August 2, 2012 be approved as read.

Voting Aye: Ogden, Brickson, Quirk

Voting Nay: None

It was moved by Commissioner Brickson second by Commissioner Quirk to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$1,426,445.66.

Voting Aye: Ogden, Brickson, Quirk

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Brickson to approve a spending limit increase for the transmission load agreement intervention between \$20,000 – \$25,000.

Voting Aye: Ogden, Brickson, Quirk

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Brickson to approve the proposal from Vilandre to install new water drinking fountains with a bottle filler at the Civic and VFW arenas.

Voting Aye: Ogden, Brickson, Quirk

Voting Nay: None

It was moved by Commissioner Brickson second by Commissioner Quirk to adjourn to the next regular meeting on September 6, 2012 at 5:00 P.M.

Voting Aye: Ogden, Brickson, Quirk

Voting Nay: None

Lori Maloney
Sec'y

Resurrection Cemetery Commission Meeting
July 25, 2012
12:00 Noon
City Hall – Conference Room

MINUTES

The East Grand Forks Resurrection Cemetery Commission met Wednesday, April 25, 2012 at City Hall at 12:00 pm. Commissioner Tucker called the meeting to order at 12:30 p.m.

Present were: Commissioner Dave Tucker, Commissioner George Wogaman, Commissioner Julie Marek, Alderman Wayne Gregoire and Executive Secretary Dave Aker. Guests were Phil Amundson and Dan Dahl.

Commissioner Wogaman made a motion to accept the minutes for April 25, 2012, motion was seconded by Alderman Gregoire; motion passed.

Executive Secretary Aker reviewed the financial minutes for April, May and June of 2012. Alderman Gregoire motioned that we accept the financial minutes; Commissioner Wogaman seconded the motion and motion passed.

OLD BUSINESS:

Secretary Aker said certified letters were sent out to all the people that are past due and owe on their note. There were only two that did not pay their bill and only one that didn't respond to the letter. The one that responded to the certified letter was Hipsher but they did nothing, therefore we will send them a certified letter giving them 30 days to pay their bill or lose the lots. The one that never responded to the certified letter was the Gamboas, therefore we will send them a certified letter telling them we are taking back the lots. It was decided that a note is out for three years and if they have not paid off their bill the lots will be taken back; Motioned by Alderman Gregoire and seconded the Commissioner Wogaman; motion carried.

Secretary Aker discussed the ground has been leveled on the North side and dirt has been added. The plan is to have the three slabs put in and possibly the sprinklers, we are planting grass now.

Winter burials were brought up again and what price we should charged. Secretary Aker said he went back over the price and he thought \$825 for digging the grave, \$125 for perpetual care, \$50 for cleaning snow off the area needed and \$250 deposit in case anything is damaged. The final cost would be \$1,000 with a \$250 deposit that would be returned if nothing is broken by the digging or cleaning of snow. Dan Dahl argued that he would have the customer come down here and pay the deposit, Secretary Aker said that would be fine but the grave would only be opened when they have paid the \$1,250. Phil Amundson said other cemeteries do that and he would have no problem with it because we give the customer the choice to have a burial or wait until the spring. Motion by Commissioner Marek that a total of \$1,250.00 be paid for winter burials, with \$250.00 being return if there is no damages in the spring; seconded by Alderman Gregoire; motion passed. Paul Amundson said we should have a policy written for winter burials.

There was also a discussion on vases being left out, Chairman Tucker said that we have an October 1 deadline and not all the vases are put away. Secretary Aker said he will look at pulling out the flowers and put the vases away after October 1 if some are left out, otherwise they are

responsible for damages to the vase. Motion that whenever possible vases be taken down by October 1 by; Alderman Gregoire seconded by Commissioner Wogaman; Motioned passed.

Chairman Tucker talked about ½ lots at the cemetery and asked how anyone felt about them. He said the Commission has set aside some lots to be turned into ½ lots. Dan Dahl asked what the price for a ½ lot and Secretary Aker said \$300 is what he is looking at. Dan said he is going to have to explain to people they can buy a full lot for \$500 and a half lot is going to be \$300. Secretary Aker said there is more work with putting in half lots compared to a full lot. Paul Amundson said this would be the first time he has heard of cemeteries having ½ lots and they we are entrepreneurs. He said there are people always looking for a half lot. The Commission decided to table the ½ lots until we can look in to it more.

Dan brought up there is two people buried in one lot, either a mother with cremates of a baby or father. Commissioner Tucker said that only one person can be buried in a lot. Dan said he has about a dozen people in the cemetery. Paul Amundson said that Grand Forks has a charge of 2nd right of interment for anyone buried in the same lot. Alderman Gregoire made the motion; 2nd right of interment 50% of whatever the current cost of lots; seconded by Commissioner Marek; motion passed.

A discussion on the handbook was cut short because of time, tabled until next meeting.

NEW BUSINESS:

Secretary Aker brought up the returning of lots and selling them back to the City. He said that people have wanted their money back with no regard for the charge of the lot. Commissioner Wogaman and Alderman Gregoire agreed that there should be a cost for selling the lots back. Motion by Commissioner Wogaman that a fee of 20% of the price of the lot for returning lot; seconded by Commissioner Marek; motion carried.

Chairman Tucker showed the perpetual fund is \$155,623.00 which he said is not bad. He would like to know what per cent we decided on for the perpetual fund and report at the next meeting. Secretary Aker said he would find the per cent.

Secretary Aker thanked Alderman Gregoire for his work during the Memorial Day with the flags. Alderman Gregoire said he put out 98 flags and only had enough for the entrance, the Legion must have thrown the others out by mistake, they said next year they would have enough.

Commissioner Wogaman made a motion to adjourn the meeting; Alderman Gregoire seconded it; Motion passed.

Meeting was adjourned!

RESOLUTION NO. 12 – 09 - 101

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 13848 for a total of \$2,014.33.

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 \$2,014.33 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 18, 2012.

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

Voting Nay:

Abstain:

The President declared the resolution passed.

Passed: September 18, 2012

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 18th 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 3rd Ward Council Member of the City of East Grand Forks.
2. The City of East Grand Forks check number 13848 for a total of \$2,014.33.
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 18, 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

17

User: mnelson
 Printed: 9/13/2012 - 3:01 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
13805	09/18/2012	ACM001	Acme Electric Companies	108.59	0
13806	09/18/2012	ADV001	Advanced Business Methods Inc	217.50	0
13807	09/18/2012	ALL004	Allpro Interior Care Inc	50.00	0
13808	09/18/2012	AME002	American Tire Service	54.00	0
13809	09/18/2012	AME008	American Tire Service Inc	491.01	0
13810	09/18/2012	AME005	Ameripride Linen & Apparel Services	175.05	0
13811	09/18/2012	AQU001	Aqua Water Solutions	49.60	0
13812	09/18/2012	BAL001	Balco Uniforms Co Inc	356.37	0
13813	09/18/2012	BAR005	Barnes Distribution	227.17	0
13814	09/18/2012	BRB001	Bryan D. and Randi K. Berger	5,000.00	0
13815	09/18/2012	BOB001	Bobcat of Grand Forks	1,520.72	0
13816	09/18/2012	BOR001	Border States Electric Supply	17.76	0
13817	09/18/2012	BOR002	Border States Trophy & Awards	64.05	0
13818	09/18/2012	BRI003	Brite-Way Window Cleaning	60.00	0
13819	09/18/2012	BUR004	Lisa Burlage	575.00	0
13820	09/18/2012	C&R001	C&R Laundry & Cleaners	241.08	0
13821	09/18/2012	CAR002	Carquest Auto Parts	301.36	0
13822	09/18/2012	GFT003	Donald Scott Cash	2,218.13	0
13823	09/18/2012	CIT001	Cities Area Transit	20,167.92	0
13824	09/18/2012	CUM001	Cummins NPower LLC	43.22	0
13825	09/18/2012	D&M001	D&M Auto Body	1,512.24	0
13826	09/18/2012	DAK011	Dakota Fire Protection Inc	343.54	0
13827	09/18/2012	DAK006	Dakota TV & Appliance	1,036.43	0
13828	09/18/2012	DAV002	Davis & Stanton	142.00	0
13829	09/18/2012	DIA001	Richard Papenfuss Diamond Cleaning	655.92	0
13830	09/18/2012	DUA001	Duane W. Nielsen Company	585.48	0
13831	09/18/2012	EFS001	Eastdale, LLC and First State Bank	122,000.00	0
13832	09/18/2012	EMP001	Emphasys Computer Solutions	1,832.16	0
13833	09/18/2012	ENV002	Environmental Equipment	964.01	0
13834	09/18/2012	EXP002	Exponent	193.00	0
13835	09/18/2012	FAR004	Fargo Water Equipment	762.84	0
13836	09/18/2012	FAR003	Farmers Elevator Co of Alvarado	805.60	0
13837	09/18/2012	FOR006	Foremost Promotions	309.92	0
13838	09/18/2012	G&K001	G&K Services	365.50	0
13839	09/18/2012	GAF002	Gaffaney's	725.95	0
13840	09/18/2012	GAL003	Galstad Jensen & McCann PA	11,670.50	0
13841	09/18/2012	GAR001	Garden Hut Inc	2,908.45	0
13842	09/18/2012	GEO001	George's Quick Printing	339.87	0
13843	09/18/2012	GFC001	GF City Utility Billing	16,190.72	0
13844	09/18/2012	GFH002	GF Herald	1,800.00	0
13845	09/18/2012	GFW001	GF Welding & Machine	22.10	0
13846	09/18/2012	GRA004	Grand Cities Towing	100.00	0
13847	09/18/2012	HAJ002	Rick Hajicek	427.50	0
13848	09/18/2012	HAR001	Hardware Hank	2,014.33	0
13849	09/18/2012	HEA001	Heartland Paper	532.51	0
13850	09/18/2012	HOM001	Home of Economy	48.23	0
13851	09/18/2012	HUG001	Hugo's	524.87	0
13852	09/18/2012	HUS001	Hussey Plumbing	437.45	0
13853	09/18/2012	INT008	Intoximeters Inc	137.98	0
13854	09/18/2012	INV001	Inventory Trading Company	402.00	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
13855	09/18/2012	JobsHQ	JobsHQ	999.96	0
13856	09/18/2012	DAY001	Jolanda Streifel	21.60	0
13857	09/18/2012	KEL001	Kellermeyer Building Service	1,603.13	0
13858	09/18/2012	LEA001	League of MN Cities	7,351.00	0
13859	09/18/2012	LEA002	League of MN Cities	41,722.60	0
13860	09/18/2012	LIT001	Lithia Payment Processing	311.75	0
13861	09/18/2012	LUM001	Lumber Mart	59.73	0
13862	09/18/2012	M&W001	M&W Services	301.39	0
13863	09/18/2012	MAR004	Marco	73.12	0
13864	09/18/2012	MAR001	Marco Inc	25.00	0
13865	09/18/2012	MCD001	McDonald's of EGF	42.63	0
13866	09/18/2012	MEN001	Menards	30.81	0
13867	09/18/2012	MID003	Midcontinent Communications	1,151.82	0
13868	09/18/2012	MIN001	Minn-Dak Asphalt Inc	74,350.00	0
13869	09/18/2012	MND006	VOID****VOID****VOID*** MN I	767.00	0
13870	09/18/2012	MMA001	MN Mayors Association	30.00	0
13871	09/18/2012	NEV001	Nevco Inc	127.49	0
13872	09/18/2012	NEW001	Newman Signs	1,820.00	0
13873	09/18/2012	NOR025	Greg Norman	375.00	0
13874	09/18/2012	NOR004	Northern Plumbing Supply	19.01	0
13875	09/18/2012	NOR024	Northland Yard Service	1,229.06	0
13876	09/18/2012	NOY001	Brian & Laurie Noyes	153.62	0
13877	09/18/2012	NWM001	NW MN Household Hazardous Waste	966.96	0
13878	09/18/2012	ORE001	O'Reilly Auto Parts	330.34	0
13879	09/18/2012	ODL001	Odland Fitzgerald Reynolds & Harbot	125.75	0
13880	09/18/2012	OPP001	Opp Construction	208,775.85	0
13881	09/18/2012	ORC002	Roger Orchard	29,372.65	0
13882	09/18/2012	PAR005	Paras Contracting	378,964.38	0
13883	09/18/2012	PDQ001	PDQ Sanitary Services	74.43	0
13884	09/18/2012	PET001	Peterson Veterinarian Clinic P.C.	129.01	0
13885	09/18/2012	POL001	Polk County Attorney-Widseth	1,361.71	0
13886	09/18/2012	POL006	Polk County Highway Department	2,864.00	0
13887	09/18/2012	POL004	Polk County Recorder	46.00	0
13888	09/18/2012	PRA003	Prairie Wind BG Inc	400.78	0
13889	09/18/2012	QUI001	Quill Corp	762.74	0
13890	09/18/2012	RAI001	Railroad Mgmt Co III LLC	724.77	0
13891	09/18/2012	RAW001	Shane or Samantha Raw	32.35	0
13892	09/18/2012	RIV002	Rivards Turf & Forage	717.99	0
13893	09/18/2012	ZAV001	RJ Zavoral & Sons	33,770.73	0
13894	09/18/2012	SLK001	Shawn Laque & Kalyn Horsch	5,000.00	0
13895	09/18/2012	STE001	Stennes Granite	475.00	0
13896	09/18/2012	STE009	Sterling Carpet One	1,055.50	0
13897	09/18/2012	K&H001	Kenley Stordahl	3,850.00	0
13898	09/18/2012	SUN002	Sun Dot Communications	126.99	0
13899	09/18/2012	TIG001	Tiger Direct.com	868.44	0
13900	09/18/2012	TON002	Tony Anderson Construction	23,241.82	0
13901	09/18/2012	TRI005	Tri-County Community Corrections	90.00	0
13902	09/18/2012	TRU001	True Temp	2,126.95	0
13903	09/18/2012	UNI013	University Station	28.29	0
13904	09/18/2012	UBB001	USABlueBook	106.15	0
13905	09/18/2012	USP002	USPS Postmaster	683.97	0
13906	09/18/2012	VER001	Verizon Wireless	570.08	0
13907	09/18/2012	VER005	Wesley T. and Elizabeth R.C. Vert	5,000.00	0
13908	09/18/2012	WAS001	Waste Mgmt	34,541.47	0
13909	09/18/2012	WAT001	Water & Light Department	38,998.77	0
13910	09/18/2012	WHI001	Whitey's Cafe Inc	122.78	0
13911	09/18/2012	WID501	Widseth Smith Nolting & Assoc Inc	370.00	0
13912	09/18/2012	WID001	Widseth Smith Nolting & Associates	36,056.55	0
13913	09/18/2012	WIL002	Wilbur-Ellis	242.00	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
13914	09/18/2012	HIG001	Paul Zavoral	1,000.00	0
				<u>1,148,270.55</u>	
Check Total:				<u>1,148,270.55</u>	