

**AGENDA  
CITY COUNCIL  
WORK SESSION  
CITY OF EAST GRAND FORKS  
SEPTEMBER 25, 2012  
5:00 PM**

**CALL TO ORDER:**

**CALL OF ROLL:**

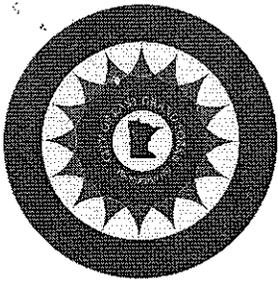
**DETERMINATION OF A QUORUM:**

- 1. BCTGM Local 167G Application for Private Use of Public Streets – Ron Galstad**
- 2. Request for Removal of Right Turning Lane on DeMers and 4<sup>th</sup> St – Greg Boppre**
- 3. Spring and Fall Residential Clean-up – Jason Stordahl**
- 4. Water and Light Commission Update – Henry Tweten**

**ADJOURN**

**Upcoming Meetings**

Closed Meeting – October 2, 2012 – 4:00 PM – Training Room  
Regular Meeting – October 2, 2012 – 5:00 PM – Council Chambers  
Feasibility Study Meeting – October 3, 2012 – 2:00 PM – Training Room  
Work Session – October 9, 2012 – 5:00 PM – Training Room  
Regular Meeting – October 16, 2012 – 5:00 PM – Council Chambers



# City of East Grand Forks

600 DeMers Ave · P.O. Box 373 · East Grand Forks, MN 56721  
218-773-2483 · 218-773-9728 fax · www.eastgrandforks.net

## APPLICATION FOR PRIVATE USE OF PUBLIC STREETS

License Fee: \_\_\_\_\_

Organization Information	
BCTGM Local 167G <i>Organization Name</i>	(701) 746-6133 <i>Organization Phone Number</i>
100 n. 3 <sup>rd</sup> St. Suite 50 <i>Organization Address</i>	G-Forks N.Dak. 58201 <i>City State Zip</i>

Applicant Information	
Melvin Morris <i>Applicant Name</i>	701 775-6544 <i>Applicant Phone Number</i>
1218 S. 19 <sup>th</sup> St. <i>Applicant Address</i>	G-Forks, N. Dak 58201 <i>City State Zip</i>

Private Use Request Information		
	Immediately <i>Start Time</i>	when lock out ends <i>End Time</i>
BCTGM local members shelter while exercising their Constitutional rights to protest and assemble to communicate the dispute to public <i>Explanation of Private Use</i>		
See map points (A) and (B) <i>Area of Private Use (include map)</i>		
<i>Special Requests (Staff, Road Closures, Etc)</i>		

I hereby certify that I have completely filled out the entire above application, together and that the application is true, correct, and accurate.

*Melvin Morris*  
*Signature of Applicant*

x 9-17-12  
*Date*

Melvin Morris  
*Print Name*

x Vice President Local 167G  
*Title*

# City of East Grand Forks Map



City of East Grand Forks  
Application for Private Use of Public Streets

Internal Use Only

The following items need to be completed and/or attached in order for the application to be processed:

\*Application fee paid in full:  yes  no  n/a

Payment Type:  cash  check # \_\_\_\_\_ Receipt # \_\_\_\_\_

\*Application completed in full and signed:  yes  no

\*Map of Private Use Area is provided:  yes  no

\*Copy of voluntary waiver of liability agreement for participants:  yes  no  n/a

\*Applicant – Release & Indemnification Agreement:  yes  no

\*Liability Insurance:  yes  no

\*MnDot (if applicable):  approved  denied  n/a

\*Appropriate Staff:  approved  denied  n/a

Notes: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Council Approval \_\_\_\_/\_\_\_\_/\_\_\_\_  approved  denied

Notes: \_\_\_\_\_

City Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*License Number \_\_\_\_\_

X Melvin Morris - REQUESTOR  
**RELEASE AND INDEMNIFICATION AGREEMENT**  
**CITY OF EAST GRAND FORKS, MINNESOTA**

**THIS IS A RELEASE OF LIABILITY INDEMNIFICATION AGREEMENT  
PRIVATE USE OF PUBLIC STREET HOLDER MUST READ CAREFULLY BEFORE SIGNING.**

In consideration for being permitted to engage in the following special event activities on the City of East Grand Forks' property:

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Private Use of Public Street Permit Holder hereby acknowledges, represents, and agrees as follows:

- A. We understand that the above described activities are or may be dangerous and do or may involve risks or injury, loss, or damage to us and/or third parties. We further acknowledge that such risks may include but not be limited to bodily injury, personal injury, sickness, disease, death, and property loss or damage, arising from the following circumstances, among others:

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(Holder initials here)

M.M. ✓

- B. If required by this paragraph, we agree to require each participant of the Private Use Holder to execute a **RELEASE AND INDEMNIFICATION AGREEMENT** for ourselves and for the City of East Grand Forks, on a form approved by the City of East Grand Forks.

Participant Release and Indemnification required? YES \_\_\_\_\_ NO \_\_\_\_\_

(Holder initials here)

M.M. ✓

- C. We agree to procure, keep in force, and pay for insurance coverage, from an insurer acceptable to the City of East Grand Forks, for the duration of the above described activities.

(Holder initials here)

M.M. ✓

City of East Grand Forks  
Application for Private Use of Public Streets

D. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby expressly assume all such risks of injury, loss, or damage to us or any related third party, arising out of or in any way related to the above described activities, whether or not caused by the act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Holder initials here) M.M. ✓

E. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we further hereby exempt, release and discharge the City of East Grand Forks, its officers, and its employees, from any and all claims, demands, and actions for such injury, loss, or damage to us or to any third party, arising out of or in any way related to the above described activities, whether or not caused by the act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Holder initials here) M.M. ✓

F. We further agree to defend, indemnify and hold harmless the City of East Grand Forks, its officers, employees, insurers, and self insurance pool, from and against all liability, claims, and demands, court costs and attorneys fees, including those arising from any third party claim asserted against the City of East Grand Forks, its officers, employees, insurers or self insurance pool, on account of injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property damage or loss, or any other loss of any kind whatsoever, which arise out of or are in any way related to the above described activities, whether or not caused by our act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Holder initials here) M.M. ✓

G. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby acknowledge and agree that said Agreement extends to all acts omissions, negligence, or other fault of the City of East Grand Forks, its officers, and/or its employees, and that said Agreement is intended to be as broad and inclusive as is permitted by the laws of the State of Minnesota. If any portion thereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.

(Holder initials here) M.M. ✓

H. We understand and agree that this **RELEASE AND INDEMNIFICATION AGREEMENT** shall be governed by the laws of the State of Minnesota and that jurisdiction and venue for any suit or cause of action under this agreement shall lie in the courts.

(Holder initials here) M.M. ✓

I. This **RELEASE AND INDEMNIFICATION AGREEMENT** shall be effective as of the date or dates of the applicable special event, shall continue in full force until our responsibilities hereunder are fully discharged, and shall be binding upon us, or successors, representatives, heirs, executors, assigns, and transferees.

(Holder initials here) M.M.N

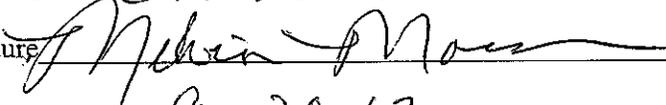
**IN WITNESS THEREOF, THIS RELEASE AND INDEMNIFICATION AGREEMENT** is executed by the Private Use of Streets Permit holder, acting by and through the undersigned, who represents that he or she is properly authorized to bind the Permit Holder hereto.

City of East Grand Forks  
Application for Private Use of Public Streets

**PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS  
HOLDER:**

Name Melvin Morris   
Title Vice President Local 1675 Unit 264  
Signature   
Date 9-20-12

**PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF PERMIT HOLDER:**

Name Melvin Morris  
Title Vice President Local 1675 Unit 264  
Signature   
Date 9-20-12

5th Ave NE

6th Ave NE

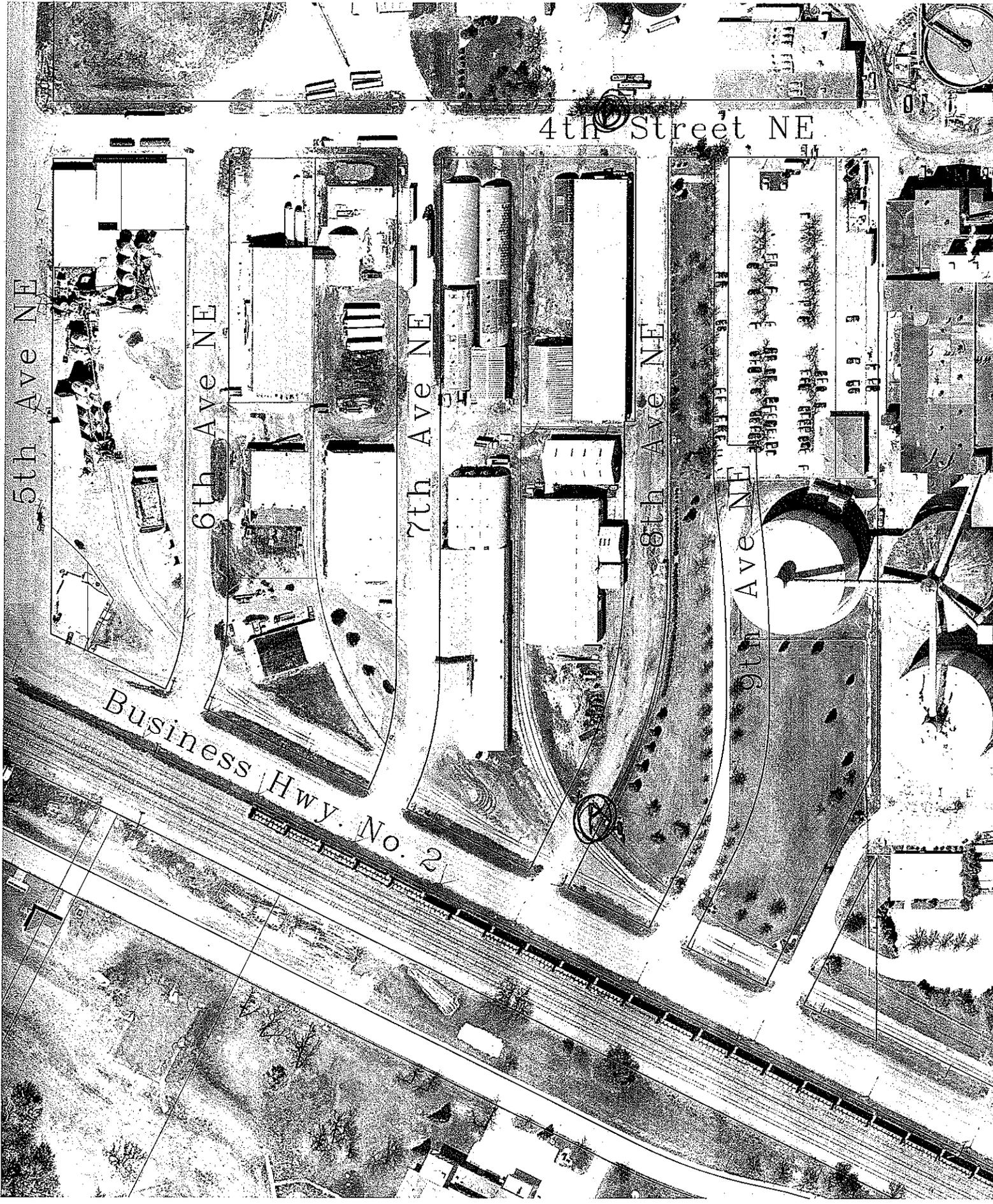
7th Ave NE

8th Ave NE

9th Ave NE

4th Street NE

Business Hwy. No. 2



## MEMORANDUM

TO: Scott Huizenga

FROM: Ronald I Galstad, City Attorney

RE: PARKING

DATE:9-20-2012

Regulation of on–street parking is to alleviate or prevent congestion of the public right-of-ways and to promote the safety and general welfare of the public by establishing parking requirements.

The City has generally followed the same parking regulations since 1981. Parking hours on the streets have been limited and our code has made it unlawful to park any vehicle on any street for a continuous period in excess of 24 hours. See City Code Section 72.09. For the purpose of enforcement any vehicle moved less than 1 block in a limited time parking zone shall be deemed to have remained stationary. See Section 72.09 (D).

Truck parking has also been restricted. A semi-trailer whether or not attached to a tractor trailer and trucks of over 10,000 pounds gross vehicle weight and tractor trailers and truck trailers have been unlawful to park in a residential district except for loading or unloading since 1995.

Parking of flatbed trailers, U haul trailers, farm tractors, road tractors, implements of husbandry, trucks with gross weight of more than 27,000 pounds road construction equipment, and any type of self-propelled construction equipment have also been illegal to park on any City Street for more than 12 hours. However, the City received complaints regarding the parking of trucks, trailers, campers and other equipment on City Streets in excess of twelve hours and generally that the parking congested traffic, created obstacles and safety risks and in 2006 amended the parking ordinance to make it illegal to park any of the above on any street for any length of time except with a valid permit that was issued for another legitimate purpose (i.e.) Road Construction or repair, Contractor's trailer for home remodeling or a vendor wagon for a sanctioned event. See Code Section 72.11 Truck parking (B) (2).

The parking ordinance was addressed again in 2010 to allow for parking of commercial vehicles for not more than 60 minutes (changed from 20 minutes) for allowing loading and unloading. This was amended because concerns that 20 minutes was not a long enough period of time.

Presently, the council has before it a request for a permit to allow two (2) flatbed trailers carrying a shed used for shelter on it to be parked within the street right-of-way. The parking of these trailers violates the City Parking ordinance.

To provide a brief history the local Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM) had established a lockout staging area on Business Hwy 2 in the City of East Grand Forks. The City received complaints about the staging area and local

representatives were asked to remove the structure. See attached letter. The Union representative also said the State of Minnesota asked that the staging area be removed for public safety purposes. Mark Froemke and Chuck Hughes asked if the shelter could be relocated to 8<sup>th</sup> Avenue N.E. The City expressed understanding of the need for shelter and that it would try to work with them to find a solution. The Union was informed that the staging area could be relocated almost anywhere as long as it was not on City right-of-way. The use of a camper or motorhome rather than the shelter that was made of pallets and a blue tarp was also suggested. The City was informed by the Union that shelter and staging area was moved to private property with permission of the owner. The City did not receive any further complaints regarding the staging area until recently.

The City received several complaints the week of August 26, 2012, regarding the location of the trailers on the right-of-way on 8<sup>th</sup> Avenue N.E. A letter was written addressing the issue asking for the immediate removal of the trailers. See attached letter dated August 30, 2012. The letter was mailed as well as emailed to the union representatives.

On Tuesday September 4, 2012 as I received several voice mail messages addressing the letter and I spoke with the representative of the AFL/CIO. I asked to be provided with one contact person and was told the matter was being turned over to their attorney and the attorney would be contacting me. Meanwhile the trailers were not removed.

On Friday September 7, 2012 I received a voicemail message from Greg Corwin attorney for the Union. In the voicemail he indicated that the City was violating the Union's First Amendment right and the right to picket. He also stated that the City was trying to hide the Union by locating them out of public sight. He said that the Union was considering a law suit against the City if we maintained our position. I returned his call and left a message emphasizing our neutrality regarding the Employer's lockout and that the City was not restricting the Union's right to picket or assemble only that they do so in a civil and lawful manner.

I spoke with Mr. Corwin on Monday September 10, 2012 and had a cordial conversation. I asked Mr. Corwin for cooperation to remove the trailers or I would be required to follow the same process as we would for towing any other illegally parked vehicle; he stated he would contact the Union and have them take care of it. The trailers were not removed so on Thursday September 13, 2012 I called and left Mr. Corwin a courtesy message that since the trailers had not been removed that a 24 tow tag would be put on the trailers and they would be towed if not removed. I also had another phone conversation with an AFL/CIO representative and he stated that we would need to move the trailers because the Union would not be doing it.

On Friday September 14, 2012 I contacted Sargent Anderson to check on the trailers to see if they were gone and if not to have them towed to the impound lot. Officer Anderson made numerous attempts to get the Union to cooperate. It took over 3 hours of working with the Union and finally telling them that in 15 minutes they would be towed for the Union to relocate the trailers. (See attached a copy of Sargent Anderson's report).

Sargent Anderson notified the Union that a permit process was available for private use of a public street and after the Union moved the trailers to the property of Skinner Roofing they came to City Hall and the requested a permit application.

City Code Section 96.13 provides the City Council the authority, permission and procedure to grant private use of a public street. 96.13(A) provides that upon application made to the City Administrator and reviewed and recommended by the Chief of Police, the Council may, in its discretion, grant special permission whereby on street parking or the use of city-owned lots, ramps or sidewalks may be temporarily or permanently prohibited or restricted for private reasons. Examples are provided for leased parking, loading zones, display of merchandise. See attached Section 96.13.

The code provides a process for any aggrieved person, at any time and by reason of any specific special permission so granted, the Council shall at its next regularly scheduled meeting call a hearing to be held within 10 days' notice to decide to terminate, continue or redefine the terms of the permission.

Presently, the council has an application to allow two (2) trailers to provide shelter for union members that are locked out from employment at American Crystal Sugar. The Union has asked that the trailers be allowed to be located at specific sites. The reason for the selected location has not been recited. The term of the parking permit has not been recited. Further, the waiver of liability and indemnification has not been provided.

The primary purpose of a parking ordinance is to promote public safety, to prevent traffic congestion, and to keep the City's right-of-ways clear for street maintenance, including snow removal. When viewing the parking ordinance as a whole allowing the placement of the trailers in the City right-of-way clearly is at odds with the promotion of public safety. The permit process is generally used for a temporary purpose (i.e.) parades, temporary vendors, sidewalk sales, and special events. These uses are short term and temporary in nature, usually not more than two days. Additionally, for these types of uses the City typically closes down the streets, steps up police patrol, and place barriers with permanent reflectors or reflective tape and orange warning cones to address public safety issues.

For more long term uses, private or leased parking or loading zones the City places signs informing the public of the private use. The private use does not differ greatly from the public use (i.e.) parking and does not increase a risk to public safety. By definition the use for parking or loading is for a vehicle that is mobile in nature, a self-propelled motor vehicle. If it needs to be moved; calendar parking, street cleaning, street maintenance, snow removal the vehicle can be started up and driven away on its own.

The permit request by the Union to maintain trailers with structures create obstacles that increase public safety risks. To create a lockout staging area in the requested locations prevents the City from taking the ordinary public safety precautions. Streets cannot be closed because of the businesses in the area. Protective barriers for the public and other vehicular travel cannot be used because they will block the right-of-way, further restricting street cleaning, maintenance and snow removal. The staging area not only has trailers but the trailers have propane tanks,

garbage cans, burn barrels and other items used by the picketers creating additional obstacles and public safety concerns.

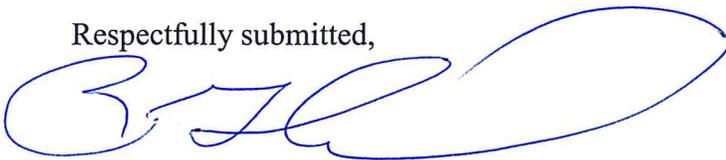
Winter in Minnesota causes other problems. Snow removal equipment poses a danger to pedestrians and the potential to cause property damage for anything that is in its path. The calendar parking and emergency snow removal ordinance require that the trailers be removed at a minimum weekly. See City Code section 72.10. If vehicles, trailers or other equipment are not moved they are either towed or the snow removal operator needs to go around creating the potential for damage or leaving significant amounts of snow in the roadway. Snow in the roadway creates snow banks preventing clear egress and ingress. The purpose of the parking restrictions is promoting public safety and prevents encountering obstacles during the snow removal process. Failure to follow the parking ordinance causes expense to the city and the need to tow vehicles, trailers and other obstacles that have not been removed.

Currently other alternatives are available which do not require a permit. Presently permission of Skinner Roofing Company to use its property for the shelters has been granted. The use of private property to park the trailers for shelter does not violate City Code and the present location is within 20 yards of the requested location on 8<sup>th</sup> Avenue N.E.

Another alternative, private campers or motorhomes may be legally parked on the public street for 12 hours. This option would not create the need to for private use of the public street. It would provide the shelter from the elements and each shift of picketers when reporting could tow the camper to the site and when leaving could take it with them. A motor home could be driven to the site and driven home each day.

The ordinance requires that Chief of Police be consulted regarding a permit request and that the Chief recommend issuance of the permit, for the above referenced reasons the Chief of police does not recommend granting the permit. Further, it would be my recommendation to deny the permit because the need to promote the primary purpose of the ordinance, public safety and an obstruction free right-of-way outweighs the need to place shelters in the right-of-way. Denying the permit does not violate the Union's First Amendment Right nor does it prevent them from picketing in a lawful manner, when and where they choose. Issuing the permit and placing the trailers in the right-of-way substantially increases the liability of the City, with or without an indemnification agreement but more importantly it increases the risk of injury to persons and property, both for the general public and the picketing employees.

Respectfully submitted,



Ronald I. Galstad  
City Attorney

**§ 72.07 ANGLE PARKING.**

Where angle parking has been established and is allowed, as shown by curb marking or sign posting, or both, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of 1-way traffic; it is unlawful to park in violation of this section.

(1981 Code, § 8.07) Penalty, see § 70.99

**§ 72.08 STREETS WITHOUT CURB.**

Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; it is unlawful to park in violation of this section.

(1981 Code, § 8.08) Penalty, see § 70.99

**§ 72.09 PARKING HOURS.**

Parking on streets shall be limited as follows.

(A) It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of 24 hours.

(B) The Chief of Police may, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or 5-minute, 10-minute, 15-minute, 30-minute, 1-hour, 2-hour, 4-hour, 6-hour, 8-hour, morning or afternoon rush hour limited parking zones and shall mark by appropriate signs any zones so established. The zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone for a period in excess of the sign posted limitation or during sign posted hours of prohibited parking.

(C) It is unlawful for any person to remove, erase or otherwise obliterate any mark or sign placed upon a tire or other part of a vehicle by a police officer for the purpose of measuring the length of time such vehicle has been parked.

(D) For the purpose of enforcement of this section, any vehicle moved less than 1 block in a limited time parking zone shall be deemed to have remained stationary.

(1981 Code, § 8.09) (Ord. 8, 3<sup>rd</sup> Series, eff. 6-6-1981) Penalty, see § 70.99

(4) During such hours that the calendar parking prohibitions are in effect, the owner or occupant of real property adjacent to any street, avenue, road, court, drive, or cul-de-sac may park operable, registered, licensed and insured motor vehicles on the city right-of-way between the curb and the sidewalk (or adjacent to the curb if there is no sidewalk) commonly referred to as the berm, with the exception that such owner or occupant of real property may only park the motor vehicles on the portion of the berm that is immediately adjacent to the residence occupied by the owner or occupant, and with the further exceptions that the parking shall not be permitted within 10 feet of an intersection or corner, or within 10 feet of a fire hydrant, and that the parked motor vehicles shall not block a sidewalk. (Ord. 107, 3<sup>rd</sup> Series, eff. 1-12-1990; Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-19-2006)

(C) *Presumption.* For purposes of this section, any motor vehicle or trailer parked or left on a roadway or right-of-way of the city in violation of this section shall be presumed to have been parked or left by the registered owner of the motor vehicle or trailer. (Ord. 78, 3<sup>rd</sup> Series, eff. 10-24-1986)

(D) *Snow emergency.* A snow emergency automatically goes into effect when 2 inches or more of snow has fallen until the streets are cleaned. Under a snow emergency, no parking on any city street is allowed until that street has been cleared to its full width. Violators will be ticketed and towed. (Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-19-2006)  
(1981 Code, § 8.10) Penalty, see § 70.99

### § 72.11 TRUCK PARKING.

(A) Unless specifically designated by the Council by resolution and sign posted permitting such parking, it shall be unlawful to park a semi-trailer, whether or not attached to a truck tractor, within an area zoned as a residential district, or a neighborhood that is primarily residential in nature and scope.

(B) (1) It is unlawful to park a truck (other than a truck of 10,000 pounds gross vehicle weight, or less, with a wheelbase of no more than 170 inches), truck trailer, tractor trailer or truck tractor within an area zoned as a residential district except for the purpose of loading or unloading the same. (Ord. 180, 3<sup>rd</sup> Series, eff. 6-29-1995)

(2) It is unlawful to park any of the following on any city street or municipally owned parking lot: truck-tractor, farm tractor, road tractor, semitrailer, commercial motor vehicle, mobile crane, flatbed trailer, trailers, implements of husbandry, road construction equipment, and any other type of self-propelled construction equipment. An exception to this section is allowed for any construction project or event for which a permit has been issued.

(a) *Example 1.* Road construction or repair authorized by the City of East Grand Forks;

(b) *Example 2.* Contractor's trailer for home remodel/siding equipment which has been authorized by the City of East Grand Forks; and

(c) *Example 3.* Vendors for Cats Incredible.  
(Am. Ord. 292, 3rd Series, passed 8-1-2006)

(C) It is unlawful to park a commercial vehicle of more than 12,000 pounds gross vehicle weight upon any street in the business district except streets as specifically designated by the Council by resolution and sign posted, but parking of such vehicle for a period of not more than 20 minutes shall be permitted in such space for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

(D) It is unlawful to park a truck or other vehicle using or equipped with a trailer, or extended body or other extension or projection beyond the original length of the vehicle, or any passenger bus, diagonally along any street except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted; provided, however, that a truck may stand backed up to the curb if the weight or bulk of the load makes parallel parking impracticable, but then only for a period of time sufficient to load or unload.

(E) Parking of commercial vehicles is permitted in duly designated and sign posted loading zones, and in alleys, for a period of up to 20 minutes, provided that the alley parking does not prevent the flow of traffic therein, all of which shall be for the purpose of access to abutting or adjacent property while actively loading or unloading.

(1981 Code, § 8.11) (Ord. 8, 3<sup>rd</sup> Series, eff. 6-6-1981) Penalty, see § 70.99

## § 72.12 PARKING RULES IN MUNICIPAL PARKING LOTS AND RAMPS.

In municipally-owned parking lots and ramps, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, provided that such limitations and restrictions are sign posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marked by 1-way signs or arrows, or to park any vehicle in any municipally owned parking lot or ramp contrary to the restrictions or limitations sign posted therein.

(1981 Code, § 8.12) Penalty, see § 70.99

## § 72.13 IMPOUNDING AND REMOVING VEHICLES.

When any police officer finds a vehicle standing upon a street or municipally-owned parking lot in violation of any parking regulation, the officer is authorized to require the driver or other person in

- Wednesday – District 2
- Thursday – District 1
- Friday – District 3

(3) It shall not be unlawful to otherwise lawfully park a vehicle with its motor idling on any street for a duration of 5 minutes or less during the time periods in which parking is restricted as set forth in this section.

(4) During such hours that the street maintenance parking prohibitions are in effect, the owner or occupant of real property adjacent to any street, avenue, road, court, drive, way or cul-de-sac may park operable, registered, licensed and insured motor vehicles on the city right-of-way between the curb and the sidewalk (or adjacent to the curb if there is no sidewalk) commonly referred to as the berm, with the exception that such owner or occupant of real property may only park the motor vehicles on the portion of the berm that is immediately adjacent to the residence occupied by the owner or occupant, and with the further exceptions that the parking shall not be permitted within 10 feet of an intersection or corner, or within 10 feet of a fire hydrant, and that the parked motor vehicles shall not block a sidewalk.

**(C) *Presumption.*** For purposes of this section, any vehicle or trailer parked or left on a street or right-of-way of the city in violation of this section shall be presumed to have been parked or left by the registered owner of the vehicle or trailer.

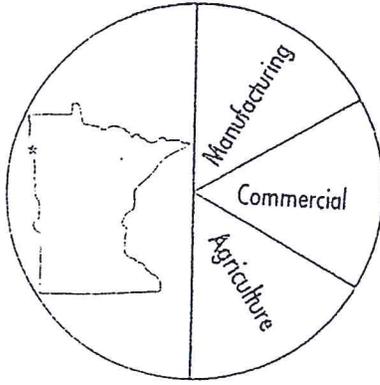
**(D) *Snow emergency.*** A snow emergency automatically goes into effect when 2 inches or more of snow has fallen until the streets are cleaned. Under a snow emergency, no parking on any city street is allowed until that street has been cleared to its full width. Violators will be ticketed and towed

#### **Section 4.**

SECTION 72.11 TRUCK PARKING subdivision (C) shall be amended to read as follows:

#### **SECTION 72.11 TRUCK PARKING**

**(C)** It is unlawful to park a commercial vehicle of more than 12,000 pounds gross weight upon any street in the Commercial/Industrial District as defined in the City Zoning Ordinance except streets as specifically designated by the Council by resolution and sign posted, but parking of such vehicle for a period of not more than 60 minutes shall be permitted in such space for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.



# City of East Grand Forks

*"Center of the Rich Red River Valley"*

EAST GRAND FORKS, MINNESOTA 56721

RONALD I. GALSTAD  
City Attorney  
P.O. Box 386  
East Grand Forks, MN 56721  
Phone: 218-773-9729  
Fax: 218-773-8950

October 24, 2011

VIA U.S. MAIL & FACSIMILE  
TRANSMISSION (701) 746-8491

BCTGM Local 167G  
100 N 3rd St. Suite 50  
Grand Forks, ND 58203

RE: **American Crystal Sugar**

Dear Local BCTGM Representatives:

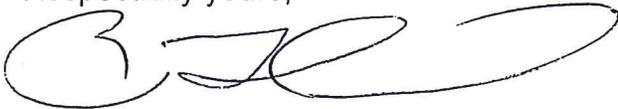
Complaints have been brought to the attention of the City Administrator regarding the strike staging area. It has been described to the City as a "Junk Pile." The complainant empathizes with the union members and acknowledges their right to strike but have raised concerns about public/City image. They feel that the community as well as the Union should be embarrassed at how the area is kept. The City of East Grand Forks respects the Union and its member's rights but now that we have received complaints we must ask that the union members follow City Code.

The city ordinances prevent storage of firewood unless it is fully enclosed. Additionally, the City Code restricts any type of structure in the road right of way. I must ask that the union respect the law and remove all structures from the right of way immediately; the blue-tarped pallet enclosure, canopy and firewood. I would ask that the union clean up the area and in doing so ask yourself if the staging area was across the street from your home how would you want it to look. Enclosed is a copy of photograph that shows the public concerns.

The City anticipates the Union's full cooperation so that this matter can be resolved short of police intervention. To date the City and the Union have not had any significant situations regarding Union conduct. The City staff and City Council greatly appreciate your assistance in handling this issue in a civil manner as well. Please have the site cleared no later than the morning of Wednesday October 26, 2011.

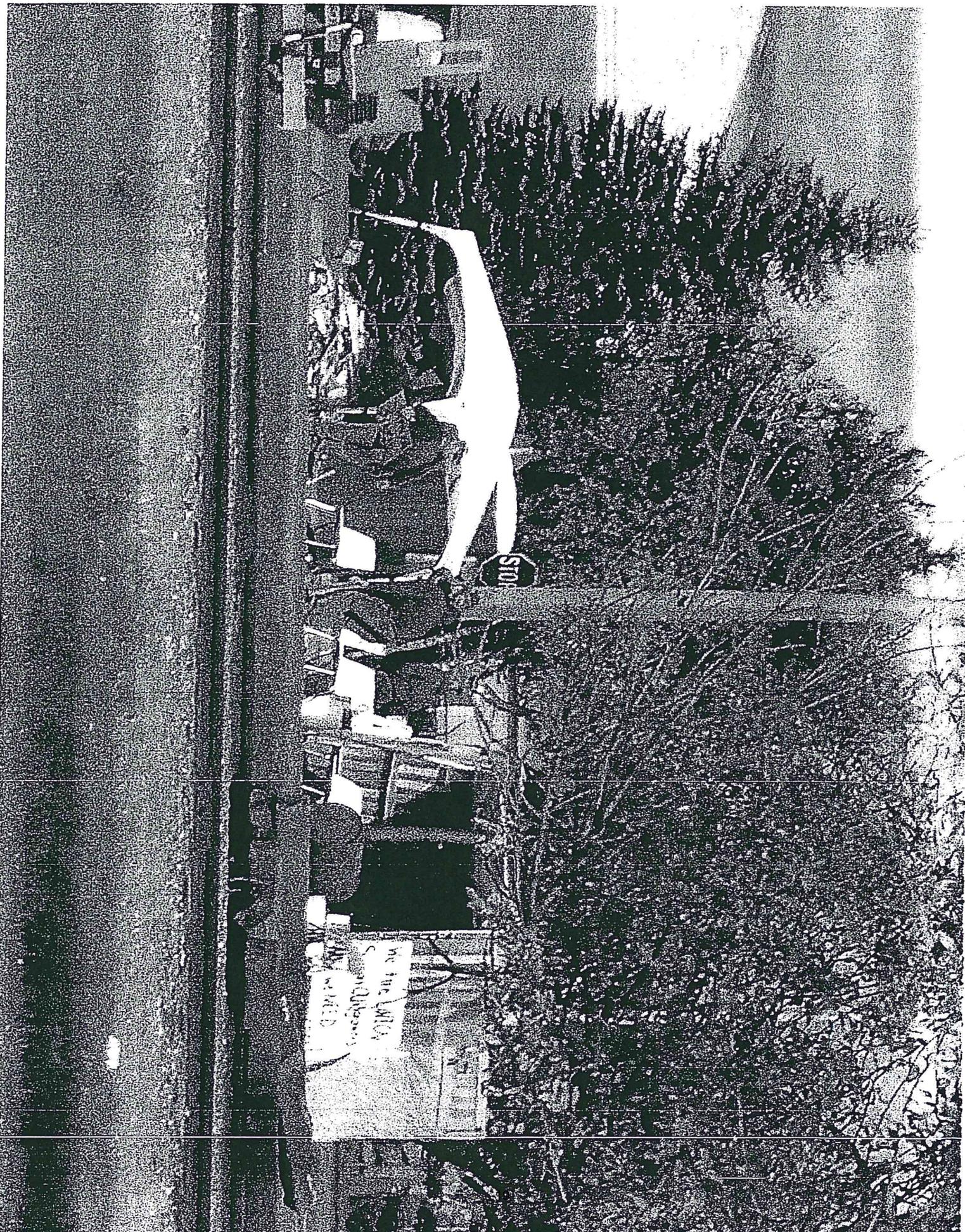
Thank you.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'R. Galstad', written in a cursive style.

Ronald I. Galstad

City Attorney



August 30, 2012

BCTGM Local 167G  
100 N 3rd St. Suite 50  
Grand Forks, ND 58203

**RE: American Crystal Sugar**

Dear Local BCTGM Representatives:

Complaints have been brought to the attention of the East Grand Forks Police and the City Administrator regarding the lockout staging area. Presently, the union has two trailers parked on 8<sup>th</sup> Avenue N.E. It is a violation of City Code section 72.11 (B)(2) to park any trailer etc., on any street, or municipally owned parking lot. I must insist that the trailers be removed immediately. Additionally, to make sure that there is no misunderstanding no other obstruction, structure or fire is allowed over, across or under any street right-of-way pursuant to City Code section 96.09 (A),(B), and (D).

Next, the City does understand that the members may need a shelter from the elements so I would like to point out as previously discussed with union officials that the City Code under section 72.04 permits the parking of a camping trailer on or within the limits of any street, right-of-way or municipal parking lot but not for more than 12 consecutive hours. If you need shelter for your members I would suggest using a camping trailer as indicated above.

Lastly, we have also received complaints that some of the union members while picketing are approaching and are interfering with the free flow of traffic entering and leaving American Crystal Sugar. Pursuant to Minnesota Statute section 179.13 it is unlawful for any person to interfere with the free and uninterrupted use of public roads and streets or to wrongfully obstruct ingress and egress from any place of business or employment; please remind your members to act lawfully when picketing the plant.

The City appreciates the Union's position regarding this labor dispute and its right to make their position known while picketing, however it must be performed in civil and lawful manner. The City staff and the City Council greatly appreciate your assistance in handling this issue in a civil manner and anticipate the Union's full cooperation so that these issues can be resolved short of police intervention.

Thank you.

Respectfully yours,

Ronald I. Galstad  
City Attorney.

CC: Ron Baker  
Mark Froemke  
Lloyd Kennedy  
Scott Huizenga  
Lynn Stauss  
Mike Hedlund

# EAST GRAND FORKS POLICE DEPARTMENT INITIAL COMPLAINT REPORT SUMMARY

Case Number	12003320	Report Date	9/14/2012	Time Assigned	10:00:00 AM
Date Occured	9/14/2012			Time Arrived	10:00:00 AM
Time Occured				Time Cleared	12:56:00 PM

**Reported By**

Name	Address	City	ST	Zip	Phone
561 ANDERSON, MIKE					(218) 207-9566

Offense	NIBRS	State	Local
Parking Violations (All Other)			

Date	Status
09/14/2012	Pending

Michael Anderson	561	Officer Assigned
Michael Anderson	561	Shift Supervisor
Tony Hart	580	Call Received By

Location 400 blk 8th Ave NE

**Notes**

City attorney requesting we enforce parking regulations regarding trailer parking for the two crystal sugar "huts" on snowmobile trailers parked on 8th Ave NE. They had been tagged for towing the day before. Alternative measure was found. See narrative for details.

# EAST GRAND FORKS POLICE DEPARTMENT

## NARRATIVE #1

ORI MN0600200

Case Number 12003320

Date 09/14/2012

Officer Michael Anderson

561

 Release to the Public

STATEMENT BY SGT MIKE ANDERSON #561

### EGF City Ordinance 72.11 (B) (2); TRUCK PARKING

It is unlawful to park any of the following on any city street or municipally owned parking lot: truck-tractor, farm tractor, road tractor, semitrailer, commercial motor vehicle, mobile crane, flatbed trailer, TRAILERS, implements of husbandry, road construction equipment, and any other type of self-propelled construction equipment. An exception to this section is allowed for any construction project or event for which a permit has been issued.

This is the ordinance I was requested to enforce on the direction of City Attorney, Ron Galstad. Yesterday, on his request, officer Hart had placed 24 hour tow tags on two trailers being used as shelter for the locked out Crystal Sugar workers. Apparently, the city had received complaints about the trailer's continued presence and Galstad had begun addressing the issue in August. He had correspondence with the Union's attorney on 8/31/12 in which he spelled out the city ordinance, informed their attorney that both trailers were in violation and requested that they voluntarily move them. According to Galstad, the union attorney indicated that he would "get it taken care of".

As of 9-13-12 at 0900, the trailers had not yet been moved and were tagged for towing by Officer Hart. I followed up today on Galstad's request and found both trailers to still be in place. I met with a few of the locked out workers and one representative of the AFL-CIO who seemed to take it upon himself to be the spokesman for the group. I informed him that the trailers were in violation of city parking ordinance and that they would have to move them or I would have them towed today. His reply was "WELL, I GUESS YOU HAVE TO DO WHAT YOU HAVE TO DO".

Over the course of the next 3 hours, through what I felt was very civil discussion, I suggested several alternatives to having the vehicles towed, all of which required some action on the part of the locked out union. I will spell each alternative out in a minute, but each suggestion was met with a similar response from the AFL-CIO rep and was always something along the lines of "WE'LL THINK ABOUT IT". Additionally, they tasked me out with several "fact finding" tasks to which I obliged them.

Option #1 was to have them apply for a permit to park their trailers as indicated in the ordinance. I was requested to find out how they would go about doing this and also produce a copy of the applicable city ordinance for them. I spoke with Scott Huizenga, city administrator, and he was able to find a permit application and informed me that they could certainly apply for this permit and it would be put on the agenda for consideration by the city counsel next Tuesday at their regularly scheduled meeting. I returned to the locked out workers and explained what I had learned to the AFL-CIO rep and provided him with a copy of the ordinance. He was told that he could go to city hall immediately and apply for a permit but that the issue wouldn't be decided until Tuesday at the earliest and the trailers would still have to be moved today. He replied "WE'LL THINK ABOUT IT".

I then suggested that they obtain campers or "winebagos" since these types of vehicles are allowed on city streets for short periods of time. The AFL-CIO rep replied "OUR WORKERS CAN'T AFFORD WINEBAGOS". I explained that there were certainly people in this city that were sympathetic to their cause who could loan them one and I received another "WE'LL THINK ABOUT IT".

One of the workers then relayed that they had received permission from SKINNER ROOFING who owns property adjacent to where they were currently demonstrating. It was then suggested that they simply move their trailers across the street, provided they stay off city property (60" right of way, 30' each direction of the center of the roadway). Again, they stated that they were going to "THINK ABOUT IT".

I suggested that they go to the city engineer's office (formerly Floan and Sanders, now Widseth, Smith, Nolting) and obtain clarification on the property lines for SKINNER's property to ensure they were off city property if and when they chose to move across the road. The AFL-CIO rep requested that I do this for them. I again left and obtained copies of maps showing SKINNER owns every relevant north of the intersection of 8th Ave NE and the abandoned railroad line. I returned and provided the group with this information and told them as long as they stay 30 feet from the railway and 30 feet from the center of 8th Ave NE, they would be on private property. The AFL CIO rep again was non-committal and I told him that the trailers needed to be moved in 15 minutes or I would impound them. One of the workers then approached me and explained that they had been waiting for keys to arrive to unlock the ball hitches and that they now had the keys and were in the process of moving the trailers.

# EAST GRAND FORKS POLICE DEPARTMENT

## NARRATIVE #1

ORI

Case Number

Date

Officer

Release to the Public

I checked back after lunch and found the trailers to now be on private property. All conversations had been video/audio taped using my in-squad camera and were downloaded at the station. This report was prepared and Ron Galstad was provided with a copy.

EOR Anderson/561

**§ 96.11 REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.**

(A) *Requirement of sewer and water laterals.* No petition for the improvement of a street shall be considered by the Council if the petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along the street will be served by the utilities installed in the street.

(B) *Waiver.* The Council may waive the requirements of this section only if it finds the effects thereof are burdensome and upon the notice and hearing as the Council may deem necessary or proper. (1981 Code, § 6.14)

**§ 96.12 LOAD LIMITS.**

The City Administrator, upon the recommendation of the Street Department, may from time to time impose upon vehicular traffic on any part or all of the streets the load limits as may be necessary or desirable. The limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign posted thereon. It is unlawful for any person to operate a vehicle on any street in violation of the limitation so posted.

(1981 Code, § 6.15) Penalty, see § 10.99

**§ 96.13 PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.**

(A) *Authority, permission and procedure.* Upon an application duly made to the City Administrator and reviewed and recommended by the Chief of Police, the Council may, in its discretion, grant special permission whereby on street parking or the use of city-owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or leased parking, loading zones, or display of merchandise on sidewalks) at such places, on such terms and for such compensation as the Council may deem just and equitable. In establishing the amount of the compensation to be paid to the city, the Council shall consider the amount of space, location thereof, loss of parking meter revenues, if any, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of the complaint call a hearing thereon to be held after 10-days' notice in writing to applicant, complainant, and the other persons as may appear to have interests therein. After the hearing the Council shall decide whether to terminate, continue or redefine the terms of the permission and the decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

(B) *Public vehicles.* Free and reserved on street parking shall be limited to city-owned and operated vehicles.

(C) *Forbidden practices.* It is unlawful for any person to park or otherwise infringe upon a grant of right under this section, when clearly and distinctly marked or sign posted. It is unlawful for any person not granted the right to assert the same or for any grantee of the right to exceed the same under claim thereto.

(1981 Code, § 6.16) Penalty, see § 10.99

#### § 96.14 CURB SET BACK.

It is unlawful for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position except to provide for ingress or egress to adjoining premises for the purpose of a curb cut under standards applicable thereto. No future construction or reconstruction shall be permitted to provide curb set back for the purpose of angle parking without prior Council approval.

(1981 Code, § 6.17) (Ord. 135, 3<sup>rd</sup> Series, eff. 5-29-1992) Penalty, see § 10.99

#### § 96.15 PARADES.

(A) *Definition.* The term **PARADE** means any movement of vehicles, persons or animals, or any combination thereof, which either moves together and as a body so as to in some way impede or affect the free and unobstructed flow of traffic or which moves so that some part thereof is in violation of 1 or more traffic laws or regulations if the movement is without a permit hereunder.

(B) *Permit required.* It is unlawful to sponsor or participate in a parade for which no permit has been obtained from the city, and it is also unlawful to obtain a parade permit and not conduct the same in accordance with the permit granted by the city. Application for the permit shall be made to the City Administrator and accompanied by a fee adopted by resolution of the Council, at least 14 days in advance of the date on which it is to occur and shall state the sponsoring organization or individual, the route, the length, the estimated time of commencement and termination, the general composition, and the application shall be executed by the individuals applying therefor or the duly authorized agent or representative of the sponsoring organization.

(Ord. 146, 3<sup>rd</sup> Series, eff. 12-4-1992)

(C) *Procedure and granting.* The City Administrator shall forthwith refer all applications for parades to the Chief of Police for his or her consideration which shall take no longer than 7 days. If any state trunk highways are in the route the Chief of Police shall make all necessary arrangements with the Minnesota Department of Highways for alternate routes or whatever may be necessary. If the Chief of Police finds that such a parade will not cause a hazard to persons or property and will cause no great inconvenience to the public, and if he or she is able to make arrangements for necessary direction and control of traffic, he or she shall endorse his or her acceptance and return the application to the City Administrator who shall then issue the permit. If the Chief of Police finds the parade described in the application to be a hazard, a substantial inconvenience, or if he or she is unable to make adequate arrangements for direction or control

**§ 72.10 CALENDAR PARKING.**

In order to facilitate the removal of snow and ice from the public streets, avenues, roads and other rights-of-way, the following additional parking restrictions shall be in effect.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMERCIAL DISTRICT.**

(a) *Yellow commercial routes.*

- Byglund Rd. SE from 5th Ave. SE to 4th St. SE
- Central Ave. NE NW
- Central Ave. service roads NE and NW
- College Dr. NE
- Demers Ave.
- Gateway Dr. NE service road
- Gateway Dr. NW service road from Central Ave. service road NW to 3rd Ave. NW
- River St. NW
- Sherlock Parkway to Demers Ave.
- Terrace Dr. NW to Sherlock Parkway
- 1st St. SE from Point Bridge to 3rd Ave. SE
- 2nd Ave. NE 17th St. NW - Louie Murray Bridge
- 2nd St. NW
- 3rd Ave. NW from Cental to River St.
- 3rd Ave. SE to 5th Ave. SE
- 3rd St. NW
- 3rd St. NE 200 - 1000 blocks
- 4th St. NE from 5th Ave. NE - 9th Ave. NE
- 4th St. NW
- 5th Ave. NE from 23rd St. NE to 4th Ave. NW east side of street 1400 - 1600 blocks
- 5th Ave. NW from Hwy 2 - 4th St. NW
- 6th Ave. NE
- 6th Ave. NW west side 1400 - 1500 block
- 7th Ave. NE
- 8th Ave. NE
- 9th Ave. NE
- 10th St. NW from Central to Terrace Dr. NW
- 10th St. NE
- 14th St. NE

**East Grand Forks - Traffic Code**

15th St. NE  
15th St. NW south side 600 - 700 blocks  
17th St. NE  
20th St. NE

(b) *Blue routes.*

Bygland Rd. SE from 5th St. SE to Central Middle School  
Forest Ct. NW  
Garden Circle NW  
Garden Ct. NW  
Greenwood Dr. SE  
James Ave. SE  
James Circle SE  
James Ct. SE  
Park Dr. SE  
Pebble Beach Road  
Pioneer Ct. NW  
River Dr. SE  
River Road NW  
St. Andrews Dr.  
Sunnyside Ct. NW  
Troon Circle  
Wylie Ct. NW  
1st Ave. NE  
2nd Ave. NE  
2nd Ave. NW  
3rd Ave. NE  
3rd Ave. NW  
3rd Ave. SE  
4th Ave. NE  
4th Ave. NW  
4th St. SE 300 - 400 block  
5th Ave. NE  
5th Ave. NW  
5th Ave. SE  
6th Ave. NW  
6th Ave. SE  
7th Ave. NW  
7th Ave. SE  
8th Ave. NW  
9th Ave. SE

10th Ave. NW  
10th Ave. SE  
11th Ave. NW  
11th Ave. SE  
12th Ave. SE  
13th Ave. SE  
14th Ave. NW  
16th Ave. SE  
17th Ave. SE  
18th Ave. SE  
19th Ave. SE  
20th Ave. SE  
23rd Ave. SE

(c) *Red routes.*

Greenway Blvd. SE  
Kimberly Circle SE  
Laurel St. SE  
Mero Ct. SE  
Morgan Place SE  
Sherlock Circle SE  
3rd St. NW  
4th St. NE 200 - 400 block  
4th St. SE  
5th St. NE  
5th St. NW  
5th St. SE  
6th St. NE  
6th St. NW  
6th St. SE  
7th St. NW  
7th St. NE  
7th St. SE  
8th St. NE  
8th St. SE  
9th St. NE  
9th St. SE  
10th St. SE  
11th St. NW  
11th St. SE  
12th St. NW

12th St. SE  
 13th St. NW  
 13th St. SE  
 14th St. NW  
 15th St. NW  
 17th St. NW  
 17th St. SE  
 18th St. NW  
 19th St. NW  
 20th St. NW  
 21st St. NW  
 22nd St. NW  
 23rd St. NW

(Ord. 78, 3<sup>rd</sup> Series, eff. 10-4-1986; Ord. 107, 3<sup>rd</sup> Series, eff. 1-12-1990; Am. Ord. 244, passed 12-29-1999; Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-10-2006)

**MOTOR VEHICLE.** Includes automobiles and all other modes of transportation propelled by other than muscular power.

**PERIOD OF ENFORCEMENT.** Remain the same or change to include a year round prohibition on red, yellow and blue routes to assist street cleaning.

**TRAILER.** Any piece of equipment which is designed for transporting passengers or property and which is not self-propelled but is intended to be drawn behind a motor vehicle.

(Ord. 78, 3<sup>rd</sup> Series, eff. 10-4-1986)

**(B) Parking prohibitions.**

(1) It is unlawful to park or leave standing any motor vehicle or trailer on a yellow commercial route between the hours of 2:00 a.m. and 7:00 a.m. during the period of enforcement.

(2) In all areas of the city excluding the yellow commercial route, it is unlawful to park or leave standing any motor vehicle or trailer on any roadway or right-of-way designated a blue route between the hours of 7:30 a.m. and 12:00 noon on any Monday, Wednesday or Friday; or on any roadway or right-of-way designated a red route between the hours of 7:30 a.m. and 12:00 noon on Tuesday, Thursday or Saturday during the period of enforcement.

(Ord. 124, 3<sup>rd</sup> Series, eff. 12-14-1990; Am. Ord. 244, passed 12-29-1999; Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-19-2006)

(3) It shall not be unlawful to otherwise lawfully park a motor vehicle with its motor idling on any street, avenue, court, drive, or roadway for a duration of 5 minutes or less during the time periods in which parking is restricted as set forth in this section.

(Ord. 102, 3<sup>rd</sup> Series, eff. 10-13-1989; Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-19-2006)

(4) During such hours that the calendar parking prohibitions are in effect, the owner or occupant of real property adjacent to any street, avenue, road, court, drive, or cul-de-sac may park operable, registered, licensed and insured motor vehicles on the city right-of-way between the curb and the sidewalk (or adjacent to the curb if there is no sidewalk) commonly referred to as the berm, with the exception that such owner or occupant of real property may only park the motor vehicles on the portion of the berm that is immediately adjacent to the residence occupied by the owner or occupant, and with the further exceptions that the parking shall not be permitted within 10 feet of an intersection or corner, or within 10 feet of a fire hydrant, and that the parked motor vehicles shall not block a sidewalk. (Ord. 107, 3<sup>rd</sup> Series, eff. 1-12-1990; Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-19-2006)

(C) *Presumption.* For purposes of this section, any motor vehicle or trailer parked or left on a roadway or right-of-way of the city in violation of this section shall be presumed to have been parked or left by the registered owner of the motor vehicle or trailer. (Ord. 78, 3<sup>rd</sup> Series, eff. 10-24-1986)

(D) *Snow emergency.* A snow emergency automatically goes into effect when 2 inches or more of snow has fallen until the streets are cleaned. Under a snow emergency, no parking on any city street is allowed until that street has been cleared to its full width. Violators will be ticketed and towed. (Am. Ord. 296, 3<sup>rd</sup> Series, passed 12-19-2006)  
(1981 Code, § 8.10) Penalty, see § 70.99

## § 72.11 TRUCK PARKING.

(A) Unless specifically designated by the Council by resolution and sign posted permitting such parking, it shall be unlawful to park a semi-trailer, whether or not attached to a truck tractor, within an area zoned as a residential district, or a neighborhood that is primarily residential in nature and scope.

(B) (1) It is unlawful to park a truck (other than a truck of 10,000 pounds gross vehicle weight, or less, with a wheelbase of no more than 170 inches), truck trailer, tractor trailer or truck tractor within an area zoned as a residential district except for the purpose of loading or unloading the same. (Ord. 180, 3<sup>rd</sup> Series, eff. 6-29-1995)

(2) It is unlawful to park any of the following on any city street or municipally owned parking lot: truck-tractor, farm tractor, road tractor, semitrailer, commercial motor vehicle, mobile crane, flatbed trailer, trailers, implements of husbandry, road construction equipment, and any other type of self-propelled construction equipment. An exception to this section is allowed for any construction project or event for which a permit has been issued.

(a) *Example 1.* Road construction or repair authorized by the City of East Grand Forks;

September 20, 2012



Scott Huizenga  
City Administrator  
600 DeMers Avenue  
East Grand Forks, MN 56721

Dear Scott:

It is my understanding that union leaders from the BCTGM Union Local 167G representing employees involved in a labor dispute with American Crystal Sugar Company (ACSC) have requested a permit from the City of East Grand Forks to utilize public street right-of-ways near ACSC's factory to park trailers.

This permit request appears to be outside the intent of the allowable exceptions based on city documentation used to explain when a permit of this type is issued. That documentation is as follows: "An exception to this section is allowed for any construction project or event for which a permit has been issued. Example 1 - Road construction or repair authorized by the City of East Grand Forks.; Example 2 - Contractor's trailer for home remodel/siding equipment which has been authorized by the City of East Grand Forks; and Example 3 - Venders for Cats Incredible." None of those examples fit the BCTGM's request for a permit.

I believe that issuance of this permit would increase the risk of an accident involving employees or the general public who use the roads in the vicinity of where the BCTGM's trailers would be parked. I don't believe those areas were designed to have trailers permanently parked on them. Using them in ways outside of their original design inherently makes them more dangerous.

Another concern is the BCTGM's recent history of using poorly constructed and maintained shelters for purposes related to this permit request. Having unsightly shelters or trailers parked near the ACSC factory create an unmerited negative image for both the Company and the City.

Thanks for your consideration of our opinion on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian Ingulsrud", written in a cursive style.

Brian Ingulsrud  
Vice President-Administration

# Request for Council Action

Date: 9-20-2012

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: Spring/Fall Clean Up

---

This year (as in past years) the City of East Grand Forks will have both a spring and fall cleanup week. I understand that there has been talk in the past about possibly doing away with the fall cleanup, due to cost. Below I have listed some cost figures from past years **clean up** weeks:

2011

-Spring \$10,591

-Fall \$8,195

2012

-Spring \$11,423

Public Works will be setting up our refuse and recycling calendar for 2013 shortly, and I would like to know where the council stands on the issue of whether or not to have both a spring and fall cleanup week next year.

Along with the question of whether to have a spring and fall clean up week, comes another question. Should we collect garbage (during fall/spring cleanups) for residents living in apartment buildings, as we do for home owning residents? In the past we have not collected garbage from apartments, because they are deemed commercial property. And the argument used to support this point of view is: If we collect garbage for apartment residents, then we should do it for all commercial businesses within the City limits. The opposing argument is: Residents living in the apartments still pay a fee to the City for garbage disposal, and the residents themselves are not commercial businesses, so why shouldn't they have the same rights as home owning residents. Below I present the City Council with two options:

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Option 1: The City Council approves that we continue the practice of not collecting garbage at apartment complexes, during spring/fall clean ups.

Option 2: The City Council approves collecting garbage from apartment complexes, during spring and fall cleanups. If we go with this option I would recommend that we do not collect any construction materials from apartments.