

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, MAY 19, 2015 - 5:00 P.M.**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for May 19, 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(5:01), Council President Mark Olstad, Council Vice-President Chad Grassel, Council Members Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Dave Aker, Parks & Recreation Superintendent; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, EDA Director; 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 May 5, 2015.
2. Consider approving the minutes of the “Special Council Meeting” for the East Grand Forks, Minnesota City Council of May 7, 2015 and continued on May 12, 2015.
3. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of May 12, 2015.

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

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

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 Fireworks/Pyrotechnic Special Effects Permit for the Grand Forks Sertoma Club on July 4, 2015 beginning at 10:00pm to approximately 10:20pm.
5. Consider adopting Resolution No 15-05-53 formally accepting the Mighty Ducks Grant in the amount of \$148,375.
6. Consider adopting Resolution No. 15-05-54 ordering improvement and the preparation of plans and specifications for 2015 City Project No. 4 – Curb, Gutter and Paving – 5th Ave NE.
7. Consider approving the following “On-sale Weekday & Sunday” Liquor Licenses Applicant Renewals:
 - a. East Grand Lanes LLC located at 1500 5th Ave NE East Grand Forks, MN 56721.
 - b. Blue Moose Bar & Grill located at 507 2nd St NW East Grand Forks, MN 56721.
 - c. Valley Golf located at 2407 River Rd NW East Grand Forks, MN 56721.
 - d. Boardwalk Bar & Grill located at 415 2nd St NW Suite 2 East Grand Forks, MN 56721.
 - e. American Legion 157 located at 1009 Central Ave NW East Grand Forks, MN 56721.
 - f. Mike’s Pizza & Pub located at 411 2nd St NW East Grand Forks, MN 56721.
 - g. Little Bangkok located at 415 2nd St NW Suite 1 East Grand Forks, MN 56721.
 - h. Eagles Club 350 located at 227 10th St NW East Grand Forks, MN 56721.
 - i. VFW Post 3817 located at 312 Demers Ave East Grand Forks, MN 56721.
 - j. Whitey’s located at 121 Demers Ave East Grand Forks, MN 56721.
 - k. Casa Mexico located at 112 14th St NE East Grand Forks, MN 56721.
 - l. Mamma Maria’s located at 211 Demers Ave Suite 16 East Grand Forks, MN 56721.
8. Consider approving the following “Off-sale” Non-Intoxicating Malt Liquor License Applicant Renewals:
 - a. East Side Travel Plaza located at 607 Gateway Dr NE East Grand Forks, MN 56721.
 - b. Shopko Hometown #742 located at 421 Gateway Dr NE East Grand Forks, MN 56721.
9. Consider approving the following “Off-sale” Intoxicating Liquor License Applicant Renewals:
 - a. Hugo’s Wine & Spirits located at 310 14th St NE East Grand Forks, MN 56721.
 - b. Pop’s Liquor located at 122 4th St NE East Grand Forks, MN 56721.
10. Consider approving the “On-sale” Wine and “On-sale” Non-Intoxicating Liquor License Applicant Renewal:

- a. Tao Garden located at 302 Demers Ave East Grand Forks, MN 56721.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE ITEMS FOUR (4) THROUGH TEN (10) EXCEPT FOR ITEMS 7D AND 9.

Voting Aye: Olstad, DeMers, Vetter, Pokrzywinski, and Buckalew.

Voting Nay: Grassel and Tweten.

7. Consider approving the following “On-sale Weekday & Sunday” Liquor Licenses Applicant Renewals:

- d. Boardwalk Bar & Grill located at 415 2nd St NW Suite 2 East Grand Forks, MN 56721.

Council member DeMers stated that it was the duty of the Council to review the applications and make sure the proprietors of the establishments are fitting of the privilege of serving liquor. He continued reviewing items the Council should take under consideration when it comes to liquor license renewals which included making sure the establishment was in good standing with the City. He added that since they are not in good standing the liquor license should not be renewed until they are in good standing with the City. Mr. Galstad stated that the Boardwalk Bar & Grill is a separate entity. He added that if he was referring to Boardwalk Enterprise it is a different issue. Council member DeMers stated that he was aware of that. Discussion followed about if there were violations and previous precedent that had been set.

Council President Olstad asked if this could be voted on again. Mr. Galstad stated if the Council was questioning this to allow him time for research. Mr. Murphy stated since this item had been pulled from the consent agenda it would need a separate motion. Council President Olstad asked if Council member DeMers was making a motion and asked him to state a motion.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO NOT PERMIT A LIQUOR LICENSE FOR BOARDWALK BAR & GRILL.

Council member Buckalew stated that the loan regarding the entity in question was with the EDA and asked Mr. Galstad if that was considered a separate entity or part of the City. He added that he would like more clarification. Mr. Galstad asked the Council to table this issue so he would be able to do more research. He stated there were items he would like to look into more before the vote was taken. Council President Olstad asked about the timeline for liquor licenses. Ms. Nelson explained liquor licenses expire at the end of June and the State likes to get the renewal information at least 30 days prior to the license expiring.

Council member Buckalew rescinded his second to the motion to tabling this item. Council member DeMers rescinded his motion to tabling this issue. Discussion followed about when this should be brought forward.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO POSTPONE THIS MOTION UNTIL THE JUNE 2ND MEETING.

Council President asked what would happen if this vote fails. Mr. Murphy stated the renewal would then be denied.

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

Voting Nay: Vetter.

9. Consider approving the following “Off-sale” Intoxicating Liquor License Applicant Renewals:

- a. Hugo’s Wine & Spirits located at 310 14th St NE East Grand Forks, MN 56721.
- b. Pop’s Liquor located at 122 4th St NE East Grand Forks, MN 56721.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE THE FOLLOWING “OFF-SALE” INTOXICATING LIQUOR LICENSE APPLICANT RENEWALS:

- a. Hugo’s Wine & Spirits Located At 310 14th St NE East Grand Forks, Mn 56721.**
- b. Pop’s Liquor Located At 122 4th St NE East Grand Forks, Mn 56721.**

Council member DeMers stated that one of these businesses had some issues and asked if they were in good standing with the City. Mr. Murphy explained that they were in good standing with the City and how they were still under probation if there is a violation prior to their probation ending the license would then be suspended.

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

Voting Nay: None.

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

11. Regular meeting minutes of the Water, Light, Power, and Building Commission for April 16, 2015.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

12. Consider approving Ordinance No. 13, 4th Series amending City Code Chapter 130 Entitled “General Offenses” by adding section 130.08 and by adopting by reference City Code Chapter 1 and Section 10.99 which, among other things, contain penalty provisions. (1st Reading)

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE ORDINANCE NO. 13, 4TH SERIES AMENDING CITY CODE CHAPTER 130 ENTITLED “GENERAL OFFENSES” BY ADDING SECTION 130.08 AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS. (1ST READING)

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

Voting Nay: Vetter.

13. Consider adopting Resolution No. 15-05-55 authorizing transfers for budget year 2014.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 15-05-55 AUTHORIZING TRANSFERS FOR BUDGET YEAR 2014.

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

Voting Nay: None.

14. Consider approving the Memorandum of Understanding between the City of East Grand Forks and the East Grand Forks Public School District for School Resource Officer Services.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF EAST GRAND FORKS AND THE EAST GRAND FORKS PUBLIC SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES.

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

Voting Nay: None.

15. Consider adopting Resolution No. 15-05-56 setting the public hearing for 2015 Assessment Job No. 2 – Paving – Replat of Outlot B Block 2.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER BUCKALEW, TO ADOPT RESOLUTION NO. 15-05-56 SETTING THE PUBLIC HEARING FOR 2015 ASSESSMENT JOB NO. 2 – PAVING – REPLAT OF OUTLOT B BLOCK 2.

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

Voting Nay: None.

CLAIMS:

16. Consider adopting Resolution No. 15-05-57 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 21538 for a total of \$1360.57 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 15-05-57 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 21538 FOR A TOTAL OF \$1360.57 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

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 DEMERS, TO AUTHORIZE THE CITY ADMINISTRATOR/CLERK-TREASURER TO ISSUE PAYMENT OF RECOMMENDED BILLS AND PAYROLL.

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Council Member Buckalew commented how it is graduation time and reminded everyone to be safe and have a good time.

Council Member Tweten stated how he went to the County, received information about the tax capacity for the previous five years, and commented how the tax capacity has been increasing. He added that it was important to monitor this and that he was optimistic about this building year.

Mr. Galstad stated that he would be completing research regarding the questions about the liquor license.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE MAY 19, 2015 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:22 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer