

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, SEPTEMBER 2, 2014 – 5:00 PM**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for September 2, 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; 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; Gary Larson, Fire Chief; David Murphy, City Administrator/Clerk-Treasurer; Megan Nelson, Executive Assistant; and Jason Stordahl, Public Works Director.

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 August 19, 2014.
2. Consider approving the minutes of the “Special Meeting” for the East Grand Forks, Minnesota City Council of August 26, 2014.
3. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of August 26, 2014.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE ITEMS ONE (1) THROUGH THREE (3).

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

Voting Nay: None.

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 request to start the hiring process for a Secretary/Dispatcher/Jailer for the Police Department.
5. Consider approving the request to start the Police Sergeant promotional process for the Police Department.
6. Consider approving the purchase treated lumber and necessary supplies for two outdoor rinks for a total of \$13,018.70.
7. Consider approving the necessary repair work to the sprinkler system at the Riverwalk Center for the amount of \$11,385 with the work completed by Allied Fire Protection.
8. Consider approving the Minnesota Municipal Utilities Association Service Agreement for the Safety management Program split 50/50 between the City and the Water & Light Department for October 1, 2014 through September 30, 2015

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER HELMS, TO APPROVE ITEMS FOUR (4) THROUGH EIGHT (8).

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

Voting Nay: None.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

9. Regular meeting minutes of Economic Development/Housing Authority Board from July 22, 2014.
10. Regular meeting minutes of the Water, Light, Power, and Building Commission for July 17, 2014 and August 7, 2014.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

11. Consider adopting Resolution No. 14-08-81 abating the special assessments on Parcel 83.03603.00 from 2008 to 2012 in the amount of \$5,913.06.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 14-08-81 ABATING THE SPECIAL ASSESSMENTS ON PARCEL 83.03603.00 FROM 2008 TO 2012 IN THE AMOUNT OF \$5,913.06.

Council Vice-President Leigh asked if there was going to be any discussion on the handout and the possibility of more two years of abatement. Council President Buckalew stated that the two choices were abating through 2012 when the property was purchased or until 2014. Council Vice-President Leigh asked how many years the County had approved abatement for. Mr. Musgrove stated he was not sure.

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

Voting Nay: None.

12. Consider adopting Resolution No. 14-09-82 approving a reduction in the sewage bill for Little Bangkok.

Council member Tweten asked what was being asked for. Council President Buckalew stated that the council could allow Little Bangkok to pay off this amount in six, nine, or twelve months.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 14-09-82 ALLOWING A SIX MONTH TIME LINE FOR LITTLE BANGKOK TO PAY OFF THE SEWAGE BILL IN THE AMOUNT OF \$2500.13

Council member Grassel asked what would happen if they do not pay this in that time frame. Mr. Boyce explained how the Water and Light Commission had sent them asking to pay off the water portion of the bill within six, nine, or twelve months they had not heard back from them yet. Mr. Galstad stated if they did not get it paid within the time frame this would either be sent to collect or small claims court. Discussion followed about how the council decides what happens with the sewage part of the bill and how it might be difficult to collect these amounts over different lengths of time.

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

Voting Nay: None.

13. Consider approving the Joint Exercise of Peace Officer Duties Agreement between the East Grand Forks Police Department including the Pine to Prairie Task Force and regional law enforcement departments in both North Dakota and Minnesota.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER OLSTAD, TO APPROVE THE JOINT EXERCISE OF PEACE OFFICER DUTIES AGREEMENT BETWEEN THE EAST GRAND FORKS POLICE DEPARTMENT INCLUDING THE PINE TO PRAIRIE TASK FORCE AND REGIONAL LAW ENFORCEMENT DEPARTMENTS IN BOTH NORTH DAKOTA AND MINNESOTA.

Chief Hedlund stated that he had received this agreement the week before and if the council would like more time to consider this they could table it until the next work session. Discussion followed about how this document would work great for the Pine to Prairie Task Force, how this document had been drafted by the North Dakota Attorney General's Office, and how this would be the first time the council had passed this agreement. Council member Vetter asked if this could be approved subject to review by Mr. Galstad. Council member Tweten amended his motion.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER OLSTAD, TO APPROVE THE JOINT EXERCISE OF PEACE OFFICER DUTIES AGREEMENT BETWEEN THE EAST GRAND FORKS POLICE DEPARTMENT INCLUDING THE PINE TO PRAIRIE TASK FORCE AND REGIONAL LAW ENFORCEMENT DEPARTMENTS IN BOTH NORTH DAKOTA AND MINNESOTA PENDING MR. GALSTAD'S APPROVAL.

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

Voting Nay: None.

14. Consider adopting Resolution No. 14-09-83 vacating the alley that extends through Lots 1 through 24, Block 5, Grand Forks Addition.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT RESOLUTION NO. 14-09-83 VACATING THE ALLEY THAT EXTENDS THROUGH LOTS 1 THROUGH 24, BLOCK 5, GRAND FORKS ADDITION.

Ms. Ellis stated that this would vacate the alley that went down the Riverwalk Center. Mr. Galstad explained the process and how this had already gone through the planning commission.

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

Voting Nay: None.

15. Consider approving the Riverwalk 1st Addition plat of the two lots and current easements along with requiring a digital file being submitted to the Community Development Office.

A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE THE RIVERWALK 1ST ADDITION PLAT OF THE TWO LOTS AND CURRENT EASEMENTS ALONG WITH REQUIRING A DIGITAL FILE BEING SUBMITTED TO THE COMMUNITY DEVELOPMENT OFFICE.

Council member Helms stated how he had been involved with the Planning Commission meeting when this plat was discussed. He stated how he liked that this was set up as two separate lots and added how the council would need to consider if they would like to sell lot one because of possible future issues. He said how he will be voting against this. Council member Tweten stated how he concurred with Council member Helms and would also be voting no. Council member Vetter stated that he would be voting no unless access easements were included on lot one. Ms. Ellis told the council how the parking area was already included with the legal description in the purchase agreement which had previously

been approved. She added how this will be an issue if the plat is approved or not. Discussion followed about the addition of access easements, how a business owner would not want to do something counterproductive for their customers, and if the parking portion was sold how they would be responsible for their own snow removal.

Mr. Galstad commented on how the area of lot one was included in the original agreement that had been approved the by the City Council, how the City does have the ability to put an easement on the property, and how this could affect the sale of the property. Mayor Stauss asked to have the agreements brought to another meeting for review.

Council member Olstad withdrew his motion. Council member Grassel withdrew his second to the motion.

Council member Helms asked if anything needed to be done with the plat at this meeting. Ms. Ellis said no as long as it will be addressed at a future council meeting. Mr. Murphy stated that this is will not be in violation of the 60 day rule. Mr. Galstad added that the 60 day rule does not apply since it is the City's request and property. Ms. Ellis said how she would like to make sure everything is in place prior to the sale of the property.

Council President Buckalew stated that Item 15 died for a lack of motion or a second.

16. Consider adopting Resolution No. 14-09-84 rejecting the bids received for 2014 City Project No. 6 – Cemetery Mill and Overlay.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT RESOLUTION NO. 14-09-84 REJECTING THE BIDS RECEIVED FOR 2014 CITY PROJECT NO. 6 – CEMETERY MILL AND OVERLAY.

Mr. Boppre asked if the council was interested in rebidding this project later this winter. Council President Buckalew said yes. Mayor Stauss asked if there were any other major jobs that could be included with this bid. Mr. Boppre stated how they could look at mill and overlay but currently there weren't any projects to add this too. Council President Buckalew said unless something was done at the Civic Center. Mr. Boppre said that was true and how staff was looking into a park and ride grant since employees from Digi-Key park there and ride a bus to work. Ms. Ellis stated that they will not know anything until November.

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

Voting Nay: None.

17. Consider approving the Special Event Application for the Uff-da Mud Run Event scheduled for September 6, 2014 with the requirement of having anyone under the age of 18 to wear a lifejacket during the river crossing obstacles.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE THE SPECIAL EVENT APPLICATION FOR THE UFF-DA MUD RUN EVENT SCHEDULED FOR SEPTEMBER 6, 2014 WITH THE

REQUIREMENT OF HAVING ANYONE UNDER THE AGE OF 18 TO WEAR A LIFEJACKET DURING THE RIVER CROSSING OBSTACLES.

Council member Tweten said he is questioning the danger in this event and asked if people were pulled from the river during this event the previous year. Chief Larson stated how staff had attended meetings with Polk County, Grand Forks, and Grand Forks County about this event. He said how it was this group that came up with the recommendation of anyone under 18 would be required to wear a life jacket as well as having life jackets available for anyone crossing the river. He added how the organizers of this event were also going to put up signs telling of the danger in entering the water and how lifeguards and other safety measures were suppose to be in place. Discussion followed about how there was a concern about the safety of City staff during this event, how there is a danger or safety personnel would not have had meetings on this, and as long as the organizers have their safety protocols in place and there will also be boats in the water with East Grand Forks Fire, Grand Forks Fire, and Polk County Water Patrol.

Council member Vetter stated that he is all in favor for use of the river and will be voting no because there should not be a requirement of having to wear a life jacket. He stated how this event brings people to the community, promotes the town, and there shouldn't be any restrictions put on this event. He said again he will be voting no but is in favor of this event. Council President Buckalew asked Council member Vetter if he and his daughter participated in this event last year. Council member Vetter said yes. Council President Buckalew asked if they sign a waiver to participate and how was included on the waiver. Council member Vetter stated they did have to sign a waiver and that he could not remember how it was worded.

Voting Aye: Leigh and Buckalew.

Voting Nay: Grassel, Vetter, Helms, Tweten, and Olstad.

Council member Leigh asked what happens since Grand Forks has already approved this event with the restriction.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER GRASSEL TO APPROVE THE SPECIAL EVENT APPLICATION FOR THE UFF-DA MUD RUN EVENT SCHEDULED FOR SEPTEMBER 6, 2014 WITH NO RESTRICTIONS.

Council member Helms asked where the event is starting and if Grand Forks is requiring this they will be coming into East Grand Forks with life jackets on. Council Vice-President Leigh added how this recommendation is coming from law enforcement and safety personnel and he is going to go with their recommendation. Council member Grassel asked that if the participate is under 18 their parent would have to sign the waiver for them. Mr. Galstad stated that was correct. Council member Grassel said how the parents should be able to make that decision for their kids. Mr. Murphy said how in his past experience any time there were two cities involved in an event; the more restrictive would take precedence and would apply.

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

Voting Nay: Leigh and Tweten.

18. Consider adopting Resolution No. 14-09-85 approving the 2014 tax levy collectable in 2015 for a total amount of 3,218,586 and set the Public Budget Meeting for December 2, 2014 at 7:00 p.m. with a continuance hearing December 16, 2014 at 7:00 p.m. if necessary.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 14-09-85 APPROVING THE 2014 TAX LEVY COLLECTABLE IN 2015 FOR A TOTAL AMOUNT OF 3,218,586 AND SET THE PUBLIC BUDGET MEETING FOR DECEMBER 2, 2014 AT 7:00 P.M. WITH A CONTINUANCE HEARING DECEMBER 16, 2014 AT 7:00 P.M. IF NECESSARY.

Council Vice-President Leigh stated how it has been routine on how the council passes the preliminary levy at 10% and then reduce it down and asked if that was the intent. Mr. Murphy reminded the council that the final levy can only go down and it cannot go up from what the preliminary levy is set at.

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

Voting Nay: None.

CLAIMS:

19. Consider adopting Resolution No. 14-09-86 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 19617 for a total of \$711.03 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER HELMS, TO ADOPT RESOLUTION NO. 14-09-86 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 19617 FOR A TOTAL OF \$711.03 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None.

Abstain: Buckalew.

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

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

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Council Member Tweten said how all of the council members should have received a notice about the meeting the League is putting on in Thief River Falls on October 28th. He stated how important it is to attend the meeting and how the council should consider moving the work session so the whole council would be able to attend.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADJOURN THE SEPTEMBER 2, 2014 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:39 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer