

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, APRIL 15, 2014 – 5:00 PM**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for April 15, 2014 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 Greg Leigh, Council Members Clarence Vetter, Dale Helms, Henry Tweten, Mark Olstad, and Chad Grassel.

Dave Aker, Parks & Recreation Superintendent; Brad Bail, Building Inspector; Greg Boppre, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Gary Larson, Fire Chief; David Murphy, City Administrator/Clerk-Treasurer; Megan Nelson, Executive Assistant; Jim Richter, EDHA Director; and Jason Stordahl, Public Works Director.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present

PLEDGE OF ALLEGIANCE:

Council President Buckalew announced there was an opportunity to meet with both the Library and Friends of the Library boards at an event they were hosting from 5:00 to 7:00 at the library if anyone was interested.

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 April 1, 2014.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of April 8, 2014.

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

City Council Meeting

April 15, 2014

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

Voting Nay: None.

SCHEDULED BID LETTINGS: NONE.

SCHEDULED PUBLIC HEARINGS: NONE.

CONSENT AGENDA: NONE.

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.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

3. Regular meeting minutes of the Water, Light, Power, and Building Commission for March 20, 2014.

COMMUNICATIONS: NONE

OLD BUSINESS:

4. Consider adopting Ordinance No. 12, 4th Series amending Title XI of the City Code by adding a new chapter to define and regulate Adult Uses and amending Chapter 152 of the City Code regarding location of Adult Uses. (2nd Reading)

A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT ORDINANCE NO. 12, 4TH SERIES AMENDING TITLE XI OF THE CITY CODE BY ADDING A NEW CHAPTER TO DEFINE AND REGULATE ADULT USES AND AMENDING CHAPTER 152 OF THE CITY CODE REGARDING LOCATION OF ADULT USES.

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

Voting Nay: None.

NEW BUSINESS:

5. Consider approving a temporary liquor license for the American Legion for May 17th, 2014 for an event in their parking lot.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE A TEMPORARY LIQUOR LICENSE FOR THE AMERICAN LEGION FOR MAY 17TH, 2014 FOR AN EVENT IN THEIR PARKING LOT.

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

Voting Nay: None.

6. Consider adopting Resolution No. 14-04-35 approving the proposal and awarding the job for refuse and recycling services subject to approval of the contract by the City Attorney as to form and content.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 14-04-35 APPROVING THE PROPOSAL AND AWARDING THE JOB FOR REFUSE AND RECYCLING SERVICES SUBJECT TO APPROVAL OF THE CONTRACT BY THE CITY ATTORNEY AS TO FORM AND CONTENT TO COUNTRYWIDE SANITATION.

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

Voting Nay: None.

7. Consider approving the agreement between the City of East Grand Forks and EAPC for architectural services for the Civic Center expansion project and authorizing the City Administrator as the signing authority.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE THE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND EAPC FOR ARCHITECTURAL SERVICES FOR THE CIVIC CENTER EXPANSION PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR AS THE SIGNING AUTHORITY.

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

Voting Nay: None.

8. Consider approving the request for a purchase of a 2015 GMC Sierra pickup from Ranger GM for the amount of \$26,922.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER HELMS, TO APPROVE THE REQUEST FOR A PURCHASE OF A 2015 GMC SIERRA PICKUP FROM RANGER GM FOR THE AMOUNT OF \$26,922.

Council Vice-President Leigh asked what will happen with the other pickup. Mr. Aker stated it will be used within the Parks Department.

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

Voting Nay: None.

9. Consider approving the rezone of Lot 1 Block 3 Garden Valley Addition from R-1 to PUD to split the lot and twinhome into two parcels/properties.

A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE THE REZONE OF LOT 1 BLOCK 3 GARDEN VALLEY ADDITION FROM R-1 TO PUD TO SPLIT THE LOT AND TWINHOME INTO TWO PARCELS/PROPERTIES.

Ms. Ellis explained how items 9 through 11 are all for the same property. She added this property is listed as a condo, the owners were having a difficult time selling their property, and have asked to have this property rezoned. She explained the process that would need to be followed to allow for the rezone and change in legal description which would include bringing the building up to code if a change was made. Council member Olstad asked if a common wall was shared. Ms. Ellis said yes. She also explained how making this change would allow them to sell this property as a twinhome but currently there is nothing that is preventing them to sell this property as it is. Mr. Heffernan stated he was the realtor that represented the property owner and explained their position and the difficulties in making those changes. Ms. Ellis explained how the building code is strict and if the property is rezoned it is then considered new and would need to be brought up to code. Mr. Bail explained how if this change was made the common wall would have to have a two hour fire wall on each side which would make the common wall a four hour fire wall which is what the building code requires. Council member Helms asked if that mean it would be from the ground up to the roof line. Mr. Bail said yes and added the basement was in compliance with the code and it would just be the main floor common wall that would need more sheetrock added to it. Discussion followed about the process in which this request came about.

Council Vice-President Leigh asked if the property owner knew he was purchasing a condo when they first bought the property. Mr. Heffernan stated nothing said it was and they did not see it until after looking at the full legal description when trying to sell. Mr. Galstad asked if the abstract had been reviewed. More discussion followed about having a title examination completed. Mr. Murphy asked if there was title insurance because when the title search was done this should have been brought up then. Mr. Galstad suggested the property owner should make a claim against their title insurance.

Council member Helms asked if this property would have enough green space and if this rezone would only allow one garage. Ms. Ellis explained how changing this to a PUD would allow for zero lot line which would be needed since there is a common wall and there was enough green space. She also added that they would not be able to add a garage without going through the planning commission and amending the PUD development plan. More discussion followed about the history of this property. Council member Vetter asked that this item be brought back to a work session and that he would like clarification on how changing the zoning would have this be considered a new building even though there isn't any construction taking place. Ms. Ellis asked if there was any other information the council needed. Council President Buckalew stated they will need to know if this needs to happen. Mr. Parsons addressed the council and explained his position with this situation. Ms. Ellis reminded the council again that the City is not keeping this property from selling but if the rezone was approved they would need to bring the building up to code. Council Vice-President Leigh stated again that if the City is liable if the changes are not made then he will not vote in favor of this.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER LEIGH, TO TABLE THIS ISSUE UNTIL THE NEXT WORK SESSION.

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

Voting Nay: None.

10. Consider adopting Resolution No. 14-04-36 approving the Garden Valley Addition PUD Development Plan for the split of the twinhome with the understanding that any changes, additions, or construction would require an amendment to the PUD plan.

11. Consider approving the final approval of the Garden Valley 6th Resubdivision on the conditions that a digital file is submitted to the Planning Office and the homeowners work with the Inspections Department to meet building code requirements for privately owned twinhomes.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER LEIGH, TO TABLE ITEMS 10 AND 11 UNTIL THE NEXT WORK SESSION.

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

Voting Nay: None.

12. Consider approving the rezone of Lot 16 Block 1 Garden Valley 2nd Addition from R-1 to PUD to split the lot and twinhome into two parcels/properties.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE THE REZONE OF LOT 16 BLOCK 1 GARDEN VALLEY 2ND ADDITION FROM R-1 TO PUD TO SPLIT THE LOT AND TWINHOME INTO TWO PARCELS/PROPERTIES.

Ms. Ellis explained this was the same issue but very different circumstances because the only common wall at this location is in the garage. Council member Olstad asked if they met the building code requirement. Council member Helms asked why this would be approved. Ms. Ellis stated they are meeting the building code requirement because the property owner had already been inspected and added the necessary sheetrock to the common wall making it a four hour fire wall. She added there were no other issues.

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

Voting Nay: None.

13. Consider adopting Resolution No. 14-04-37 approving the Garden Valley 2nd Addition PUD Development Plan for the split of the twinhome with the understanding that any changes, additions, or construction would require an amendment to the PUD plan.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER OLSTAD, TO ADOPT RESOLUTION NO. 14-04-37 APPROVING THE GARDEN VALLEY 2ND ADDITION PUD DEVELOPMENT PLAN FOR THE SPLIT OF THE TWINHOME WITH THE UNDERSTANDING THAT ANY CHANGES, ADDITIONS, OR CONSTRUCTION WOULD REQUIRE AN AMENDMENT TO THE PUD PLAN.

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

Voting Nay: None.

14. Consider approving the final approval of the Garden Valley 5th Resubdivision on the conditions that a digital file is submitted to the Planning Office and the homeowners work with the Inspections Department to meet building code requirements for privately owned twinhomes.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE THE FINAL APPROVAL OF THE GARDEN VALLEY 5TH RESUBDIVISION ON THE CONDITIONS THAT A DIGITAL FILE IS SUBMITTED TO THE PLANNING OFFICE AND THE HOMEOWNERS WORK WITH THE INSPECTIONS DEPARTMENT TO MEET BUILDING CODE REQUIREMENTS FOR PRIVATELY OWNED TWINHOMES.

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

Voting Nay: None.

15. Consider adopting Resolution No. 14-04-38 setting the fee structure for the alarm system chapter of the municipal code.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 14-04-38 SETTING THE FEE STRUCTURE FOR THE ALARM SYSTEM CHAPTER OF THE MUNICIPAL CODE.

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

Voting Nay: None.

CLAIMS:

16. Consider adopting Resolution No. 14-04-39 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 18542 for a total of \$336.68 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 14-04-39 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 18542 FOR A TOTAL OF \$336.68 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None.

Abstain: Buckalew.

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

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

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Stauss stated he had attended a meeting in Thief River Falls along with other members of council and staff and explained how there is a good chance for growth for our City along with the Grand Forks Air Force Base and the City of Grand Forks with the growth in the unmanned aircraft systems which has the potential for job and economic growth in our region.

Council Member Olstad stated he had also attended the meeting and that it was very interesting. He added how Senator Franken explained how these unmanned aircrafts could be utilized in many areas including the agriculture industry.

Council Member Grassel said when it came to making the decision about refuse services it came down to money. He added that it was not anything against Waste Management and explained what a great job they had done.

Mr. Murphy informed the council that the closing had taken place on the Legion property.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER HELMS, TO ADJOURN THE APRIL 15, 2014 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:56 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer