

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, APRIL 7, 2015 - 5:00 P.M.**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for April 7, 2015 was called to order by Council President Mark Olstad 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 Mark Olstad, Council Vice-President Chad Grassel, Council Members Clarence Vetter, Mike Pokrzywinski, Henry Tweten, and Marc DeMers.

Karla Anderson, Finance Director; Dan Boyce, Water & Light Manager; Nancy Ellis, City Planner; Steve Emery, City Engineer; 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 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.” 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 March 17, 2015.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of March 24, 2015.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE ITEMS ONE (1) THROUGH TWO (2).

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.
Absent: Buckalew.

SCHEDULED BID LETTINGS:

3. Consider adopting Resolution No. 15-04-34 approving the plans and specifications and ordering advertisement for bids for 2015 Assessment Job No. 1 – Utilities and Street Construction in Point of Woods 6th Addition.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT RESOLUTION NO. 15-04-34 APPROVING THE PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR 2015 ASSESSMENT JOB NO. 1 – UTILITIES AND STREET CONSTRUCTION IN POINT OF WOODS 6TH ADDITION.

Mr. Emery informed the Council that the bids would be opened on Wednesday, April 29th at 10:00am. Council member Vetter asked if the City would recoup the \$14,000 from the paving project. Mr. Emery said the crush would be utilized in this project and the cost would be assessed.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.
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.

4. Consider approving the application for an Exempt Gambling Permit for a raffle for the East Grand Forks Ducks Unlimited Organization to be held May 2, 2015 at the American Legion Club at 1009 Central Ave NW East Grand Forks, MN 56721 and waive the 30 day waiting period.
5. Consider adopting Resolution No. 15-04-35 opposing the imposition of levy limits on cities placed on them by the State of Minnesota.
6. Consider adopting Resolution No. 15-04-36 supporting the passage of bills in the House of Representatives and in the Senate which would increase the amount of Local Government Aid.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE ITEMS FOUR (4) THROUGH SIX (6).

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.
Voting Nay: None.

Absent: Buckalew.

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

7. Regular Meeting Minutes of the Economic Development Authority Board from February 17, 2015.
8. Regular Meeting Minutes of the Water, Light, Power, and Building Commission from February 19, 2015, from March 5, 2015, and Special Meeting Minutes from March 5, 2015.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

9. Consider adopting Resolution No. 15-04-37 rejecting all of the bids that were opened on March 19, 2015 for the 2014 City Project No. 5 – Sand/Salt Storage Shed.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 15-04-37 REJECTING ALL OF THE BIDS THAT WERE OPENED ON MARCH 19, 2015 FOR THE 2014 CITY PROJECT NO. 5 – SAND/SALT STORAGE SHED.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

10. Consider adopting Resolution No. 15-04-38 approving an increase to the Water and Light Commissioners Salaries to be effective as of January 1, 2015.

Ms. Nelson asked that the increase is specified of either the 4% or the \$100 when the motion is made.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 15-04-38 APPROVING AN INCREASE OF \$100 PER MONTH TO THE WATER AND LIGHT COMMISSIONERS SALARIES TO BE EFFECTIVE AS OF JANUARY 1, 2015.

Mr. Boyce explained that he had budgeted a 4% increase to the Water and Light Commissioners salaries which would have equaled an additional \$12 per month for each commissioner. He added that if the increase was \$100 per commissioner per month he would be able to find the funds in the wage budget without creating an increase to the overall budget. Mr. Boyce informed the Council the commissioners' wages had not changed since he had started at the City in 1990 and that the commissioners' salaries had been paid from the general fund up until 2009 when it was changed and paid from the Water and Light funds.

Council member Pokrzywinski said how the 4% increase was approved with the budget and asked if that would be in place if a motion was made for \$100 increase and failed. Mr. Boyce stated that the Council has to set the salary for commissioners so the Council would need to take action on this regardless of what was included in the budget. Discussion followed about what the difference would be between the 4% increase and the \$100 increase per month.

Voting Aye: Grassel and Tweten.

Voting Nay: DeMers, Vetter, Pokrzywinski, and Olstad.

Absent: Buckalew.

11. Consider approving the “Off-sale” Non-Intoxicating Malt Liquor License for Shopko Hometown Store #742 located at 421 Gateway Dr NE East Grand Forks, MN 56721.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE THE “OFF-SALE” NON-INTOXICATING MALT LIQUOR LICENSE FOR SHOPKO HOMETOWN STORE #742 LOCATED AT 421 GATEWAY DR NE EAST GRAND FORKS, MN 56721.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

12. Consider approving the “On-sale” Wine and “On-sale” Non-Intoxicating Liquor License for Tao Garden located at 302 Demers Ave East Grand Forks, MN 56721.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE “ON-SALE” WINE AND “ON-SALE” NON-INTOXICATING LIQUOR LICENSE FOR TAO GARDEN LOCATED AT 302 DEMERS AVE EAST GRAND FORKS, MN 56721.

Council Vice-President Grassel asked if everything was in order for this license. Ms. Nelson said it was.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

13. Consider adopting Resolution No. 15-04-39 authorizing the City to enter into a contract with Global Safety for background screening services.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT RESOLUTION NO. 15-04-39 AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH GLOBAL SAFETY FOR BACKGROUND SCREENING SERVICES.

Council member DeMers asked how far along staff was in writing the policy regarding background checks. Mr. Murphy stated the policy had not been written yet but staff would be making the background check policy a priority. Discussion followed about how the process would be the same for the people needing background checks done as before. Council member DeMers asked if there would be an issue passing this contingent upon the policy being completed. Mr. Murphy explained that Global Safety would be able have a broader check; the City would continue to follow the same policy that is currently in place, and that he would make it a priority to have the new policy written.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

14. Consider adopting Resolution No. 15-04-40 accepting donations for the East Grand Forks Flower Project.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 15-04-40 ACCEPTING DONATIONS FOR THE EAST GRAND FORKS FLOWER PROJECT.

Council member Demers asked if the flowers were going to be taken care of by volunteers or through a contract. Mayor Stauss stated it would be done through a contract. Council member DeMers stated if that is the case there was no need for the City to be involved since the City would not be in control of the project. Mayor Stauss stated the City would be in control of the flower gardens because they were not included in the project. Council President Olstad asked which flower gardens. Mayor Stauss said the locations of flower gardens located around the City. Council President Olstad asked if the idea was to collect the money and then write the check. Mayor Stauss explained the flowers had been ordered from All Seasons and the other check would go to whoever was hired for caring for the flowers. He added that other businesses were being contacted to see if they would be interested for caring for the flowers this year. Discussion followed about how the City did not have any plans or anything in place for the coordination of this project. Mayor Stauss told Council member DeMers he could help in the process of finding who will be caring for the flowers.

Council member Pokrzywinski commented that the budget was cut so there wouldn't be any temporary workers hired to take care of the flower beds. Council member Vetter asked if resolution passes and money is collected if the City would only be paying the bill up to the donation amount that had been collected. Mr. Murphy stated that would be the discretion of the Council. Mayor Stauss commented that hopefully there will be funds available that could be used for next year.

Voting Aye: Grassel, Tweten, and Olstad.

Voting Nay: DeMers, Vetter, and Pokrzywinski.

Absent: Buckalew.

Council President Olstad stated the motion failed because it required two thirds majority vote of the Council. Mr. Galstad stated that was correct. Mayor Stauss asked the Council if the City was not going to accept donations anymore. Council President Olstad asked how this will have to be

handled. Mr. Galstad stated since the City was not accepting the donations they could either be returned to the individuals or another group may be able to step up and accept the donations for this project. Mr. Galstad explained what the other options were since the City will not be accepting the donations. Mayor Stauss stated the checks might be returned and that there wouldn't be flowers this year if that is what the Council wishes. He also commented on other upcoming projects and how much they will cost. He added how the Council is mixed up if they are worried about the collection of donations.

CLAIMS:

15. Consider adopting Resolution No. 15-04-41 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 21200 for a total of \$248.33 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT RESOLUTION NO. 15-04-41 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 21200 FOR A TOTAL OF \$248.33 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

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

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

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

COUNCIL/STAFF REPORTS:

Mayor Stauss reminded the Council that made the beautification of the community a priority and added that he hopes in the future that flowers are not passed up. He said that he feels they were doing this against him, not the donations, and he is sorry for that.

Council Member Pokrzywinski stated he had received phone calls this week about beautification, how some properties need attention, and that he was working with Ms. Ellis and the Police Department on those situations. He said he agrees with the Mayor and everyone needs to do their part. He continued by saying he was not on the Council when the budget was cut after the original budget was vetoed. He added he is not against flowers but the Council took this action and if it was to send a message they would need to be asked. He said he thinks it probably was and that it was

the Mayor's veto that caused this situation. He commented on the legal issues that a public body could face accepting donations and there was enough information from the League of Minnesota Cities and Mr. Galstad that he didn't feel comfortable voting yes. He said the one issue that has been most upsetting is that the Mayor and Mr. Helms went to the Water & Light Commission and asked for a \$3000 donation from utility customers. He said this was a direct defiance of the Council's wishes. He said his thoughts are well know regarding this and there are certain processes that need to be followed which were not followed and that is why he voted no. He stated he hopes there are flowers and the Mayor is able to find a non-profit that would be able to take on the flower project.

Mayor Stauss commented the Council is willing to accept \$2.5 million from the Water & Light Commission for the swimming pool without asking the public what their vote is but the Council isn't willing to accept \$3000. Council member Pokrzywinski stated the Council had not voted to spend \$2.5 million but \$1.5 million that was authorized to be received as a loan, paid back, and it was voted on by the majority of the Council. He added the difference here is the Mayor went to a commission against the Council's wishes and he stands by the proper process that the Council has gone through. Mayor Stauss said it was not against the Council's wishes for him to go out and look for donations. He added donations were the people coming through from the Community to help out which should never be turned down. He said he hopes they continue to help with other projects that the City does. Council member Pokrzywinski stated that the Mayor is on record saying that \$3000 from the utility is considered a donation. Mayor Stauss explained the reason he is considering that a donation is because he had been asking businesses for donations and in front of City Hall there are four or five poles that will need flowers. He asked how he can expect businesses to donate so flowers can be put on the poles in front of their businesses without asking at City Hall. He added that the City Council had already turned it down so the next one to go to is the Water and Light. He said how they decided that there should be flowers. Mr. Galstad clarified that the Water and Light Department could spend funds on purchasing flowers because the donation would be improper. He said this was no different than buying Christmas decorations for the City which would be a proper use of public funds.

Council Member Tweten added that as a member of the Water and Light Commission he voted down the purchase and that the Water and Light Commission cannot override the City Council. He added the suggestion of making sure there were funds available in the budget for flowers next year because they help beautify the City. He said another issue was properties in the City that were depreciating and will need to be cleaned up. Council member Tweten continued by informing the Council that Senator Bakk has introduced a bill to have LGA paid four times a year. He added to direct the City Administrator to contact him and support that as well as the increase to LGA that is being discussed in the State Legislature. He added how it was important to have a good working relationship with the state representatives and governor. Mayor Stauss commented from what he had seen that East Grand Forks was not going to be receiving a substantial increase and asked if that was correct. Council President Olstad stated that the information that had been given to the City was incorrect. He said the information was going to be reviewed to make sure the correct formula had been used. Council member Tweten stated that it never goes up as much as they would like but it is a start.

Council Vice-President Grassel stated the Council needs to be careful when deciding if they should

not accept donations and to make sure not to set a precedent that the City will no longer accept donations. He added that he voted to cut the flowers from the budget but did not have a problem with a group trying to collect donations and then have the City administer the funds. He asked Mayor Stauss if they would be able to move forward without the \$3000 from the Water & Light Department. Mayor Stauss stated that he would try. He said if that is done this would then be separate from City money and he would not have an issue having this come before the Council again.

Council President Olstad stated last week there had been meetings with Tim Flaherty from the Coalition of Greater Minnesota Cities along with Representative Deb Kiel who met with staff from both East Grand Forks and Crookston. He stated they discussed LGA during the meetings, information was handed out that was not correct, and that East Grand Forks should be receiving a small increase. He added they also discussed work force training. He added that Representative Kiel sponsored a bill regarding work force training and that they also spoke about work force housing. He explained the difference between work force housing compared to low income housing. He stated that transportation was also discussed and that currently the State Legislature is split on how it will be funded.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE APRIL 7, 2015 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:36 P.M.

Voting Aye: Grassel, DeMers, Vetter, Pokrzywinski, Tweten, and Olstad.

Voting Nay: None.

Absent: Buckalew.

David Murphy, City Administrator/Clerk-Treasurer