

**APPROVED MINUTES
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, JULY 9, 2013 - 5:00 P.M.**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for July 9, 2013 was called to order by Council President Craig 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 Greg Leigh, Council Members Clarence Vetter, Ron Vonasek, Henry Tweten, Mark Olstad, and Chad Grassel.

Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Dan Boyce, Water & Light Manager; Lee Carvieu, City Engineer; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Gary Larson, Fire Chief; Karl Lindquist, Interim City Administrator; Megan Nelson, Executive Assistant; and Jim Richter, EDHA Director.

DETERMINATION OF A QUORUM:

- 1. Campbell Library Roof Discussion – Karl Lindquist
- Terry Hart from Kraus Anderson & Mike Anderson from Braun Intertec will be attending the meeting to address questions from the council.**

The discussion began with introductions from Mr. Terry Hart, Director of Operations at Kraus Anderson, Mr. Steven Flaten from the Business Science Group at Braun Intertec, Mr. Matt Anderson from Braun Intertec, and Mr. Jake Boerboon from Kraus Anderson. Council President Buckalew asked how they were going to proceed. Mr. Lindquist explained how he had met Ms. Helgeson, Mr. Galstad, and the representatives from Kraus Anderson and Braun Intertec before the work session, reviewed what had happened up to this point, and the findings and recommendations of the last inspection report of the roof. He then turned it over to Mr. Flaten. Mr. Flaten stated how this roof has had a history of issues. He stated how this last project changed the ventilation system, added insulation, and stopped many of the leaks. He added that since the project has been completed there have been some issues that have shown up. Mayor Stauss asked why Kraus Anderson would have allowed the City to use this design in the first place. Mr. Hart stated he wasn't there in the beginning but looking back, everything was followed and built to specifications but this roof is unique and with that unforeseen issues. Discussion followed on what the issues are, how it was Braun Intertec that decided what the stopping point was for the scope of this last project, and how there are still issues but some have been resolved. Mr. Flaten told the council they were trying to fix this problem without having to take down all of the sheetrock and within a reasonable budget. Some council members stated

they thought this fix was going to get rid of the problems and don't like the idea of putting heat tape on the building or having someone have to shovel off the roof. Mr. Flaten suggested that pictures are taken with an infrared camera this fall when there is a greater temperature difference between inside and outside. He said he would take a look and try to find where the air leak is. Mr. Flaten stated it was more than likely cold air that is causing the problem, not the melting so these pictures could help fix the problem. Council President Buckalew thanked the panel for coming in and stated that the Water and Light Department would be in touch with them this fall so the pictures can be taken and analyzed. Mr. Galstad stated he will update the information he has and follow up with what will happen next since the City put Kraus Anderson and Braun Intertec on notice.

2. Waste Management Contract – Karl Lindquist & Paul Kalibabky

Mr. Kalibabky introduced himself to the council and gave an overview of the City's current contract with Waste Management. He stated that when the agreement was drafted in 2007 it was based off of a \$3.00 dollar fuel table and how today they are operating using \$5.00 fuel tables when negotiating contracts. He explained how surcharges included in the contract and how one of the accounts has not been properly charged with this fuel surcharge and he wanted to make the City aware this will be added to a bill. Mr. Kalibabky stated the City had another year left on the contract with Waste Management but he was wondering if he could update some numbers and present the city with a new five year contract. Discussion followed about how Waste Management does a good job, to make sure walkup service is still included, and what potential future costs could be. Mr. Kalibabky commented on how many of the residents of East Grand Forks recycle and invited the council to visit the Waste Management recycling facility. Council President Buckalew asked if this contract had to be advertised as and collect bids. Mr. Galstad stated that since this is a service the council wouldn't need to. Mr. Lindquist asked what was going to happen with the \$39,000 in surcharges that hadn't been applied to the account. Mr. Kalibabky said he had asked about it but no decision has been made. Council President Buckalew asked that Mr. Kalibabky have a new contract prepared in 30 days for the council to review and that the council would ask Mr. Stordahl if he needed anything to change or be added for services.

3. Bid Results - 2013 City Project 1 & 2012 City Project 5 – Steve Emery & Lee Carvieu

Mr. Emery stated the bids were open for these projects. He informed the council there were two bids for each of the projects. He started going over the information about 2012 City Project 5. Mr. Emery stated Paras Contracting placed a bid of \$213,104.72 and Opp Construction placed a bid of \$270,474.00. Council member Tweten asked Mr. Emery to explain what the City would be responsible for. Mr. Emery stated there were funds available from the MPO to help with the cost of this project. He estimated including soft costs this project would be approximately \$266,380.91 based off of the bid from Paras Contracting with the MPO providing 80% of the funds. He said the City portion would be approximately \$53,276.18. Council member Leigh stated he would not vote for the project unless he knows where the City portion is coming from. Ms. Anderson stated she will work on looking to see if there are funds available. Ms. Ellis stated that Transit had \$266,000 for this project but Mr. Huizenga never informed her of where the 20% the City was budgeted. She also informed the council that if these funds were not used this year the federal government would be taking back a portion of them.

Mr. Emery continued with the results for 2013 City Project 1. He told the council that these bids came in substantially higher than expected since they estimated this project at \$400,000. He stated that depending on which way the City chooses, either one of the bidders could be considered having the lowest bid. Mr. Emery told the council Opp Construction placed a bid of \$599,356.00 for the base and alternative 1 and a bid of \$642,210.40 for the base and alternative 2. He then told the council the other bidder was Strata Corporation who placed a bid for the base and alternative 1 for \$584,829.00 and a bid of \$673,166.00 for the base and alternative 2. He also added that the City was receiving funds from the MNDOT for \$225,772.00 so the city would have to come up with the rest. Ms. Ellis informed the council she had asked for funding four years prior and how this will be the last of the Transportation Enhancement funds. Mr. Emery stated that Mr. Lou Tassa was going to see if there were any other funds available from the state.

4. Feasibility Study for 2nd Ave NE – Steve Emery & Lee Carvieu

Mr. Emery informed the council the last feasibility study completed on 2nd Ave NE was done in January of 2012. He said based on the report the 28 foot wide street would be charged \$235.00 per foot in assessment. Council member Leigh asked if the street could be narrowed to help cut costs. Mr. Emery stated that the street is as narrow as it can go. Discussion followed on why this was brought up, how this street functions, how often this street is used, and how there was lots of opposition to redo this street the last time it was brought forward. Council member Leigh asked that all of the council members take a look at 2nd Avenue NE and discuss ideas for this street at the next work session.

5. Panel Replacement on James Ave – Jason Stordahl & Megan Nelson

Ms. Nelson reminded the council of a repair to sewer pipe last year on James Avenue by River Drive SE and how it was too late in the year to also repair the concrete. She stated that this proposed job would complete that project and Mr. Stordahl recommended moving forward with Carvieu Concrete since they had the lowest bid. Ms. Nelson added there were additional items on to the quote from H&S Construction for removal of a manhole and installing a chimney seal but at this time Mr. Stordahl was only going to have the panels replaced.

6. Request to Purchase a 15 foot mower – Jason Stordahl & Megan Nelson

Ms. Nelson stated the purchase of this mower was included in the budget this year. She continued by saying Mr. Stordahl is recommending to purchase the mower from True North Equipment since they have the lower bid. Ms. Nelson added there was a trade-in amount included on the True North Equipment quote but Mr. Stordahl will not be trading in the smaller mower because there are areas that this mower is still being utilized.

7. Lease Agreement with the Dept of Public Safety – Ron Galstad

Mr. Galstad stated this lease agreement with the state had to be updated because some of the information, like the location they are using, was not correct. He added the only other modification would be to add another paragraph in the liability section showing the city would be governed by the Minnesota Municipal Torts Act. Mr. Galstad said he had contacted the state with these changes but has not received a reply. Council President Buckalew asked if there was any way to include language on signage since people have a difficult time locating this office.

Mr. Galstad stated that it he can ask. Council member Vetter also asked if this group could be open full time. Mr. Galstad stated this group moves throughout the region all week long so they are only available one day a week.

8. Trespass Ordinance – Ron Galstad

Mr. Galstad stated this ordinance came about because of complaints of people being on the levee. He said he looked over several different ordinances and made some modifications to some to create this ordinance. He added he was looking at trespassing in the city in general as well addressing issues with maintenance on the levee system. Mr. Galstad stated a that Mr. Lindquist and Mr. Stordahl along with himself had been working with Widseth Smith Nolting who created a map showing where signs or things can be put up or in place as a deterrent for both people and motorized vehicles not to trespass. Mr. Lindquist stated this would be a four step process with the step one as passing the ordinance. He said the second step would be to have the council members look at the map and instruct city staff where to put up signs. He added the third step would be to educate the public on this and lastly would be enforcement. Mr. Lindquist added this would give the police department the ability to charge for trespassing. Mr. Galstad also confirmed the statute would have to be followed and have two readings and a publication before this ordinance would take effect.

9. Sewage Fees – Karl Lindquist & Karla Anderson

Mr. Lindquist stated the Council President asked to look into how much would be raised in funds with a \$5.00 increase to sewage rates. He then asked Ms. Anderson to address this issue. Ms. Anderson stated that the estimate of raising the flat rates \$5.00 dollars would be \$240,000 dollars. She stated this was based off of residential and apartment buildings only since commercial users are charged on a percentage and not a flat rate. Mayor Stauss asked what the buildup was since the City had raised its rates. Ms. Anderson informed the council that there is 3.3 million dollars in the sewage fund. Council member Leigh asked how much of that was designated for the waste water project. Ms. Anderson explained it was approximately \$240,000 at the end of the year and now it is closer to \$400,000. Discussion followed about if the City should raise the sewage fee by \$5.00 dollars, how much it was raised the year before, and how the City would have a better chance of getting money from the state by having more money set aside for a waste water project. Council member Vetter how much more needs to be set aside if there is already 3.3 million in the sewage fund and asked what the 3.3 million is going to be used for. Ms. Nelson explained how part of these dollars made up the waste water budget for this year. She continued by telling the council Mr. Stordahl informed her that all of the dollars in the waste water budget were going to be used this year. Council President Buckalew stated that Mr. Stordahl had informed him that the proposed upgrade to one of the lift stations in 2015 might not be able to wait until then. Ms. Nelson told the Council Mr. Stordahl will be presenting the current state of the waste water system at the August 13th Work Session.

10. Waste Water Update – Karl Lindquist

Mr. Lindquist stated he will be meeting with Mr. Boppre and Ms. Anderson to figure out what the updated costs will be for the three different waste water treatment options and include annual operating costs and present the findings to the council at another public forum. He stated the staff was planning a meeting for July 22nd but Council President Buckalew was asking to have it on the evening of the July 23rd. Mayor Stauss asked to wait until he gets back from the Coalition

meeting to see what they have to say about all of the restrictions the MPCA has put on cities. Council President Buckalew stated they will tentatively plan a public forum for the first week in August.

11. Interim City Administrator Position Discussion - City Council

Mr. Lindquist told the council they should know where he stands with this issue, they could discuss this without him there, and to call him and let him know if he should show up for work the next day. Mayor Stauss stated this put the City in a bad position since he had told them he would stay. Mr. Lindquist said he wasn't putting them in a bad situation and the council can go ahead and discuss his performance. Mr. Lindquist then left the meeting. Council member Leigh stated he thought Mr. Lindquist has done an excellent job and he is moving things along. Council member Leigh said he doesn't understand why the council is discussing this. Council member Vetter explained this was not about Mr. Lindquist's job performance. He continued by saying was under the impression that Mr. Lindquist was going to be a contracted service and not on payroll which are two completely different things. He added that since he is on payroll the council can't go back and change Mr. Lindquist to a contracted employee. Discussion followed about what the process was for hiring Mr. Lindquist. Council member Vetter stated he didn't agree with the decision of putting Mr. Lindquist on payroll without being discussed and decided by the council. Council President Buckalew and the mayor apologized about making that decision. Council President Buckalew stated that without an employee contract, Mr. Lindquist would be considered an employee. He added that next time the council will know how the process should be completed and to make sure HR department gets the information they need. Council President Buckalew stated he would be informing Mr. Lindquist he will remain on payroll.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADJOURN THE JULY 9, 2013 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 7:00 P.M.

Voting Aye: Tweten, Olstad, Leigh, Grassel, Vetter, Vonasek, and Buckalew.

Voting Nay: None.

Karl Lindquist, Interim City Administrator