

**AGENDA
CITY COUNCIL
CITY OF EAST GRAND FORKS
NOVEMBER 20, 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 November 8, 2012.
2. Consider approving the minutes of the “Special Meeting” and the “Work/Budget Session” for the East Grand Forks, Minnesota City Council of November 13, 2012.
3. Consider approving the minutes of the Budget Meeting for the East Grand Fork, Minnesota City Council of November 14, 2012

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS: 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.

4. Consider approving the preliminary draft proposal to the Public Transit Fare Structure as proposed by the Metropolitan Planning Organization (MPO).
5. Consider approving the agreement with Widseth, Smith, Nolting for Engineer Services beginning January 2013 through December 2015.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

6. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for October 18, 2012.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

7. Consider approving the Memorandum of Understanding between the City of East Grand Forks and Law Enforcement Labor Services, Inc.
8. Consider approving the establishment of I-1 Light Industrial Zoning for the property that is to be annexed located north of 10th St NE and east of 15th Ave NE.
9. Consider approving the preliminary plat for Zavoral's Industrial 1st Addition.

CLAIMS:

10. Consider adopting Resolution No. 12-11-114 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check number 14383 for a total of \$488.38 whereas Council Member Buckalew is personally interested financially in the contract.
11. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

ADJOURN:

Upcoming Meetings:

- Budget Work Session – November 26, 2012 – Training Room – 5:00 PM
- Regular Work Session/Budget Work Session – November 27, 2012 – Training Room – 5:00 PM
- Budget Work Session – November 28, 2012 – Training Room – 5:00 PM
- Regular Council Meeting – December 4, 2012 – City Council Chambers – 7:00 PM
- Work Session – December 11, 2012 – Training Room – 5:00 PM
- Regular Council Meeting – December 18, 2012 – 5:00 PM

**UNAPPROVED MINUTES
CITY COUNCIL SPECIAL MEETING
CITY OF EAST GRAND FORKS
NOVEMBER 8, 2012
5:00 P.M.**

CALL TO ORDER:

The Special Meeting of the East Grand Forks City Council for November 8, 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: DO NOT READ

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

Other Staff:

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 October 16, 2012.

- 2. Consider approving the minutes of the “Special Meeting” and the “Work Session” for the East Grand Forks, Minnesota City Council of October 23, 2012.

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

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

Voting Nay: None.

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

- 3. Public Hearing to consider adopting Resolution No. 12-11-108 approving the adoption of assessment roll #322 for 2012 Assessment Job No. 1 – Paving – 15th St NE for a total assessment amount of \$284,734.80.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VONASEK, TO OPEN THE PUBLIC HEARING FOR 2012 ASSESSMENT JOB NO. 1 – PAVING – 15TH ST NE.

Mr. Boppre informed the council how the street had been paid by using state aid and through special assessments, how well the project went, and that it was completed on budget.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER TWETEN, TO CLOSE THE PUBLIC HEARING FOR 2012 ASSESSMENT JOB NO. 1 – PAVING – 15TH ST NE AND ADOPT RESOLUTION NO. 12-11-108 ADOPTING ASSESSMENT ROLL #322.

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

Voting Nay: 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.

- 4. Consider adopting Resolution No. 12-11-109 a Resolution authorizing the City Council to order that the following costs, with interest charged at 10% per year beginning on January 1, 2013 for mowing grass on the listed properties be certified to the County Auditor for collection with the 2013 real estate taxes.
- 5. Consider adopting Resolution No. 12-11-110 a Resolution authorizing the City Council to order that the stated costs beginning on January 1, 2013 for sidewalk replacement on the listed properties be certified to the County Auditor for collection with the 2013 real estate taxes.

- 6. Consider adopting Resolution No. 12-11-111 a Resolution authorizing the City Council to order that the following costs beginning on January 1, 2013 for delinquent utilities on the listed properties be certified to the County Auditor for collection with the 2013 real estate taxes.
- 7. Consider approving the Snow Removal Agreement between the City of East Grand Forks and the residents in Pinehurst Court for snow removal services for this winter.
- 8. Consider approving the Retainer Agreement for legal services from Ronald Galstad beginning January 1, 2013 through December 31, 2015.
- 9. Consider approving the completion of paving in Waters Edge 1st Addition and award the job to Opp Construction for \$53,436.00.
- 10. Consider approving the Site Use Agreement between the City of East Grand Forks and LSS Senior Nutrition Program for use of facilities within the city from January 1, 2013 through December 31, 2013.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT ITEMS FOUR (4) THROUGH TEN (10) AS SUBMITTED.

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

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

- 11. Regular meeting minutes of the Water, Light, Power and Building Commission Meeting for October 4, 2012.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

- 12. Consider appointing Gary Larson to Fire Chief Position at grade 17, step 6 effective November 9, 2012.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER GREGOIRE, TO APPOINT GARY LARSON TO THE FIRE CHIEF POSITION AT GRADE 17, STEP 6 EFFECTIVE NOVEMBER 9, 2012.

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

- 13. Consider approving the Settlement and Release Agreement/Memorandum of Understanding between the City of East Grand Forks and Teamsters Local No. 120.

A MOTION WAS MADE BY COUNCIL MEMBER GREGOIRE, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE THE SETTLEMENT AND RELEASE AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF EAST GRAND FORKS AND TEAMSTERS LOCAL NO. 120.

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

14. Consider approving the Development Agreement between the City of East Grand Forks and RJ Zavoral & Sons, Inc.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND RJ ZAVORAL & SONS, INC.

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

CLAIMS:

15. Consider adopting Resolution No. 12-11-112 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check number 14218 for a total of \$1,251.18 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 12-11-112 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 14218 FOR A TOTAL OF \$1,251.18 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

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

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

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

COUNCIL/STAFF REPORTS:

Mayor Stauss congratulated Gary Larson on his new position and on how he has done very well as the interim fire chief.

Council Member Vonasek congratulated Mr. Larson on his new position and a job well done.

Council Member Buckalew congratulated Mr. Larson on becoming the fire chief. He also said that orientation could be held any time that it works for those who are newly elected.

Council Member Tweten thanked Mr. Larson for all of the hard work he has done so far and congratulated him on his new position. Mr. Tweten also asked that all of the materials the current council is receiving, the newly elected also receive so they are up to date when they take their positions in January.

Council Member Pokrzywinski offered congratulations to Mr. Larson on his promotion as well Mr. Grassel on winning the election.

City Administrator/Clerk-Treasurer reminded the council he will be out of the office this next week and that the budget meetings will start beginning with the Police Department on Tuesday.

Attorney Galstad congratulated Mr. Larson and offered help if approved and if needed to those newly elected.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GREGOIRE, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE NOVEMBER 8, 2012 SPECIAL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:16 P.M.

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

Voting Nay: None.

Scott Huizenga, City Administrator/Clerk-Treasurer

**UNAPPROVED MINUTES
CITY COUNCIL SPECIAL MEETING
CITY OF EAST GRAND FORKS
NOVEMBER 13, 2012
5:00 PM**

2

CALL TO ORDER:

The Special Meeting of the East Grand Forks City Council for November 13, 2012 was called to order by Craig Buckalew, Council President at 5:00 PM

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

Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Greg Boppre, City Engineer; Nancy Ellis, Planning & Zoning; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Teri Kouba, Transit(MPO); Gary Larson, Interim Fire Chief; Megan Nelson, Administrative Assistant; and Jim Richter, EDHA Director.

DETERMINATION OF A QUORUM:

1. Consider adopting Resolution No. 12-11-113, a Resolution declaring the results of the General Election returns for the November 6, 2012 City and County Elections for the City of East Grand Forks, Minnesota.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER TWETEN, ADOPTING RESOLUTION NO. 12-11-113 DECLARING THE RESULTS OF THE GENERAL ELECTION RETURNS FOR NOVEMBER 6, 2012 CITY AND COUNTY ELECTIONS FOR THE CITY OF EAST GRAND FORKS, MINNESOTA.

Council member Vonasek would like clarification on term length for council members.

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

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GREGOIRE, TO ADJOURN THE NOVEMBER 13, 2012 SPECIAL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:02 P.M.

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

**UNAPPROVED MINUTES
CITY COUNCIL
WORK SESSION
CITY OF EAST GRAND FORKS
NOVEMBER 13, 2012 - 5:00 PM**

CALL TO ORDER:

The Work/Budget Session of the East Grand Forks City Council for November 13, 2012 was called to order by Craig Buckalew, Council President at 5:02 PM

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

Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Greg Boppre, City Engineer; Nancy Ellis, Planning & Zoning; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Teri Kouba, Transit(MPO); Gary Larson, Interim Fire Chief; Megan Nelson, Administrative Assistant; and Jim Richter, EDHA Director.

DETERMINATION OF A QUORUM:

1. Transit Fare Structure – Teri Kouba

Ms. Kouba explained to the council how the Metropolitan Planning Organization (MPO) has been looking into the fare structure of the Grand Cities Transit system to change some of the prices mainly multi-passes. As of now they are only asking for preliminary approval for these changes. Council member Buckalew asked if this would be affecting the Northland bus at all and Ms. Kouba told the council that will not be changing.

2. Transit Information Items – Teri Kouba

Ms. Kouba informed the council the MPO has been looking into implementing designated stops and looking into the Dial-A-Ride Services to see what needs to be changed and have these changes be implemented at the beginning of 2013.

3. City Planner – Scott Huizenga

In the absence of Mr. Huizenga, Council member Buckalew read the RCA to the council which explained all of the job duties of a new city planner if the city decided to hire one. Council member Leigh asked what the benefit would be for the city, what the costs would be, and what all of the services would be. After some discussion it was decided to table this issue until more questions were answered instead of voting on this at the next council meeting.

4. City Engineer – Scott Huizenga

Council member Buckalew addressed the council to explain that current agreement the city has with Widseth Smith Nolting expires at the end of 2012. The next agreement would be good from January 2013 through the end of 2015. Mr. Boppre informed the council he was able to negotiate a good rate for the city since the city is such an important customer. After some more discussion it was decided to move this item on to the next meeting.

5. EDHA Board Update – Craig Buckalew and Wayne Gregoire

Council member Gregoire gave the council an overview of all of the activities that have been taking place in the community with the ground breaking with the MN Heights building, the demolition of the Simplot buildings giving the city a possible chance for more growth, lot sales pending, and Sunshine Terrace possibly going smoke free. Council member Leigh asked if they could possibly help plant trees or do something to help keep the snow off 23rd St. Council member Buckalew said it was something to look into.

6. Police Department Budget – Mike Hedlund

Chief Mike Hedlund gave a presentation to the council looking into how the Police Department budget is divided between salaries, supplies, and equipment. He also informed the council about some bigger expenses that will be coming up for the police department which include building renovations, dispatch radio console, and police vehicles. Council member Vonasek asked Chief Hedlund to make a priority list for the council.

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE NOVEMBER 13, 2012 SPECIAL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:40 P.M.

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

Voting Nay: None.

Scott Huizenga, City Administrator/Clerk-Treasurer

**UNAPPROVED MINUTES OF THE
EAST GRAND FORKS
CITY COUNCIL BUDGET MEETING
WEDNESDAY, NOVEMBER 14, 2012 – 5:00 PM**

3

CALL TO ORDER:

The Budget Work Session Meeting of the East Grand Forks City Council for November 14, 2012 was called to order by Council President Buckalew at 5:11 P.M.

CALL OF ROLL:

On a Call of Roll the following members of the East Grand Forks City Council were present: Council President Craig Buckalew, Council Members Ron Vonasek, Henry Tweten, Mike Pokrzywinski, and Greg Leigh.

STAFF PRESENT

Karla Anderson, Finance Director; Charlotte Helgeson, Library Director; Gary Larson, Fire Chief; Megan Nelson, Administrative Assistant and Jason Stordahl, Public Works Superintendent.

DETERMINATION OF A QUORUM

1. Library Budget – Charlotte Helgeson

Ms. Helgeson informed the council on all of the improvements that have been completed at the library. She then presented to the council a summary of the Campbell Library's operations and how they have slightly changed since last year due to some staffing changes that have been made. She also informed them of items that need to be replaced or fixed.

2. Fire Budget – Chief Gary Larson

Chief Larson presented a summary of the Fire Department Operations including staff and annual expenditures. His presentation also included how much the fire department has benefitted from grants. He told the council they are always looking and applying for grants. He concluded his presentation with capital expenditures that the fire department is looking to purchase or have repaired possibly next year or within the next few years.

ADJOURN

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADJOURN THE NOVEMBER 13, 2012 BUDGET SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:43 P.M.

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

Voting Nay: None

Scott Huizenga, City Administrator/Clerk-Treasurer

Request for Council Action

Date: November 13, 2012
To: East Grand Forks City Council and Mayor Lynn Stauss
From: Teri Kouba, Planner – EGF Transit
RE: Transit Fare Structure

GENERAL INFORMATION:

In 2011, Cities Area Transit (CAT) provided 328,880 fixed route system transit rides; of those, 28,789 were on East Grand Forks route 10/11. Also CAT collected a total of \$192,815 in fare revenue (total avg. \$0.59 per ride); of that, \$5,517 was from East Grand Forks users. As part of the 2012 Transit Development Plan (TDP), it was recommended that CAT revise its fare structure as a way of generating additional revenue.

CAT's current fare structure is as follows:

Cash Fare:	Adult	\$1.50
	K-12 Youth	\$0.75
	Senior/Disabled	\$0.60
10-ride card:	Adult	\$10.00
	K-12 Youth	\$6.50
	Senior/Disabled	\$5.00
Monthly pass for all riders:		\$32.00

ANALYSIS & FINDINGS:

- CAT staff recommends no change to cash fares, which are slightly higher than the average when compared with other cities in the region.
- The current fare structure provides unequal discounts for 10-ride cards: 33% discount for Adults; 17% discount for Senior/Disabled; and 13% discount for K-12 Youth. Staff recommends providing an equal 13% discount for all 10-ride cards.

- CAT staff recommends increasing the cost of the monthly pass to \$35.00 (slightly above the regional average), and also offering 1-day and 14-day pass options.
- The following fare structure is recommended for implementation in 2013:

		Current	Regional Average	Proposed
Cash Fare:	Adult	\$1.50	\$1.23	\$1.50
	K-12 Youth	\$0.75	\$0.75	\$0.75
	Senior/Disabled	\$0.60	\$0.57	\$0.60
10-ride card:	Adult	\$10.00	\$10.70	\$13.00
	K-12 Youth	\$6.50	\$8.13	\$6.50
	Senior/Disabled	\$5.00	\$7.30	\$5.25
1-day pass for all riders		-----	\$4.33	\$5.00
14-day pass for all riders:		-----	\$21.00*	\$18.00
Monthly pass for all riders:		\$32.00	\$33.67	\$35.00

*Fargo is the only provider in the regional comparison to offer a 14-day pass

- The City of East Grand Forks has a contract with Northland Community & Technical College to provide transit rides for students, faculty and staff at a rate of \$6,000 for the year. For 2011, the average cost is \$0.79 per ride. Staff recommends that the average rides per month be re-evaluated every year prior to the new contract being signed.
- The City of Grand Forks has a contract with the University of North Dakota to provide transit rides for students at a rate of \$0.75 per ride. Other agencies, such as Red River Valley Community Action, pay a fixed fee per month for an unlimited number of rides. Staff recommends using \$0.75 per ride as a standard for all contracts to ensure fairness and increase revenue for CAT. If all contracts had been at \$0.75 per ride in 2011, CAT would have collected an additional \$8,000.
- Prior to implementing the new fare structure, the MPO and CAT will hold meetings with the public, receive comments on the proposed changes, and provide a report to both City Councils and the MPO. Staff is looking to implement the changes early 2013.

RECOMMENDATION:

Staff recommends approval of preliminary draft proposal to the Public Transit Fare Structure.

Support Material:

- 2011 Fare Collection Data & Regional Fare Comparison

Request for Council Action

Date: 11-8-12

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

Cc: File

From: Scott Huizenga, City Administrator

RE: Engineer Services Agreement

The City's three-year agreement for engineering services expires December 31, 2012. Widseth Smith Nolting, with which FS Engineering merged in 2012, submitted a proposal that is substantially similar to prior agreements. The proposed agreement has a three-year term through December 31, 2015. The following proposed fees for design services are unchanged from prior agreements.

Cost of Construction	Basic Fee
\$50,000 or less	10% or negotiated
\$50,000 to \$150,000	10%
\$150,000 to \$300,000	\$15,000 + 9% over \$150,000
\$300,000 to \$500,000	9%
\$500,000 to \$5,000,000	8%

Also unchanged from the previous agreement are the following provisions.

- Any project that is designed but not completed is subject to 50 percent of the basic fee outlined above.
- Staking and construction management is capped at no more than 5 percent of project cost for local projects.

For state and federal projects, the total cost for design, staking and construction management is capped at 22 percent of the total cost, which is down from 25 percent in the previous agreement.

For hourly services, most rates are up \$4-5 per hour from the previous schedule. The proposed payment schedule and standard hourly rates schedule are attached for your convenience. A copy of the entire agreement is available in via the Administration Office.

Recommendation:

Approve the proposed 2013-2015 engineering services agreement with Widseth Smith Nolting.

This is **EXHIBIT C**, consisting of 3 pages, referred to in and part of the Agreement between **OWNER** and **ENGINEER** for Professional Services dated _____.

Initial:

OWNER _____
ENGINEER MB

PAYMENTS TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Article 4 of the Agreement is amended and supplemented to include the following agreement of the parties:

ARTICLE 4 -- PAYMENTS TO THE ENGINEER --

C4.01 For Basic Services Having A Determined Scope -- Percentage of Construction Cost Method of Payment

A. OWNER shall pay ENGINEER for Basic Services set forth in Exhibit A, except for services of ENGINEER's Resident Project Representative and Post-Construction Phase services, if any, as follows:

1. General. An amount equal to a percentage of the Construction Cost.

<u>COST OF CONSTRUCTION</u>	<u>BASIC FEE</u>
A. \$ to \$50,000	10% or negotiated
B. \$50,000 to \$150,000	10%
C. \$150,000 to \$300,000	\$15,000 + 9% of excess over \$150,000
D. \$300,000 to \$500,000	9%
E. \$500,000 to 5,000,000	8%

This amount includes compensation for ENGINEER's Services and services of ENGINEER's Consultants, if any. The percentage of Construction Cost noted herein accounts for labor, overhead, profit, and Reimbursable Expenses.

2. As a basis for payment to ENGINEER, Construction Cost will be based on one or more of the following determinations with precedence in the order listed for Work designed or specified by ENGINEER:

- a. For Work designed or specified and incorporated in the completed Project, the actual final cost of the work performed by Contractor and paid by OWNER.

- b. For Work designed or specified but not constructed, the lowest bona fide Bid received from a qualified bidder for such Work; or, if the Work is not Bid, the lowest bona fide negotiated proposal for such Work.

- c. For Work designed or specified but not constructed upon which no such Bid or proposal is received, ENGINEER's most recent opinion of probable Construction Cost. The Engineer and the Owner do hereby agree that if the time of the bid letting and the determination of the project cost, the Owner determines the project is not feasible, the Engineer shall be compensated 50% of the basic fee as determined in this section. It is further understood that this 50% of the basic fee represents only a partial payment to the Engineer for professional services rendered and if at some future date the Owner proceeds with project, the Engineer shall receive the remaining 50% of the basic fee plus compensation for any additional changes required in the plans and specifications.

d. Labor furnished by OWNER for the Project will be included in the Construction Cost at current market rates including a reasonable allowance for overhead and profit. Materials and equipment furnished by OWNER will be included at current market prices.

e. No deduction is to be made from ENGINEER's compensation on account of any penalty, liquidated damages, or other amounts withheld from payments to Contractor(s).

3. Progress payments:

a. The portion of the amounts billed for ENGINEER's services which is on account of the Percentage of Construction Cost will be based upon ENGINEER's estimate of the proportion of the total services actually completed during the billing period to the Percentage of Construction Cost.

b. Upon conclusion of each phase of Basic Services, OWNER shall pay such additional amount, if any, as may be necessary to bring total compensation paid during such phase on account of the percentage of Construction Cost to the following estimated percentages of total compensation payable on account of the percentage of Construction Cost for all phases of Basic Services:

Study and Report Phase	0%
Preliminary Design Phase	25%
Final Design Phase	25%
Bidding or Negotiating Phase	45%
Construction Phase	5%
	100%

c. ENGINEER may alter the distribution of compensation between individual phases of the work noted herein but shall not exceed the total percent fee unless approved in writing by the OWNER.

4. Resident Project Representative and Construction Staking

It is understood that these services provided compensation for inspection and staking, shall not exceed 5% (five percent) of the construction cost, unless otherwise negotiated between Owner and Engineer, except for staking and inspection services in connection with state aid and federal projects where the total project fee is limited to 22% (twenty-two percent) of the construction cost.

4. Special Assessment Projects

The Owner shall compensate the Engineer one percent (1%) of the Actual Construction Cost, for preparation of the Special Assessment.

This is **Appendix 1 to EXHIBIT C**, consisting of 1 pages, referred to in and part of the **Agreement between OWNER and ENGINEER for Professional Services** dated _____.

Initial:

OWNER _____
ENGINEER _____

STANDARD HOURLY RATES SCHEDULE

Current agreements for engineering services stipulate that the standard hourly rates are subject to review and adjustment per Exhibit C. Hourly rates for services performed on the date of the Agreement are:

PERSONNEL	2013	2014	2015
Engineer, Architect V, Land Surveyor V, Scientist V	\$109.00	\$115.00	\$120.00
Architect IV, Land Surveyor IV, Scientist IV, Project Manager IV	\$99.00	\$105.00	\$110.00
Architect III, Land Surveyor III, Scientist III, Project Manager III, Landscape Architect III	\$89.00	\$94.00	\$98.00
Engineer II, Architect II, Land Surveyor II, Scientist II, Project Manager II, Geographer II	\$80.00	\$84.00	\$88.00
Engineer I, Architect I, Land Surveyor I, Scientist I	\$76.00	\$79.00	\$83.00
Computer Systems Specialist	\$90.00	\$95.00	\$100.00
Senior Funding Specialist	\$70.00	\$74.00	\$77.00
Funding Specialist	\$60.00	\$63.00	\$66.00
Technician V	\$80.00	\$84.00	\$88.00
Technician IV	\$72.00	\$76.00	\$80.00
Technician III	\$60.00	\$63.00	\$66.00
Technician II	\$51.00	\$54.00	\$57.00
Technician I	\$45.00	\$47.00	\$50.00
Administrative Assistant	\$33.00	\$34.00	\$36.00

CHARGEABLE EXPENSES

Mileage (Federal State Rate) subject to change	\$.555/mile
Meals/Lodging	Cost
Stakes & Expendable Materials	Cost
Waste Water Sampler	\$40.00/Day
ISCO Flow Recorder	\$60.00/Day
Photoionization Detection Meter	\$80.00/Day
Explosimeter	\$50.00/Day
Product Recovery Equipment	\$35.00/Day
Survey-Grade GPS (Global Positioning System)	\$75.00/Hour
Mapping GPS (Global Positioning System)	\$150.00/Day
Soil Drilling Rig	\$35.00/Hour
Ground Water Sampling Equipment	\$75.00/Day

All Accounts due and payable within 30 days of billing. A finance charge is computed on a periodic rate of 1% per month which is an annual percentage rate of 12% on any previous balance not paid within 30 days.

These rates are effective for the years indicated and are subject to yearly adjustments which reflect equitable changes in the various components.

Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held October 18, 2012 at 5:00 P.M.

Present: Ogden, Quirk, Tweten

Absent: Brickson

It was moved by Commissioner Tweten second by Commissioner Quirk that the minutes of the previous meeting of October 4, 2012 be approved as read.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Tweten to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$1,164,220.51.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Tweten to approve the 2013 Water Treatment chemical bid specifications; advertise for bids, and set the bid opening for 10 A.M. on November 13, 2012.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

It was moved by Commissioner Tweten second by Commissioner Quirk to approve the Guaranteed Cost Contract for the 2013 water chemical specs; advertise for bids and set the bid opening for 10 A.M. on November 13, 2012.

Voting Aye: Ogden, Quirk, Tweten

Voting Nay: None

Commissioner Tweten exited the meeting at 5:15 P.M.

It was moved by Commissioner Quirk second by Commissioner Ogden to adjourn to the next regular meeting on November 1, 2012 at 5:00 P.M.

Voting Aye: Ogden, Quirk

Voting Nay: None

Lori Maloney
Sec'y

Memorandum of Agreement

This Memorandum of Agreement is entered into between The City of East Grand Forks (hereafter "City") and Law Enforcement Labor Services, Inc. (hereafter "Union").

WHEREAS, Union is the exclusive representative for certain employees employed by City in an appropriate unit (hereinafter "Bargaining Unit");

WHEREAS, the City and the Union are parties to a collective bargaining agreement (hereafter "CBA") in effect from January 1, 2010 through December 31, 2012; and

WHEREAS, Schedule A of the CBA contains language stating: "The anniversary date for all employees hired before January 1, 2010 shall be July 1."; and

WHEREAS, Sergeant Scott Jordheim, who is a Bargaining Unit employee and was promoted on February 6, 2012, did not receive a step increase in the City's Compensation Plan as expected on July 1, 2012; and

WHEREAS, Sergeant Jordheim and the Union assert they filed a grievance related to Sergeant Jordheim not receiving the step increase he expected (the "Grievances"); and

WHEREAS, the City and the Union wish to mutually resolve this Grievance and clarify the CBA step language regarding step increases for promotions and anniversary dates for sick leave and vacation accrual.

NOW, THEREFORE, the City and the Union agree as follows:

Article 1. Length of Service Dates

Section 1.1 Step Increases for Promoted Employees

Schedule A of the CBA is amended to add the following as new paragraphs immediately after the first paragraph and immediately before "LELS Local No. 152 Compensation Plan":

An EMPLOYEE receiving a promotion shall be placed on the appropriate Grade and Step on the Compensation Plan that is at least 4% above current compensation not to exceed senior members of promoted classification. Upon being promoted, the employee's anniversary date for the purposes of steps shall be based on the date the employee began employment in the promoted position. The length of service of Bargaining Unit employees for the purposes of accruing sick leave and vacation shall be based on the date the employee began employment with the City.

Employees who are promoted to Sergeant and begin employment as Sergeant immediately after acting in the capacity of Investigator for at least one consecutive

calendar year shall be placed on the Grade and Step that is one Step above the Grade and Step upon which their final wage during their Investigator assignment was based.

Article 2. Scott Jordheim Grade and Step

Section 2.1 Anniversary Date

In recognition of acting in the capacity of Investigator for over one consecutive calendar year and being paid a final wage in that assignment based on Grade 13 and Step 5 before being promoted to Sergeant on February 6, 2012, he will be placed on Grade 13, Step 6, effective February 6, 2012. The anniversary date for Sergeant Jordheim for such position for the purposes of steps shall be based an anniversary date of July 1, 2013 and each July 1 thereafter.

Section 2.2 Payment

The City will pay Sergeant Jordheim the wage specified in Grade 13 and Step 6 of the City's Compensation plan, effective the first calendar day after the effective date of this Agreement. The City will pay Sergeant Jordheim an amount equivalent to the appropriate difference between his actual earnings from February 6, 2012 through the effective date of this Agreement and his earnings if he were receiving the wage specified in Grade 13 and Step 6 of the City's Compensation Plan during such time. The City will pay Sergeant Jordheim this amount by payroll on the first payroll that is at least five calendar days after the effective date of this Agreement and subject to normal withholdings.

Section 2.3. No Other Compensation or Benefits

The compensation described in this Article is the full and final compensation for any and all claims arising out of the Grievances and underlying matters. City will not provide Sergeant Jordheim any compensation or benefits other than those provided in Section 3.2 of this Agreement or as otherwise required by law.

Article 3. Sick Leave and Vacation Length of Service Date

The length of service of Bargaining Unit employees for the purposes of accruing sick leave and vacation shall be based on the date the employee began employment with the City.

Article 4. Union Withdrawal, Waiver and Release

Section 4.1. The Grievance is withdrawn with prejudice.

Section 4.2. Union knowingly and voluntarily waives its right to pursue and releases City from any and all grievances, claims, demands, actions, hearings, liability, damages or rights of any kind, whether known or unknown, that it has asserted or may assert, relating to, arising out of, or in connection with Sergeant Jordheim's appropriate anniversary date or step increase specifically addressed in this Agreement.

Article 5. Entire Agreement

This Agreement constitutes the entire agreement among the parties hereto. No representations, warranties, covenants, or inducements have been made to any party concerning this Agreement, other than the representations, covenants, or inducements contained and memorialized in this Agreement. This Agreement supersedes all prior negotiations and oral and written agreements and understandings with respect thereto.

Article 6. Amendment, Modification, or Termination

This Agreement or any of its terms may only be amended, modified, or terminated by a written instrument signed by or on behalf of all of the parties hereto or their successors in interest.

Article 7. Governing Law and Severability

Section 7.1. This Agreement is governed by the laws of the State of Minnesota, both as to interpretation and performance. The rule of construction of interpreting a contract against its drafter will not apply to this Agreement.

Section 7.2. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable by any branch of government with authority over such provision or portion thereof, the remainder of this Agreement shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Article 8. No Precedent, Past Practice or Other Acknowledgment

This Agreement is solely for the purposes of resolving the matters described in this Agreement. The terms of this Agreement do not have any precedential value beyond this Agreement. This Agreement and any related communications between City and Union or City employees in this matter are not nor can they be construed as an acknowledgment that: (1) any grievance exists; (2) this or other communications in this matter are subject to the grievance procedure in the applicable labor contract or any law, including the Public Employment Labor Relations Act; (3) City is required to meet and negotiate with Union over any item related to this matter; or (4) City waives or relinquishes any rights it can exercise unilaterally without meeting and negotiating with Union. City does not waive and expressly reserves its right to: (1) enforce the applicable contract language in the grievance procedure, including the definition of a grievance and timelines, and raise related objections in subsequent attempts by Union or Bargaining Unit Employees to present grievances and (2) exercise any rights it can exercise unilaterally without meeting and negotiating with Union. Nothing in this Agreement shall nor be construed to limit or prohibit any party's action to enforce the terms of this Agreement.

Article 9. Attorney's Fees, Costs, and Disbursements

Each party is responsible for its/his attorney's fees, costs, and disbursements in reaching this Agreement and no party will seek an award of attorney's fees, costs, or disbursements against a party hereto incurred in reaching this Agreement.

Article 10. Binding Effect and No Assignment

This Agreement is binding upon, and inures, to the benefit of the successors, executors, heirs and legal representatives of the parties hereto. This Agreement is not assignable by any party. Any purported assignment by any party shall be null and void and not operate to relieve such party of its obligations hereunder.

Article 11. Counterparts

This Agreement may be executed in counterparts. Facsimile or photocopied signatures shall be considered as valid signatures as of the date hereof, although the original signature pages shall thereafter be appended to this Agreement.

Article 12. Representations of Parties

The respective parties hereto hereby represent that this Agreement has been duly authorized and, upon execution, will constitute a valid and binding contractual obligation, enforceable in accordance with its terms, of each of the parties hereto.

Article 13. Headings

The headings of the paragraphs of this Agreement are not binding and are for reference only and do not limit, expand or otherwise affect the contents of this Agreement.

Article 14. Voluntary Agreement of the Parties

The parties hereto acknowledge and agree that this Agreement is voluntarily entered into by all parties hereto as the result of arm's-length negotiations during which all such parties were represented.

Article 15. Execution and Effective Date

This Agreement is not executed until and will be effective on the latest date affixed to the signatures on the next page.

Article 16. Incorporation into CBA

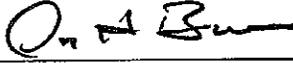
This Agreement shall be attached to and incorporated into the CBA.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement

City of East Grand Forks

Law Enforcement Labor Services, Inc.

Mayor

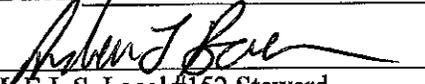


Business Agent

Dated: _____

Dated: 11-14-12

City Administrator/Clerk-Treasurer



E.E.L.S. Local #152 Steward

Dated: _____

Dated: 11-14-12

Request for Council Action

Date: November 17, 2012
To: East Grand Forks City Council and Mayor Lynn Stauss
From: Nancy Ellis, Senior Planner
RE: Establish zoning for Zavoral property

BACKGROUND OF REQUEST

The City of East Grand Forks has accepted a petition from Zavoral & Sons Inc. to annex their property south of East Grand Forks. In order for the city to accept an annexation petition, they must also hold a hearing to place the annexed property in a zoning district or districts. Therefore, the Zavoral property must be given a zoning designation(s).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval to establish I-1 Light Industrial zoning for the future annexed property.

GENERAL INFORMATION

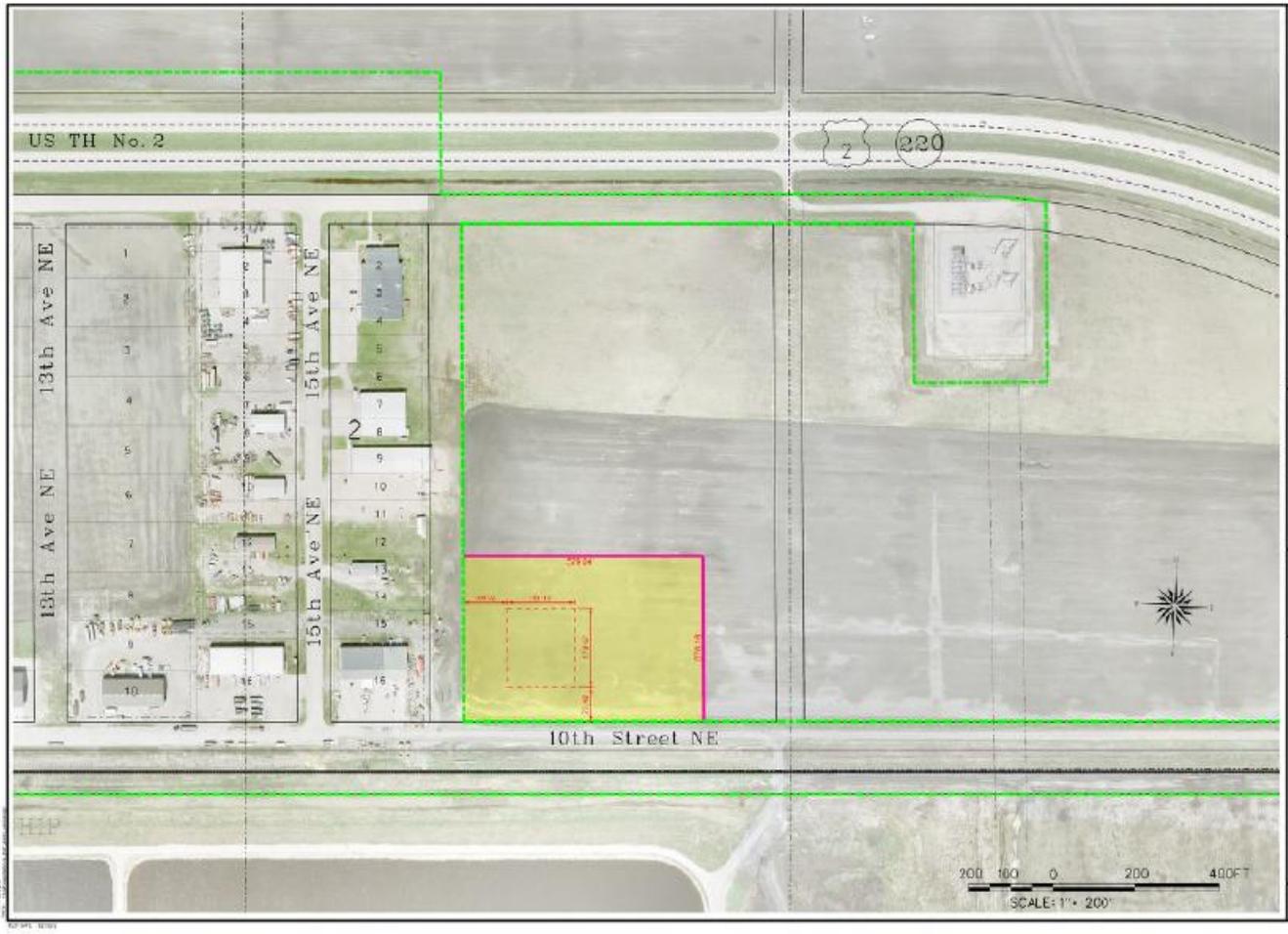
APPLICANTS/PROPERTY OWNERS: Zavoral and Sons Inc. are requesting the current rezoning of the property.

REQUESTED ACTION: Establish zoning for property in northeast East Grand Forks that will be annexed into the City

SITE ZONING/LAND USE: The site is currently zoned UER; a storage building is currently being built on the site

SURROUNDING ZONING/LAND USE:

North: Out of city limits, farm land
 West: I-1 zoning, Industrial Park 1st Resubdivision
 South: I-2 zoning, American Crystal Sugar
 East: Out of city limits, wind tower and DOT shop



SPECIAL INFORMATION

Zavoral and Sons Inc is petitioning the City of East Grand Forks to annex 5 acres of property north of 10th St. NE and east of 15th Ave NE and the Industrial Park. This property parallels their Industrial property just to the west. In order for the property to be annexed, zoning must be established for the site. The zoning request is for I-1 or Light Industrial District designation. In addition, the developer/developers must submit a plat for the property, which will lie out how they intend to develop the land. Because of the northern Minnesota climate, the Zavoral's have received a permit from the township to begin building a storage building (they did not intend to annex the property until they discovered they needed storm sewer and water service from the city); and will install their own utilities with the City's Engineering and Water and Light approval.

ANALYSIS

The Planning Commission should make its recommendation based on the following:

- Is this an appropriate zoning for this property?

Staff Comment: The property is a good fit for I-1 zoning. The uses planned for the property will be industrial in nature. The Industrial uses are also consistent with the area's uses and will be appropriate zoning.

- How would this zoning fit with the current City Comprehensive Plan?

Staff Comment: The City's Comprehensive Plan is comprised of the following plan elements: 2040 Land Use Plan, 2012 Greenway Plan Update, 2035 Long Range Transportation Plan, and the 2009 River Forks Downtown Plan Update. The 2040 Land Use Plan was adopted in 2010. The Plan provided growth scenarios for the City out thirty years. The plan does show a need to annex land past 15th Ave NE for future roads and Industrial Park development. The 2040 Comprehensive Plan does show Industrial land in this area, as well as the Gateway Access Management Plan shows an access off of Hwy 2 near the property.

- How does this zoning fit into the current zoning in the area?

Staff Comment: I-1 is consistent with the current zoning map. Any Industrial zoning would be appropriate in this zone. Because of the heavy Industrial uses near the property, residential zoning would not work and only limited commercial uses would be of merit.

STAFF RECOMMENDATION

Staff recommends approval to establish I-1 zoning for the annexed property.

Request for Council Action

Date: November 20, 2012
To: East Grand Forks City Council and Mayor Lynn Stauss
From: Nancy Ellis, Senior Planner
RE: Approval of Preliminary plat for Zavoral's Industrial 1st Addition

BACKGROUND AND SUPPORTING DOCUMENTATION OF REQUEST:

This is the preliminary plat for the 5 acre piece the Zavorals currently own and where they are constructing a storage building. The Zavorals have petitioned the City of East Grand Forks to annex the 5 acres into the City Limits and have asked the Planning Commission to rezone the property to I-1 or the Light Industrial District. This property parallels their property just to the west in the Industrial Park.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends preliminary approval of Zavoral's Industrial 1st Addition with the following comments:

- 1) **Submit a digital file to planning office.**
- 2) **Correct legal description on the plat (shown on final plat)**

GENERAL INFORMATION

APPLICANTS/PROPERTY OWNERS: Zavoral and Sons Inc.

REQUESTED ACTION: Applicant is requesting preliminary plat approval for Zavoral's Industrial 1st Addition being the plat of 5 acres on the northeast edge of the Industrial Park 1st Resubdivision, outside of City limits. The legal description is attached.

SITE ZONING/LAND USE: I-1 Light Industrial is the proposed zoning district

SURROUNDING ZONING/LAND USE:

North: Out of City limits - farm land

West: I-1 zoning - Industrial Park 1st Resubdivision

South: I-1 zoning - American Crystal Sugar

East: Out of City limits - wind tower and DOT shop

LOCATION: The parcels are located north of 10th St NE and east of 15th Ave NE and the Industrial Park 1st Resubdivision. The property is 5 acres in size.

COMMENTS

This is the preliminary plat for the 5 acre piece the Zavorals currently own and where they are constructing a storage building. The Zavorals have petitioned the City of East Grand Forks to annex the 5 acres into the City Limits and have asked the Planning Commission to rezone the property to I-1 or the Light Industrial District. This property parallels their property just to the west in the Industrial Park.

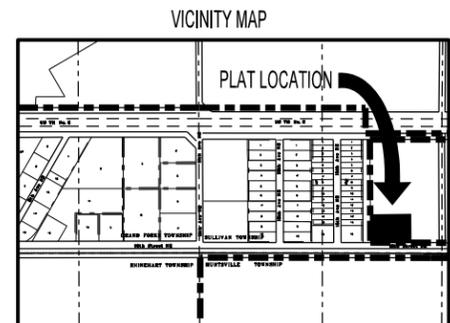
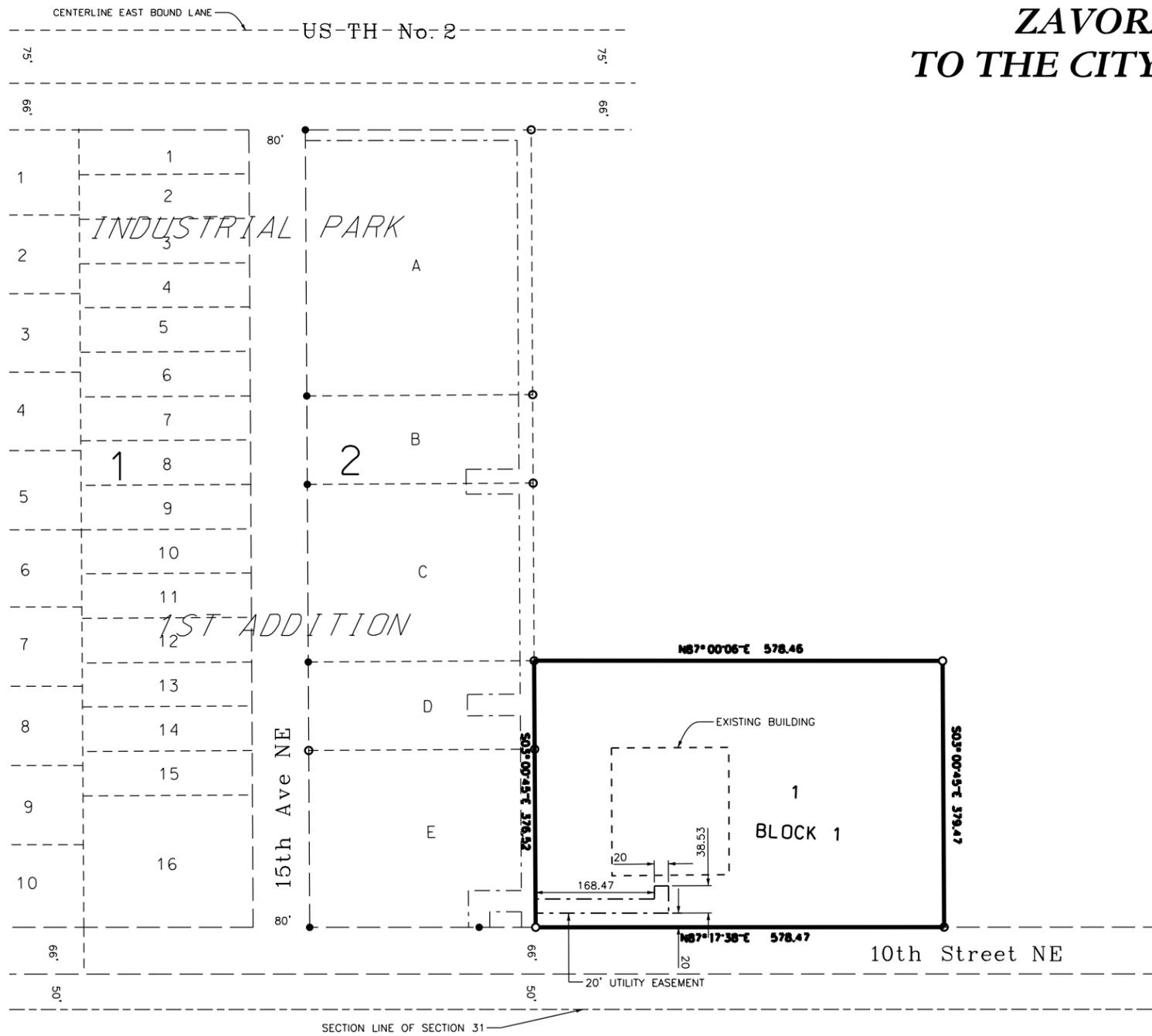
There are no lot size requirements for the I-1 District, but there are permitted or special use, setback, storage and parking requirements. The building that is currently under construction will meet the setback and height requirements and a contractor's shop is a permitted use. At this time, however, they do not meet our parking requirements for a hard surfaced lot. Discussion is necessary to address the parking issue.

STAFF RECOMMENDATION

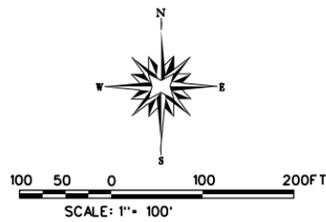
Staff recommends approving the Zavoral's Industrial 1st Addition as a final plat with the following conditions:

- 3) Submit a digital file to planning office of final plat.
- 4) Approval of the Development Agreement
- 5) Zavorals will put in a hard surfaced parking area, as required for new businesses in the City's Zoning Ordinance

PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION TO THE CITY OF EAST GRAND FORKS, MINNESOTA



NOTES:
 (A) Iron rebar monuments 5/8" o.d. x 18" long with orange plastic cap stamped "LS 47922" will be set at (1) All angle points on the outside boundary lines, (2) At all block corners and at all intermediate points on the block lines indicating changes in direction of the lines and, (3) At all lot corners.
 (B) The City of East Grand Forks, MN, its successors and / or assigns, shall have the right to keep all utility easements shown hereon free from hazards, structures, and other improvements which might hinder the cities ability to serve and maintain such utilities.
 (C) All bearings are grid based on the North Dakota State Plane coordinate system - North Zone of 1983 (NAD83). All distances are ground.



LEGEND
 EASEMENT LINE: - - - - -
 SECTION LINE: - - - - -
 NEW LOT LINE: - - - - -
 EXISTING MONUMENT: ●
 MONUMENT SET (THIS SURVEY): ● SEE NOTE (A)
 PLAT BOUNDARY: - - - - -
 EXISTING PROPERTY LINES: - - - - -
 CITY LIMITS: - - - - -
 CONTOUR LINE (2' INTERVAL): - - - - -

INSTRUMENT OF DEDICATION
 "KNOW ALL MEN BY THESE PRESENTS": That the City of East Grand Forks, Minnesota and Zavoral and Son's, Inc. the owners and proprietors of the following described property:

NOTE : Description By Others.
 That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 152 North, Range 49 West of the 5th Principal Meridian, lying easterly of the Industrial Park 1st Resubdivision to the City of East Grand Forks, Minnesota, Polk County, Minnesota according to the plat thereof on file and of record in the office of the County Recorder, Polk County, Minnesota more particularly described as follows:

Commencing at the southwest corner of said Section 31; thence northerly along the west line of said Section 31 having an assumed bearing of North 00 degrees 01 minutes 27 seconds West a distance of 116.00 feet; thence South 89 degrees 43 minutes 19 seconds East parallel with the south line of said Section 31 a distance 1864.00 feet to the Southeast corner of said Industrial Park 1st Resubdivision AND the point of beginning of the tract to be described; thence North 03 degrees 00 minutes 45 seconds West along the east boundary line of said Industrial Park 1st Resubdivision a distance of 376.52 feet to the northeast corner of Lot "D", Block 2; thence East along a line being the easterly extension of the north line of said Lot "D", Block 2 of said Industrial Park 1st Resubdivision a distance of 578.46 feet; thence South 03 degrees 00 minutes 45 seconds East on a line parallel to the east line of said Lot "D" a distance of 376.52 feet, more or less, to a point 116.00 feet north of the south line of said SE 1/4SW1/4 Section 31; thence west along a line 116.00 feet North of and parallel to the south line of said SE 1/4SW1/4 Section 31, a distance of 578.46 feet more or less to the point of beginning, containing 5.0 acres more or less.

has caused the same to be surveyed and platted as "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION" to the City of East Grand Forks, Minnesota and do hereby dedicate to the public, all of the streets and alleys, and utility easements as shown on this plat; the dimensions of which are as designated on the plat.

 Lynn Stauss, Mayor
 Scott M. Hutzenga, City Administrator

STATE OF)
) SS
 COUNTY OF)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Lynn Stauss, Mayor of the City of East Grand Forks, Minnesota, known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
 State of _____
 My Commission Expires: _____

STATE OF)
) SS
 COUNTY OF)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Scott M. Hutzenga, City Administrator to the City of East Grand Forks, Minnesota, known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
 State of _____
 My Commission Expires: _____

 Peter M. Zavoral, President, Zavoral and Son's, Inc.

STATE OF)
) SS
 COUNTY OF)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Peter M. Zavoral known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
 State of _____
 My Commission Expires: _____

SURVEYORS CERTIFICATE
 I hereby certify that I have surveyed and platted the property described on this plat as "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION", that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments will be correctly placed in the ground as designated, that the outside boundary lines are correctly designated on the plat and that there are no wetlands as defined in MS 505.02, Subd. 1 or public highways to be designated other than as shown.

 Patrick M. Krug, Land Surveyor
 Minnesota Registration No. 47922

STATE OF)
) SS
 COUNTY OF)

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20____ by Patrick M. Krug, Minnesota Registration No. 47922

 Notary Public, _____ County
 State of _____
 My Commission Expires _____ N

CITY COUNCIL APPROVAL:

I hereby certify that the within plat of "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION" to the City of East Grand Forks, Minnesota, was approved by Resolution of the City Council of the City of East Grand Forks, Minnesota, at a regular scheduled meeting of the City Council held on the _____ day of _____, 20____.

 Scott M. Hutzenga, City Administrator
 City of East Grand Forks, Minnesota

 Lynn Stauss, Mayor
 Scott M. Hutzenga, City Administrator

STATE OF)
) SS
 COUNTY OF)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Lynn Stauss, Mayor of the City of East Grand Forks, Minnesota, known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
 State of _____
 My Commission Expires: _____

STATE OF)
) SS
 COUNTY OF)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Scott M. Hutzenga, City Administrator to the City of East Grand Forks, Minnesota, known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
 State of _____
 My Commission Expires: _____

 Peter M. Zavoral, President, Zavoral and Son's, Inc.

STATE OF)
) SS
 COUNTY OF)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Peter M. Zavoral known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, _____ County
 State of _____
 My Commission Expires: _____

CITY PLANNING COMMISSION APPROVAL:

I hereby certify that the within plat of "PLAT OF ZAVORAL'S INDUSTRIAL 1ST ADDITION" to the City of East Grand Forks, Minnesota, was approved by the City Planning Commission of the City of East Grand Forks, Minnesota, at a meeting of said City Planning Commission on the _____ day of _____, 20____.

 City Planning Commission of the City of East Grand Forks, Minnesota
 By: _____ its Secretary
 Brad Bail

TAX STATEMENT:
COUNTY AUDITOR TAX STATEMENT

No delinquent taxes due and transfer entered this _____ day of _____, 20____.

 Polk County Auditor, State of Minnesota

COUNTY TREASURER TAX STATEMENT:

I hereby certify that all taxes for 20____ on the land described herein are paid.

 Polk County Treasurer, State of Minnesota

RECORDING CERTIFICATE
COUNTY RECORDER CERTIFICATE
DOCUMENT NUMBER

I hereby certify that this instrument was filed in the office of the Polk County Recorder for record on this _____ day of _____, 20____, at _____ o'clock _____ M, and was duly recorded in Book _____ of _____ on page _____.

 Polk County Recorder, State of Minnesota

RESOLUTION NO. 12 – 11 - 114

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 14383 for a total of \$488.38.

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 \$488.38 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 November 20, 2012.

Voting Aye:
Voting Nay:
Abstain:

The President declared the resolution passed.

Passed: November 20, 2012

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 20th of November, 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 14383 for a total of \$488.38.
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 November 20, 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

User: mnelson
 Printed: 11/16/2012 - 1:35 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
14339	11/20/2012	ACM001	Acme Electric Companies	114.12	0
14340	11/20/2012	ADV001	Advanced Business Methods Inc	135.00	0
14341	11/20/2012	ALB001	Albrecht Manufacturing	872.94	0
14342	11/20/2012	AME002	American Tire Service	179.00	0
14343	11/20/2012	AME008	American Tire Service Inc	301.08	0
14344	11/20/2012	AME005	Ameripride Linen & Apparel Services	341.72	0
14345	11/20/2012	AQU001	Aqua Water Solutions	54.60	0
14346	11/20/2012	BAK005	Trisha Baker	75.00	0
14347	11/20/2012	BAL001	Balco Uniforms Co Inc	143.80	0
14348	11/20/2012	BAR005	Barnes Distribution	233.73	0
14349	11/20/2012	BAT001	Batteries Plus	625.42	0
14350	11/20/2012	BEC001	Becker Arena Products Inc	1,417.16	0
14351	11/20/2012	BOB001	Bobcat of Grand Forks	31.58	0
14352	11/20/2012	BOR001	Border States Electric Supply	60.40	0
14353	11/20/2012	BRI003	Brite-Way Window Cleaning	60.00	0
14354	11/20/2012	C&R001	C&R Laundry & Cleaners	561.39	0
14355	11/20/2012	CAN001	Canon Financial Services	167.10	0
14356	11/20/2012	CAR002	Carquest Auto Parts	146.53	0
14357	11/20/2012	CEN006	Century Link	1,020.84	0
14358	11/20/2012	CUM001	Cummins NPower LLC	815.00	0
14359	11/20/2012	DAK006	Dakota TV & Appliance	1,457.66	0
14360	11/20/2012	DIA002	Diamond Lake Book Co	397.47	0
14361	11/20/2012	EID001	EIDE Motors	306.85	0
14362	11/20/2012	ENV002	Environmental Equipment	37.74	0
14363	11/20/2012	EXP003	Explorer Post #38	50.00	0
14364	11/20/2012	EXP002	Exponent	472.24	0
14365	11/20/2012	FIR003	Fire Safety USA	113.28	0
14366	11/20/2012	FLA001	Flaherty & Hood PA	1,101.22	0
14367	11/20/2012	FOR001	Forks Freightliner	218.05	0
14368	11/20/2012	FTT001	Forks Truck & Trailer Repair	1,955.72	0
14369	11/20/2012	FRU001	Katie Fruetel	200.00	0
14370	11/20/2012	G&K001	G&K Services	103.54	0
14371	11/20/2012	GAF002	Gaffaney's	74.48	0
14372	11/20/2012	GAL003	Galstad Jensen & McCann PA	9,374.00	0
14373	11/20/2012	GER001	Gerrells Sport Center	567.91	0
14374	11/20/2012	GFC001	GF City Utility Billing	16,912.77	0
14375	11/20/2012	GFF001	GF Fire Equipment	76.00	0
14376	11/20/2012	GFH002	GF Herald	550.33	0
14377	11/20/2012	GFW001	GF Welding & Machine	554.33	0
14378	11/20/2012	GOP002	Gopher State Lawn Sprinklers	115.00	0
14379	11/20/2012	GRA004	Grand Cities Towing	50.00	0
14380	11/20/2012	GRA008	Grand Forks City	57,649.00	0
14381	11/20/2012	H&S001	H&S Construction	19,623.00	0
14382	11/20/2012	HAJ002	Rick Hajicek	142.50	0
14383	11/20/2012	HAR001	Hardware Hank	488.38	0
14384	11/20/2012	HEA001	Heartland Paper	378.60	0
14385	11/20/2012	HOL002	Holiday Credit Office	297.96	0
14386	11/20/2012	HOM001	Home of Economy	63.92	0
14387	11/20/2012	HUG001	Hugo's	212.39	0
14388	11/20/2012	JOH024	Liane Johnston	75.00	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
14389	11/20/2012	KEL001	Kellermeyer Building Service	1,603.13	0
14390	11/20/2012	LEA001	League of MN Cities	620.00	0
14391	11/20/2012	LEA002	League of MN Cities	1,000.00	0
14392	11/20/2012	LIB006	Liberty Lanes, Inc	61.49	0
14393	11/20/2012	LOW001	Lowes	85.06	0
14394	11/20/2012	LUM001	Lumber Mart	551.95	0
14395	11/20/2012	LYN001	Lynn Peavey Company	91.95	0
14396	11/20/2012	MAR004	Marco	64.00	0
14397	11/20/2012	MAT001	James Mathsen	150.00	0
14398	11/20/2012	MCD001	McDonald's of EGF	49.77	0
14399	11/20/2012	MED002	Medco Supply Company	46.01	0
14400	11/20/2012	MEN001	Menards	736.53	0
14401	11/20/2012	MID003	Midcontinent Communications	1,379.62	0
14402	11/20/2012	MIK001	Mike's Pizza	64.51	0
14403	11/20/2012	MND010	MN Dept of Health Env Health Div	715.00	0
14404	11/20/2012	MND013	MN Dept of Transportation	1,957.77	0
14405	11/20/2012	NEW001	Newman Signs	1,820.00	0
14406	11/20/2012	ORE001	O'Reilly Auto Parts	513.61	0
14407	11/20/2012	OPP001	Opp Construction	49,936.00	0
14408	11/20/2012	ORC002	Roger Orchard	31,248.96	0
14409	11/20/2012	PDQ001	PDQ Sanitary Services	355.65	0
14410	11/20/2012	PES001	Gwen Pesch	50.00	0
14411	11/20/2012	PET001	Peterson Veterinarian Clinic P.C.	639.26	0
14412	11/20/2012	POL009	Polk County DAC	19.77	0
14413	11/20/2012	PCS002	Polk County Solid Waste	193.63	0
14414	11/20/2012	PRA003	Prairie Wind BG Inc	678.18	0
14415	11/20/2012	PRA001	Praxair Distribution	87.62	0
14416	11/20/2012	PRE001	Premium Waters Inc	59.62	0
14417	11/20/2012	RAS001	Keelan & Holly Rasmusson	199.68	0
14418	11/20/2012	REL002	Reliance Telephone System	69.47	0
14419	11/20/2012	RMB001	RMB Environmental Lab Inc	56.00	0
14420	11/20/2012	SAF001	Safety Vision	79.00	0
14421	11/20/2012	SAM002	Sam's Club	52.97	0
14422	11/20/2012	SIM001	Simonson Station Stores	297.50	0
14423	11/20/2012	STO001	Stone's Mobile Radio Inc	4,173.70	0
14424	11/20/2012	SUN002	Sun Dot Communications	105.99	0
14425	11/20/2012	SUN003	Sunshine Terrace	600.00	0
14426	11/20/2012	TAC001	TAC 10, Inc.	4,733.00	0
14427	11/20/2012	CHA001	The Chamber of EGF/GF	250.00	0
14428	11/20/2012	TIG001	Tiger Direct.com	1,133.34	0
14429	11/20/2012	TRU001	True Temp	112.99	0
14430	11/20/2012	UPS001	UPS	98.69	0
14431	11/20/2012	VAL001	Valley Petroleum Equipment	297.32	0
14432	11/20/2012	VAL002	Valley Truck	613.88	0
14433	11/20/2012	VER001	Verizon Wireless	1,015.66	0
14434	11/20/2012	VIL001	Vilandre Heating & A/C	33.00	0
14435	11/20/2012	WAS001	Waste Mgmt	36,571.57	0
14436	11/20/2012	WAT001	Water & Light Department	48,562.74	0
14437	11/20/2012	WAT003	Waterous Company	91.16	0
14438	11/20/2012	WHE001	Carl Whetzel	321.08	0
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