

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, JULY 16, 2013 - 5:00 P.M.**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for July 16, 2013 was called to order by Council Vice-President Greg Leigh at 5:04 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 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; Greg Boppre, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Stuart Kovar, Public Works Foreman; Gary Larson, Fire Chief; Karl Lindquist, Interim City Administrator; Megan Nelson, Executive Assistant; and Jim Richter, EDHA Director.

DETERMINATION OF QUORUM:

The Council Vice-President Determined a Quorum was present

PLEDGE OF ALLEGIANCE:

PRESENTATION OF THE FLAG:

Chief Hedlund stated there had been a flag flown over the United States Capitol for the City of East Grand Forks and for Kenneth Olson, the only East Grand Forks Police Officer who was killed in the line of duty. He added that this flag was flown at the East Grand Forks Police Department during the Police Memorial Week. Chief Hedlund read the certificate and the plaque on the flag presentation box and presented both of them to Mr. Olson's widow, Bonnie Andrys. Ms. Andrys mentioned a scholarship program that has been started in honor of her late husband and told everyone thank you and how greatly this is appreciated.

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." If you would like to address the City Council, please come up to the podium to do so."

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of July 2, 2013.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of July 9, 2013.

A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE ITEM ONE (1) THROUGH TWO (2).

Voting Aye: Olstad, Leigh, Grassel, Vetter, Vonasek, and Tweten.
Voting Nay: None.
Absent: Buckalew

SCHEDULED BID LETTINGS:

3. Consider adopting Resolution No. 13-07-68 accepting and awarding the bid for sidewalk improvements along Highway 220 for 2012 City Project No. 5 to Paras Contracting for a bid price of \$213,104.72.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER VONASEK, TO ADOPT RESOLUTION NO. 13-07-68 ACCEPTING AND AWARDING THE BID FOR SIDEWALK IMPROVEMENTS ALONG HIGHWAY 220 FOR 2012 CITY PROJECT NO. 5 TO PARAS CONTRACTING FOR A BID PRICE OF \$213,104.72.

Mr. Boppre stated he had the breakdown of the total cost on the RCA. He explained how the MPO was going to pay for 80% of this project including the soft costs. Council member Vetter asked to amend the amount so that it was changed to \$266,380.91. Ms. Nelson informed the council the \$266,380.91 was the total price including the soft costs and how they needed to approve Paras Contracting bid of \$213,104.72. Council member Vetter withdrew his request to amend the amount. Mr. Boppre informed the council the 20% portion was budgeted so this project is fully funded.

Voting Aye: Olstad, Leigh, Grassel, Vetter, Vonasek, and Tweten.
Voting Nay: None.
Absent: Buckalew.

4. Consider adopting Resolution No. 13-07-69 accepting and awarding the bid for the multi-purpose trail along Highway 220 for 2013 City Project No. 1 to Strata Corporation for a bid price of \$584,829.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER OLSTAD, TO ADOPT RESOLUTION NO. 13-07-69 ACCEPTING AND AWARDING THE BID FOR THE MULTI-PURPOSE TRAIL ALONG HIGHWAY 220 FOR 2013 CITY PROJECT NO. 1 TO STRATA CORPORATION FOR A BID PRICE OF \$584,829.

Mr. Boppre told the council he handed out a new map and memo and was recommending the council to reject these bids. He stated this project had been approved in 2008 and the estimate back then for this was \$225,240. He added that the City cannot afford this project even with MNDOT putting up 80% of the funds for the construction costs. Mr. Boppre suggested to the council that this project be completed in phases with a bid opening in the fall and completion date of next year and asked the council allow him to prepare plans and specs to complete this project in phases. He added that as long as he obligates the funds this year they can be used next year.

Voting Aye: None.

Voting Nay: Olstad, Leigh, Grassel, Vetter, Vonasek, and Tweten.

Absent: Buckalew.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER VETTER, TO ORDER PLANS AND SPECIFICATIONS FOR AN EIGHT FOOT CONCRETE PATH FROM 23RD STREET DOWN TO 20TH STREET AND TO INCLUDE AN ALTERNATE EXTENDING THIS PATH DOWN TO 17TH STREET.

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

Voting Nay: None.

Absent: Buckalew.

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.

5. Consider approving Lease Agreement No. PS0343 between the City of East Grand Forks and the Minnesota Department of Public Safety, Driver and Vehicle Services.
6. Consider approving the temporary liquor license application for the VFW for July 25th for Bikes and Bites on the Boardwalk.
7. Consider approving the temporary liquor license application for the VFW for August 16th for Heritage Village.
8. Consider approving the Private Use of a Public Sidewalk application for Mamma Maria's.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER VONASEK, TO APPROVE ITEMS FIVE (5) THROUGH EIGHT (8).

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

Voting Nay: None.

Absent: Buckalew.

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

9. Regular meeting minutes of the Water, Light, Power, and Building Commission for June 20, 2013.
10. Regular meeting minutes of the Planning Commission for April 12, 2013.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

11. Consider approving Ordinance No. 11, 4th Series amending Chapter 130: General Offenses, by adding Section 130.08 Trespassing to the City Code and by adopting by reference City Code Title I, Chapter 10 and Section 10.99 which, among other things, contain penalty provisions. (1st Reading)

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER VONASEK, TO APPROVE ORDINANCE NO. 11, 4TH SERIES AMENDING CHAPTER 130: GENERAL OFFENSES, BY ADDING SECTION 130.08 TRESPASSING TO THE CITY CODE AND BY ADOPTING BY REFERENCE CITY CODE TITLE I, CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS. (1ST READING)

Mr. Galstad told the council there was a revision made to Paragraph 7b which clarified and allowed people on the levee for maintenance issues, how this came about because of some complaints, and how Chief Hedlund has expressed some concern about the enforcement of this ordinance. Council member Grassel asked if this would not allow kids on the levees for sledding or allow anyone to walk over to access the trails. Mr. Galstad stated that was correct and went through a list of things that would be consider a violation of the ordinance. Mayor Stauss stated there must have been a reason from this and asked what it was. Mr. Lindquist stated there are some areas that residents are complaining about people looking into their homes from on top of the dyke. He added that the list of exceptions was getting very long but revisions can still be made. Council Vice-President Leigh said he felt this ordinance was too strict and could see how enforcement will be a major issue. More discussion followed.

COUNCIL MEMBER TWETEN WITHDREW HIS MOTION. COUNCIL MEMBER VONASEK WITHDREW HIS SECONDING OF THE MOTION.

Council member Tweten asked to have this issue brought back to a work session. Council Vice-President Leigh stated this item will be tabled until the next work session.

12. Consider adopting Resolution No. 13-07-72 to rezone and establish PUD zoning for the Burlington Heights property on the lot located across from City Hall.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER OLSTAD, TO ADOPT RESOLUTION NO. 13-07-72 TO REZONE AND ESTABLISH PUD ZONING FOR THE BURLINGTON HEIGHTS PROPERTY ON THE LOT

LOCATED ACROSS FROM CITY HALL.

Ms. Ellis informed the council there was a request to rezone the property across from City Hall from C1 to PUD. She explained this would take away the requirement to have 35% of the main floor reserved for commercial space. She added how commercial space does not have any parking requirements but a PUD does require enough parking for the entire facility. Ms. Ellis commented how the Planning Commission recommended rezoning this property and added how it would still fit with the City's Comprehensive Plan. She invited both Mr. Richter and Mr. Craig Tweten to come forward to comment or answer questions and Mr. Tweten came forward. Mayor Stauss stated he was opposed to rezoning this property. He stated he feels very strongly that there should be commercial space on the first floor included in this building but he knows how difficult it can be to get these spaces filled. He added how long this space had been empty but asked the council when the last time anyone had approached a business or corporation to move into this space. Mayor Stauss commented on the different things that might happen with apartments on the first floor and how that might detract from the area. He asked that commercial be included and to build what the City's needs. He said that if two of the council members vote no that he would veto this decision and if they don't he wished Mr. Tweten luck.

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

Voting Nay: Leigh

Absent: Buckalew.

13. Consider adopting Resolution No. 13-07-73 approving the Burlington Heights PUD concept development plan.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER OLSTAD, TO ADOPT RESOLUTION NO. 13-07-73 APPROVING THE BURLINGTON HEIGHTS PUD CONCEPT DEVELOPMENT PLAN.

Council member Vetter asked if staff still recommended to table this item because that was stated on the RCA. Ms. Ellis stated she did not wish to table this item but to approve it. She told the council that if they had anymore comments on something that should be added or changed to please let Jim or the EDHA council representatives know so it can be considered and possibly added in the purchase agreement.

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

Voting Nay: Leigh.

Absent: Buckalew.

14. Consider awarding the job of panel replacement on James Ave SE to Cariveau Concrete Construction for \$11,904.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER TWETEN, TO AWARD THE JOB OF PANEL REPLACEMENT ON JAMES AVE SE TO CARIVEAU CONCRETE CONSTRUCTION FOR \$11,904.

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

Voting Nay: None.
Absent: Buckalew.

15. Consider approving the purchase of the John Deere CX15 Rotary Mower from True North Equipment for \$18,400.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER OLSTAD, TO APPROVE THE PURCHASE OF THE JOHN DEERE CX15 ROTARY MOWER FROM TRUE NORTH EQUIPMENT FOR \$18,400.

Voting Aye: Olstad, Leigh, Grassel, Vetter, Vonasek, and Tweten.
Voting Nay: None.
Absent: Buckalew.

CLAIMS:

16. Consider adopting Resolution No. 13-07-70 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 16296 for a total of \$802.76 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER OLSTAD, TO ADOPT RESOLUTION NO. 13-07-70 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 16296 FOR A TOTAL OF \$802.76 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

Voting Aye: Olstad, Leigh, Grassel, Vetter, Vonasek, and Tweten.
Voting Nay: None.
Absent: Buckalew

17. Consider authorizing the Interim City Administrator to issue payment of recommended bills and payroll.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER OLSTAD, TO AUTHORIZE THE INTERIM CITY ADMINISTRATOR TO ISSUE PAYMENT OF RECOMMENDED BILLS AND PAYROLL.

Voting Aye: Olstad, Leigh, Grassel, Vetter, Vonasek, and Tweten.
Voting Nay: None.
Absent: Buckalew

SUSPENSION OF RULES:

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO SUSPEND RULES TO ADOPT RESOLUTION NO. 13-07-71.

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

Voting Nay: None.

Absent: Buckalew.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER OLSAD, TO ADOPT RESOLUTION NO. 13-07-71 APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND AFSCME COUNCIL 65.

Mr. Lindquist gave an overview of what has happened between the City and AFSCME Council 65 with both groups filing petitions with the Bureau of Mediation Services. He stated this agreement would resolve the issues of adding the City Planner to the bargaining unit and taking away the Building Official/Director of Flood Recovery from the bargaining unit.

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

Voting Nay: None.

Absent: Buckalew.

COUNCIL/STAFF REPORTS:

Mayor Stauss commented on how well the State Park has been doing and how it looks like they are doing well again this year. He said they had been having electric issues and asked Mr. Boyce to contact them to see what could be done about these issues. Mayor Stauss added that the rangers don't have a shed for lawnmowers and other things and how they are in need of a small shed. It was suggested to contact Mr. Abel with Northland Tech to see if one of his classes could make something. Mayor Stauss ended by saying how the local churches have been sending over people who don't have a place to stay to sleep in the campground and how this will need to be addressed since some of these people have caused problems for the campground.

Council Member Olstad informed the council about the Water Carnival event the Save Our Pool organization will be hosting on August 8th. He asked for volunteers to participate in a dunk tank.

Council Member Grassel said he would volunteer for the dunk tank.

Mr. Galstad said he would consider being a volunteer.

Ms. Anderson stated she would also volunteer for the dunk tank.

Ms. Ellis reminded the council about the meeting regarding the Kennedy Bridge at the Campbell Library on Wednesday, July 17th. She said it went from 5:00 pm to 7:30 pm with presentations starting at 5:30 pm and 6:30 pm. Ms. Ellis also commented on how there are 11 or 12 new homes going up, how well building inspections are going, and how there haven't been any complaints with the services provided.

Mayor Stauss asked Ms. Ellis to comment on a recent report that there has been a population loss in the City of East Grand Forks. Ms. Ellis told the council the City population grew by more than 1600 people from 2000 to 2010 and how that increase brought more federal dollars to the community. She said they

will look everywhere to see this amount could be dropped. She explained how there is an appeal process to go through and East Grand Forks has gone through this process three times in recent years but it is a difficult process. She added how the City has a 2% vacancy rate in apartments and new homes are going up so she wasn't sure why it was reported there was a drop in population. Ms. Ellis stated she could ask the MPO to respond by taking a look at the numbers they have for the population of East Grand Forks. Some discussion followed about looking at the enrollment of the school as well as different state departments that might have information regarding the City of East Grand Forks.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN, TO ADJOURN THE JULY 16, 2013 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:02 P.M.

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

Voting Nay: None.

Absent: Buckalew.

Karl Lindquist, Interim City Administrator