

**AGENDA
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, JULY 7, 2015 - 5:00 P.M.**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF QUORUM:

PLEDGE OF ALLEGIANCE:

SWEARING IN OF OFFICER CORY AMUNDSON:

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 June 16, 2015.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of June 23, 2015.

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

3. Public Hearing to allow affected parties to state their opinions about the proposed tax credit approval for Proll LLC.

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 special event application for Catfish Days Fishing Tournament to be held starting at 6:00pm on Friday, July 31st until 8:00pm on Sunday, August 2nd contingent upon the Certificate of Liability being turned into the Administration Office prior to the event.
5. Consider approving the temporary liquor license application for the American Legion Post 157 for the Catfish Days Fishing Tournament which will be held July 31st, August 1st, and August 2nd in the Greenway by the boat ramp.

6. Consider approving the special event application for the Bikes and Bites Event to be held on July 16, 2015 from 3:00pm until 8:00pm in the boardwalk parking area contingent upon the Certificate of Liability being turned into the Administration Office prior to the event.
7. Consider approving the temporary liquor license application for the VFW Post 3817 for the Bikes and Bites event on July 16, 2015 in the boardwalk parking area.

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

8. Regular meeting minutes of the Water, Light, Power, and Building Commission for June 4, 2015 and Special Meeting minutes from June 8, 2015.
9. Regular meeting minutes of the Planning Commission for April 9, 2015.
10. Regular meeting minutes of the Economic Development Authority Board from March 17th, April 21st, May 5th, and May 19th, 2015.

COMMUNICATIONS:

11. Acknowledge the resignation of Lynda Katka effective August 7, 2015.

OLD BUSINESS:

12. Reconsider adopting Resolution No. 15-06-63 accepting and awarding the bid for 2015 Assessment Job No. 2 – Paving to Opp Construction in the amount of \$184,740.
13. Reconsider adopting Resolution No. 15-06-62 adopting the assessment roll 333 for 2015 Assessment Job No. 2 – Paving Replat of Outlot B Block 2 – for a total assessment of \$219,840.60.

NEW BUSINESS:

14. Consider adopting Resolution No. 15-07-70 granting Border City Development Zone Tax Credits and approving the business subsidy agreement between the City of East Grand Forks and Proll, LLC.
15. Consider adopting Resolution No. 15-07-71 approving the transfer of \$154,371.34 from the Town Square Account to the Economic Development Account.
16. Consider adopting Resolution No. 15-07-72 establishing the zoning for the 40 acres petitioned to be annexed into city limits.
17. Consider adopting Resolution No. 15-07-73 approving the variance for Eagle Electric reducing the rear yard setback from ten feet to five feet on parcel 83.01239.00.
18. Consider approving the request to start the hiring process for an accounting technician in the Administration/Finance Office.

CLAIMS:

19. Consider adopting Resolution No. 15-07-74 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 21887 for a total of \$1,730.59 whereas Council Member Buckalew is personally interested financially in the contract.
20. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

COUNCIL/STAFF REPORTS:

ADJOURN:

Upcoming Meetings:

- Work Session – July 13, 2015 – 5:00 PM – Training Room
- Regular Council Meeting – July 21, 2015 – 5:00 PM – Council Chambers
- Work Session – July 28, 2015 – 5:00 PM – Training Room
- Regular Council Meeting – August 4, 2015 – 5:00 PM – Council Chambers

**UNAPPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, JUNE 16, 2015 - 5:00 P.M.**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for June 16, 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(5:02pm), 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; Karla Anderson, Finance Director; Brad Bail, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Paul Gorte, EDA Director; 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 “Special Meeting” for the East Grand Forks, Minnesota City Council of May 29, 2015.
2. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of June 2, 2015.
3. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of June 9, 2015.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL

MEMBER TWETEN, TO APPROVE ITEMS ONE (1) THROUGH THREE (3).

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

Voting Nay: None.

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

4. Public Hearing to consider adopting Resolution No. 15-06-62 adopting the assessment roll 333 for 2015 Assessment Job No. 2 – Paving – Replat of Outlot B Block 2 for a total assessment of \$219,840.60.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER GRASSEL, TO OPEN THE PUBLIC HEARING.

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

Voting Nay: None.

Mr. Bail explained this public hearing was for the assessment roll which had been prepared like other assessment rolls for Brandon Boulevard and Nate’s Circle. He added the bids came in higher than expected and asked for questions. Mr. Peabody stated he requested this to be bid last fall and it wasn’t. He said he didn’t think the price would have changed much even if the project had been bid at that time but that was not the issue. He stated how there wasn’t justification for how the assessment roll was prepared because there weren’t any end benefits charged to properties on Laurel Drive. He asked to have the assessment roll redone. Mr. Bail explained how these properties were not charged end benefits when Laurel Drive was paved so when preparing this assessment roll the end benefits were not included for properties on Laurel Drive. Discussion followed about how the assessment roll was determined and if it needs to be changed, how established properties had been assessed end benefit when 13th Street SE was done, and if end benefit should be added to properties on Laurel Drive to help spread out the costs of the project.

Council member Buckalew asked if there was a developer’s agreement for this development. Ms. Ellis stated there was for Point of Woods 6th Addition but not for this. Council member Buckalew explained how developer’s have the opportunity to bid the project themselves and decided how the project was paid for. He said the City is just the financial broker fronting the money for this project. Mr. Peabody asked to have this done fairly and have the assessments divided up with end benefits. Mr. Bail reviewed how other assessment rolls had been prepared and stated again end benefits had not been included on these properties from the paving of Laurel Drive so that is why end benefits were not included on properties on Laurel Drive for this paving project.

Council member Buckalew asked how this should move forward from this point. Mr. Galstad gave options which included postponing the acceptance of the assessment roll, accepting it as it is, or tabling the issue and bringing it back at a future meeting. Council member DeMers commented the project could be awarded but they could wait on the accepting the assessment roll. Council President Olstad asked Mr. Peabody asked if he has spoken with the residents on Laurel Drive. Mr. Peabody stated that he had not and was waiting to see what decision the Council made. He asked to have this tabled and allow time to see if the special assessments could be spread out. Council

President Olstad stated they need to make sure they are looking at the whole picture. Ms. Lovejoy stated if the current assessment roll is adopted they will have approximately \$65,000 in special assessments on their property.

Mayor Stauss asked what the timeframe was for the project. Mr. Bail stated the project should be completed by fall. Mayor Stauss asked how much time would be needed to speak to the property owners on Laurel Drive that might be affected by end benefits. Mr. Peabody said they would need to meet with four property owners and he requested a representative from the City to be present. Council member Vetter asked what the process would be if a new assessment roll was completed. Mr. Bail stated that if end benefits were added the affected property owners signed waivers this could move forward but if waivers weren't signed the process would need to start over with the notifications and publications.

Council President Olstad asked what dollar amount would make this project worth it. Ms. Lovejoy stated that she was originally told the paving would only cost \$15,000 up to \$20,000 and it is over \$37,000. She added that they already paid \$26,000 in specials and asked the Council what the incentive is to live in East Grand Forks. Mr. Travis Pawlowski told the Council that he was told the paving would cost \$18,000 and he amount is \$25,000. Council President Olstad asked where they received the original quote from. Mr. Peabody explained the job had been bid out but it wasn't the time to have the project completed and that is where the numbers came from. Council member Vetter asked when the job had been bid out. Mr. Peabody stated in either 2008 or 2009.

Mayor Stauss asked if the bids came in high. Mr. Bail stated they had and how there is supposedly a shortage of concrete. More discussion followed about how adding end benefits might open up a can of worms, Mr. Peabody continued to ask to have end benefits included on the assessment roll, and how he suggested to having end benefits added to the properties on the east side of Laurel Drive. Mr. Murphy stated this situation came about because there wasn't a developer's agreement, this is why staff pushes for having all of the projects complete before lots are sold, and this will be difficult to solve. Mr. Peabody stated that the residents affected by this project are opposed to this project if their request to try and spread out the costs of it doesn't go through.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO CLOSE THE PUBLIC HEARING.

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

Voting Nay: 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 accepting and ratifying the Delinquency Policy adopted by the Economic Development Authority at May 5, 2015 Meeting with an approved revision at the June 16, 2015 Meeting.

6. Consider approving summary of the Social Host Ordinance to be published in the official paper.

- 7. Consider approving the request to declare the list of firearms on surplus property to be traded for equipment for the East Grand Forks Police Department.
- 8. Consider adopting the updates to the Purchasing Card Procedure.

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

Council member Vetter asked to have number six pulled from the consent agenda. Council member Tweten agreed to amend the motion. Council Vice-President Grassel did not agree to amend his second to the motion. Council President Olstad stated item six could not be pulled since both would need to amend the motion and second to the motion made. Council member Vetter stated he would vote no on all of the items.

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

Voting Nay: Vetter.

Council member Vetter stated that in the past Councils items have been pulled from the agenda without amending the motion. Council President Olstad stated it happened before because the person who had made the motion was the person who asked to pull the item.

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

- 9. Regular meeting minutes of the Water, Light, Power, and Building Commission for May 21, 2015.

COMMUNICATIONS: NONE

OLD BUSINESS:

- 10. Consider adopting Ordinance No. 14, 4th Series amending City Code Title XV Land Usage by adding Section 154 to create Urban and Rural Service Districts in the City of East Grand Forks Pursuant to Minnesota Statute 272.67 and the summary of the ordinance. (2nd Reading)

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT ORDINANCE NO. 14, 4TH SERIES AMENDING CITY CODE TITLE XV LAND USAGE BY ADDING SECTION 154 TO CREATE URBAN AND RURAL SERVICE DISTRICTS IN THE CITY OF EAST GRAND FORKS PURSUANT TO MINNESOTA STATUTE 272.67 AND THE SUMMARY OF THE ORDINANCE. (2ND READING)

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

Voting Nay: None.

NEW BUSINESS:

- 11. Consider adopting Resolution No. 15-06-63 accepting and awarding the bid for 2015

Assessment Job No. 2 – Paving to Opp Construction in the amount of \$184,740.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 15-06-63 ACCEPTING AND AWARDING THE BID FOR 2015 ASSESSMENT JOB NO. 2 – PAVING TO OPP CONSTRUCTION IN THE AMOUNT OF \$184,740.

Council member DeMers stated how this motion was just to award the bid and it was not tied to the assessments. He stated how not moving forward and denying the bid puts the project in jeopardy. Mr. Peabody stated if the Council would not consider tabling this to vote it down. Mr. Bail stated the Council would have a couple weeks to decide so they would be able to table this item.

COUNCIL MEMBER DEMERS RESCINDED HIS MOTION. COUNCIL MEMBER TWETEN RESCINDED HIS SECOND TO THE MOTION.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN, TO TABLE THIS ITEM.

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

Voting Nay: DeMers.

12. Consider adopting Resolution No. 15-06-64 accepting and awarding the bid for 2015 Assessment Job No. 1 – Utility and Street Construction to R.J. Zavoral and Sons in the amount of \$244,949.25.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER BUCKALEW, TO ADOPT RESOLUTION NO. 15-06-64 ACCEPTING AND AWARDING THE BID FOR 2015 ASSESSMENT JOB NO. 1 – UTILITY AND STREET CONSTRUCTION TO R.J. ZAVORAL AND SONS IN THE AMOUNT OF \$244,949.25.

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

Voting Nay: None.

13. Consider adopting Resolution No. 15-06-62 adopting the assessment roll 333 for 2015 Assessment Job No. 2 – Paving Replat of Outlot B Block 2 – for a total assessment of \$219,840.60.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER GRASSEL, TO TABLE THIS ITEM.

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

Voting Nay: DeMers.

14. Consider adopting Resolution No. 15-06-65 accepting and awarding the bid for 2015 Assessment Job No. 3 – Street & Bike Path Improvements to Opp Construction in the amount of \$1,172,030.35.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL

MEMBER BUCKALEW, TO ADOPT RESOLUTION NO. 15-06-65 ACCEPTING AND AWARDING THE BID FOR 2015 ASSESSMENT JOB NO. 3 – STREET & BIKE PATH IMPROVEMENTS TO OPP CONSTRUCTION IN THE AMOUNT OF \$1,172,030.35.

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

15. Consider adopting Resolution No. 15-06-66 ordering improvement and preparation of plans and specifications for 2015 City Project No. 1 – Waste Water Improvements – Interconnect.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER BUCKALEW, TO ADOPT RESOLUTION NO. 15-06-66 ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR 2015 CITY PROJECT NO. 1 – WASTE WATER IMPROVEMENTS – INTERCONNECT.

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

16. Consider adopting Resolution No. 15-06-67 accepting the petition from Johnson Farms and the City of East Grand Forks to annex property into the City of East Grand Forks.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 15-06-67 ACCEPTING THE PETITION FROM JOHNSON FARMS AND THE CITY OF EAST GRAND FORKS TO ANNEX PROPERTY INTO THE CITY OF EAST GRAND FORKS.

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

17. Consider approving the additions of _____ with the pool project.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER NOT TO INCLUDE ANY ADDITIONS TO THE POOL. THE MOTION DIED FOR LACK OF A SECOND.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE ALL OF THE ADDITIONS OF WITH THE POOL PROJECT.

Mayor Stauss asked if that included a pool cover. Council Vice-President Grassel stated that it did. Discussion followed about how the motion included everything under A and B and did not include a zero entry for the wading pool. Council member Buckalew asked to have the zero entry to the wading pool added back in. After a short discussion Council member Grassel amended his motion so the pool cover was not included. Council member Buckalew asked if he would consider including the zero entry for the wading pool.

THE MOTION WAS AMENDED BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER TWETEN TO INCLUDE ALL OF THE ADDITIONAL ADD-ONS WHICH INCLUDED THE ZERO ENTRY FOR THE WADING POOL BUT NOT TO

INCLUDE THE POOL COVER.

Council Vice-President Grassel said he would and the reason for making this motion was because if it isn't done now it more than likely won't get done in the future. Council member Pokrzywinski stated he was not in favor of including items that could be included at a later date so he would be voting no on this.

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

Voting Nay: Vetter, Pokrzywinski, and DeMers.

18. Consider adopting Resolution No. 15-06-69 approving a dedicated parking spot for Little Bangkok's Delivery Service in the parking lot on the wet side of the flood wall.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 15-06-69 APPROVING A DEDICATED PARKING SPOT FOR LITTLE BANGKOK'S DELIVERY SERVICE IN THE PARKING LOT ON THE WET SIDE OF THE FLOOD WALL.

Council member Vetter asked if the previous location was going to be public parking again because it was not referenced in the resolution. Ms. Nelson said it was and it did state in the resolution that if Little Bangkok ever left the new parking spot would return to public parking.

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

Voting Nay: Pokrzywinski and DeMers.

CLAIMS:

19. Consider adopting Resolution No. 15-06-68 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 21743 for a total of \$966.06 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. 15-06-68 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 21743 FOR A TOTAL OF \$966.06 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

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 GRASSEL, SECONDED BY COUNCIL MEMBER BUCKALEW, TO AUTHORIZE THE CITY ADMINISTRATOR/CLERK-TREASURER TO ISSUE PAYMENT OF RECOMMENDED BILLS AND PAYROLL.

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

COUNCIL/STAFF REPORTS:

Mayor Stauss asked about the schedule regarding the bridge project and how long it was going to last. Council President Olstad said it was scheduled to end in October. Mayor Stauss said he was hoping that two lanes were going to stay open but since there is only one things will be more difficult. He added how drivers waiting will see the beautiful flowers hanging up downtown.

Council Member Vetter congratulated the East Grand Forks Trap Team for placing second place in Alexandria and how they qualified for the State Shoot at the Minnesota Gun Club in Prior Lake this weekend. He said congratulation and good luck.

Council Member Pokrzywinski said he concurred about how the flowers look good.

Mr. Murphy informed the Council that he was going to be out of the office on Friday and would be picking up paperwork from the League of Minnesota Cities.

Mr. Galstad stated he would need time to prepare waivers and consent forms regarding the possibility of adding end benefits to properties on Laurel Drive.

Mr. Bail stated that they will look how end benefits would affect this assessment roll so there is something to show the property owners how they would be affected.

Ms. Ellis informed the Council that Thursday, June 18th is National Dump the Pump day and residents can ride the city buses in both cities that day for free. She also reminded the Council of the open house that will be held at the Riverwalk Center on Thursday, June 18th from 6:00pm until 8:00pm to collect input on the City's land use plan. Ms. Nelson added there was a link on the City's website that would link residents directly to the survey also. Council member Pokrzywinski added that Hugo's would be hosting the After Hours Chamber event this Thursday also.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE JUNE 16, 2015 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:03 P.M.

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

David Murphy, City Administrator/Clerk-Treasurer

**UNAPPROVED MINUTES
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, JUNE 23, 2015 – 5:00 PM**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for June 23, 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: Council President Mark Olstad, Council Vice-President Chad Grassel, Council Members Clarence Vetter, Craig Buckalew, Henry Tweten, and Marc DeMers.

Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Nancy Ellis, City Planner; 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 A QUORUM:

The Council President Determined a Quorum was present

1. Discussion on Managing of City Property – Jason Stordahl

Mr. Stordahl informed the Council about issues of vehicles, ATVs, and motorcycles being on the levee along the Red Lake River and how there is a trail on the levee. He added that there is private property where some of these vehicles, ATVs, and motorcycles have been driving and how some residents have seen five up to 20 cars drive over the levee. He explained that the trails and ruts will be seen by the Army Corps of Engineers when they complete the annual inspection which degrades the levee. He stated how there are couches, chairs, and garbage left back in some of these areas as well. He asked the Council how they would like to proceed. Discussion followed about what could be put in place to stop the driving on the levee and the toe of the levee, how residents will need to call the police if they see vehicles driving on the levee, and how people could be cited for trespassing or for driving off the road.

Council President Olstad asked to contact the Department of Natural Resources to see if there is something they could suggested. Mr. Stordahl stated he would contact both the Army Corps of Engineers and the DNR about this situation and see if either of those groups had a suggestion. Council member Vetter stated he doesn't want to have to limit the access to this area and was glad the river was being used. He added of how officers could speak with people using that area educating them about the rules about staying off of the levee and if the rules aren't followed this area may have to be closed.

2. Discussion on Strategic Planning for Pond Site – Chad Grassel

Council Vice-President Grassel stated that he and Council member Pokrzywinski talked about the future of the pond site after the ponds had been decommissioned. He stated that WSN had put something together. He went over the map that included where an existing waste lagoon would be located, 18 hole Frisbee golf course, walking paths, camp sites, a possible swimming hole, and sculpture gardens. He mentioned the City may want to work with art students at UND changing the garden from year to year. He said this would not happen overnight but this was to give the Council something to think about.

Council Vice-President Grassel told the Council Mr. Boppre estimated that it would take approximately 40 hours to complete the plans for the park project east of the golf course. He said the cost estimate for those plans was \$3500 to \$4000. He added the park may change things and help sell lots. Council member Tweten told the Council that when the proposal had been made it had been suggested to make it a Natural Learning Center so the project would be eligible for legacy funds. He asked to have this brought back to a future work session for discussion. Discussion followed about how the Council should focus on the park by the golf course first, how it needs to be determined what infrastructure is already in place, and if some of the property should be lots for homes.

This item will be brought back at a future work session.

3. Cable Franchise Agreement – David Murphy

Mr. Murphy stated the cable franchise agreement between the City and Midcontinent will expire in July, that an extension had been filed, and that the previous contract was for 10 years. He explained that Kennedy & Graven handle numerous franchise agreements throughout the State of Minnesota. He added how the City currently takes in approximately \$11,500 per month or \$139,000 annually and how the estimated cost to hire Kennedy & Graven for this would not exceed \$10,000 so the monthly payment would pay for this process. He ended by saying they would conduct a review to make sure the City received the correct amount and asked how the Council would like to move forward.

Council President Olstad stated the City should make sure it is receiving the correct rate. Mr. Galstad told the Council they had hired a separate attorney to prepare the last franchise agreement and that he has no issues with Kennedy & Graven. Council member Tweten suggested moving this on. Council member Buckalew stated that standard language is used, how a list had been provided of other cities that had hired Kennedy & Graven and asked to see if some of those agreements could be compared before moving forward. Council President Olstad asked if Mr. Murphy could reach out to some of the cities for a copy of their franchise agreements for comparison. Council member Vetter asked if this was for all of their services or only cable. Mr. Murphy stated it was only cable. He added that he would reach out to other cities.

This item will be brought back to a future Work Session for further discussion.

4. Budget Discussion – David Murphy

Mr. Murphy stated that items will be brought up at least once a month regarding the budget to help the Council set a levy. He stated the information brought forward at this meeting was salaries and wages. He stated that union negotiations will be starting soon and a plan needs to be put in place. He added

that the 2016 budgeted salaries had included a 2% cost of living increase and a 4% increase to the City's portion of insurance paid and asked if the Council was okay with that. He ended by saying the biggest difference was in the EDA umbers because the budgeted numbers for 2015 had included housing employees since the transfer hadn't been completed when the budget was being worked on. Ms. Nelson stated that the numbers were budgeted numbers, not actual numbers. She said that a report will be ran after the next payroll which would be the half way point for the year and the Council will then be able to compare what had been budgeted for in 2015 and compare to the actual.

Council member Vetter said he didn't have an issue with the increase and asked who was going to be included during the labor negotiations. Discussion followed about if the entire Council should be included in negotiations or if it should only be a couple Council members along with the City Administrator like had been done more recently. Council member Buckalew asked if the entire Council was a part of negotiations if the meeting had to be an open meeting. Mr. Galstad stated he would check on that. Mr. Murphy stated this didn't need to be decided that evening but it was something for the Council to consider.

5. Other

Mr. Murphy stated that it was asked to have a conversation regarding the consent agenda. He added that Robert's Rules of Order is more of a guideline for the Council to use and the Council can do what they are comfortable with. Council President Olstad asked to have items pulled before the meeting. Council member DeMers stated it could be asked before the motion to approve the consent agenda is made if Council members would like items pulled. The Council agreed on moving forward with that practice.

Mr. Gorte stated there will be a public hearing at the July 7th meeting for tax credits regarding the new hotel. He added that he will be bringing forward the request to transfer the funds that remain in the Town Square account. He said the funds would be transferred to the EDA and that the EDA Board was looking into the decommissioning process of the TIF Districts. Ms. Anderson informed the Council that a TIF consultant had been hired to help with this process and allow the City to use the remaining funds city wide for infrastructure following the TIF guidelines.

Mr. Aker informed the Council that the City received a grant for \$50,000 from the DNR which would be received in 2016.

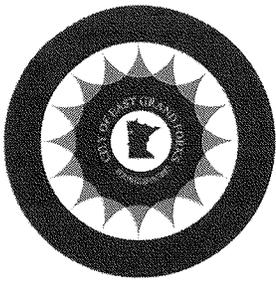
ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER BUCKALEW, SECONDED BY COUNCIL MEMBER TWETEN, TO ADJOURN THE JUNE 23, 2015 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:18 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer



City of East Grand Forks

600 DeMers Ave · P.O. Box 373 · East Grand Forks, MN 56721
218-773-2483 · 218-773-9728 fax www.eastgrandforks.net

APPLICATION FOR SPECIAL EVENT

License Fee: _____

Organization Information		
<u>East Grand Forks Association of Firefighters Local 3423</u> <i>Organization Name</i>	<u>218-773-2403 or 701-740-3020</u> <i>Organization Phone Number</i>	
<u>415 4th St NW</u> <i>Organization Address</i>	<u>EGF</u> <i>City</i>	<u>MN</u> <u>56721</u> <i>State Zip</i>

Applicant Information		
<u>Ryan Swang</u> <i>Applicant Name</i>	<u>701-740-3020</u> <i>Applicant Phone Number</i>	
<u>415 4th St NW</u> <i>Applicant Address</i>	<u>EGF</u> <i>City</i>	<u>MN</u> <u>56721</u> <i>State Zip</i>

Special Event Information		
<u>July 31st, August 1st & 2nd 2015</u> <i>Date of Event</i>	<u>1800hrs July 31st 2015</u> <i>Start Time</i>	<u>2000hrs August 2 2015</u> <i>End Time</i>
<u>Explanation of Event</u> <u>Hold cat fish tournament</u>		
<u>Route/Area of Event (include map)</u> <u>Lafave Park Boat Landing</u>		
<u>Road closures at River and Hill Street by Cabelas parking lot and hill street by softball diamonds from the hours of 4am and 7am August 1 and 2 2015</u>		
<u>Special Requests (Staff, Road Closures, Etc).</u>		

I hereby certify that I have completely filled out the entire above application, together and that the application is true, correct, and accurate.

Ryan Swang
Signature of Applicant

4-21-15
Date

RYAN SWANG
Print Name

Treasurer
Title

City of East Grand Forks Map



East Grand Forks Association of Firefighters Local 3423-EVENT
SPONSOR-
RELEASE AND INDEMNIFICATION AGREEMENT
CITY OF EAST GRAND FORKS, MINNESOTA

**THIS IS A RELEASE OF LIABILITY INDEMNIFICATION AGREEMENT
SPECIAL EVENTS HOLDER MUST READ CAREFULLY BEFORE SIGNING.**

In consideration for being permitted to engage in the following special event activities on the City of East Grand Forks' property:

Fishing Tournament in Lafave Park

Special Events Holder hereby acknowledges, represents, and agrees as follows:

A. We understand that the above described activities are or may be dangerous and do or may involve risks or injury, loss, or damage to us and/or third parties. We further acknowledge that such risks may include but not be limited to bodily injury, personal injury, sickness, disease, death, and property loss or damage, arising from the following circumstances, among others:

(Special Events Holder initials here) RS

B. If required by this paragraph, we agree to require each participant in our special event to execute a **RELEASE AND INDEMNIFICATION AGREEMENT** for ourselves and for the City of East Grand Forks, on a form approved by the City of East Grand Forks.

Participant Release and Indemnification required? YES _____ NO X

(Special Events Holder initials here) RS

C. We agree to procure, keep in force, and pay for special event insurance coverage, from an insurer acceptable to the City of East Grand Forks, for the duration of the above described activities.

(Special Events Holder initials here) RS

City of East Grand Forks
Application for Special Event

D. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby expressly assume all such risks of injury, loss, or damage to us or any related third party, arising out of or in any way related to the above described activities, whether or not caused by the act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Special Events Holder initials here) RS

E. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we further hereby exempt, release and discharge the City of East Grand Forks, its officers, and its employees, from any and all claims, demands, and actions for such injury, loss, or damage to us or to any third party, arising out of or in any way related to the above described activities, whether or not caused by the act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Special Events Holder initials here) RS

F. We further agree to defend, indemnify and hold harmless the City of East Grand Forks, its officers, employees, insurers, and self insurance pool, from and against all liability, claims, and demands, court costs and attorneys fees, including those arising from any third party claim asserted against the City of East Grand Forks, its officers, employees, insurers or self insurance pool, on account of injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property damage or loss, or any other loss of any kind whatsoever, which arise out of or are in any way related to the above described activities, whether or not caused by our act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Special Events Holder initials here) RS

G. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby acknowledge and agree that said Agreement extends to all acts omissions, negligence, or other fault of the City of East Grand Forks, its officers, and/or its employees, and that said Agreement is intended to be as broad and inclusive as is permitted by the laws of the State of Minnesota. If any portion thereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.

(Special Events Holder initials here) RS

H. We understand and agree that this **RELEASE AND INDEMNIFICATION AGREEMENT** shall be governed by the laws of the State of Minnesota and that jurisdiction and venue for any suit or cause of action under this agreement shall lie in the courts.

(Special Events Holder initials here) RS

I. This **RELEASE AND INDEMNIFICATION AGREEMENT** shall be effective as of the date or dates of the applicable special event, shall continue in full force until our responsibilities hereunder are fully discharged, and shall be binding upon us, or successors, representatives, heirs, executors, assigns, and transferees.

(Special Events Holder initials here) RS

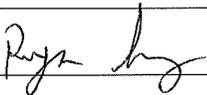
IN WITNESS THEREOF, THIS RELEASE AND INDEMNIFICATION AGREEMENT is executed by the special events holder, acting by and through the undersigned, who represents that he or she is properly authorized to bind the Special Events Holder hereto.

PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS HOLDER:

City of East Grand Forks
Application for Special Event

Name Ryan Swang

Title Treasurer

Signature 

Date 4-21-15

**PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS
HOLDER:**

Name _____

Title _____

Signature _____

Date _____



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar Street Suite 222, St. Paul MN 55101-5133
 (651) 201-7507 Fax (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



APPLICATION AND PERMIT
 FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <i>American Legion Post #157</i>		DATE ORGANIZED	TAX EXEMPT NUMBER <i>41-0642687</i>	
STREET ADDRESS <i>1009 Central Ave NW</i>		CITY <i>EGF</i>	STATE <i>MN</i>	ZIP CODE <i>56721</i>
NAME OF PERSON MAKING APPLICATION <i>Michael Driscoll</i>		BUSINESS PHONE <i>(888) 773 1129</i>	HOME PHONE ()	
DATES LIQUOR WILL BE SOLD <i>7/3/15, 8/1/15, 8/2/15</i>		TYPE OF ORGANIZATION <input checked="" type="checkbox"/> CLUB <input type="checkbox"/> CHARITABLE <input type="checkbox"/> RELIGIOUS <input type="checkbox"/> OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <i>Carol Zeitvogel</i>		ADDRESS		
ORGANIZATION OFFICER'S NAME <i>Allen Zeitvogel</i>		ADDRESS		
ORGANIZATION OFFICER'S NAME <i>Gyle Rose</i>		ADDRESS		

Location license will be used. If an outdoor area, describe

Greenway area by boat ramp

Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service.

NO

Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage.

Yes

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT

CITY/COUNTY *City of East Grand Forks*

DATE APPROVED _____

CITY FEE AMOUNT *\$300*

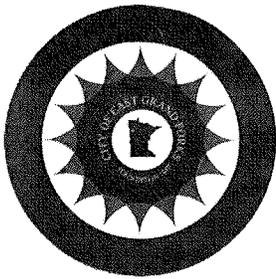
LICENSE DATES _____

DATE FEE PAID *6/24/15*

SIGNATURE CITY CLERK OR COUNTY OFFICIAL

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event



City of East Grand Forks

600 DeMers Ave · P.O. Box 373 · East Grand Forks, MN 56721
218-773-2483 · 218-773-9728 fax www.eastgrandforks.net

APPLICATION FOR SPECIAL EVENT

License Fee: _____

Organization Information		
<u>Bikes & Bites on the Boardwalk</u> <i>Organization Name</i>	<u>701-746-1417</u> <i>Organization Phone Number</i>	
<u>505 University Ave</u> <i>Organization Address</i>	<u>GF</u> <i>City</i>	<u>ND 58203</u> <i>State Zip</i>

Applicant Information		
<u>iHeart Media</u> <i>Applicant Name</i>	<u>701-746-1417</u> <i>Applicant Phone Number</i>	
<u>505 University Ave</u> <i>Applicant Address</i>	<u>GF</u> <i>City</i>	<u>ND 58203</u> <i>State Zip</i>

Special Event Information		
<u>7/16/15</u> <i>Date of Event</i>	<u>3pm</u> <i>Start Time</i>	<u>8pm</u> <i>End Time</i>
<u>Ride in bike show, vendors set up, restaurants set up on grass - sell food parking lot in front of boardwalk</u> <i>Explanation of Event</i>		
<u>Parking lot in front of boardwalk</u> <i>Route/Area of Event (include map)</i>		
<u>Parking lot closed at 2pm</u> <i>Special Requests (Staff, Road Closures, Etc)</i>		

I hereby certify that I have completely filled out the entire above application, together and that the application is true, correct, and accurate.

Jennifer Stocker
Signature of Applicant

Jennifer Stocker
Print Name

5/20/15
Date

Title

**-EVENT SPONSOR-
RELEASE AND INDEMNIFICATION AGREEMENT
CITY OF EAST GRAND FORKS, MINNESOTA**

**THIS IS A RELEASE OF LIABILITY INDEMNIFICATION AGREEMENT
SPECIAL EVENTS HOLDER MUST READ CAREFULLY BEFORE SIGNING.**

In consideration for being permitted to engage in the following special event activities on the City of East Grand Forks' property:

Bikes + Bites on the Boardwalk

Special Events Holder hereby acknowledges, represents, and agrees as follows:

A. We understand that the above described activities are or may be dangerous and do or may involve risks or injury, loss, or damage to us and/or third parties. We further acknowledge that such risks may include but not be limited to bodily injury, personal injury, sickness, disease, death, and property loss or damage, arising from the following circumstances, among others:

(Special Events Holder initials here) JS

B. If required by this paragraph, we agree to require each participant in our special event to execute a **RELEASE AND INDEMNIFICATION AGREEMENT** for ourselves and for the City of East Grand Forks, on a form approved by the City of East Grand Forks.

Participant Release and Indemnification required? YES _____ NO _____

(Special Events Holder initials here) JS

C. We agree to procure, keep in force, and pay for special event insurance coverage, from an insurer acceptable to the City of East Grand Forks, for the duration of the above described activities.

(Special Events Holder initials here) JS

City of East Grand Forks
Application for Special Event

D. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby expressly assume all such risks of injury, loss, or damage to us or any related third party, arising out of or in any way related to the above described activities, whether or not caused by the act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Special Events Holder initials here) JS

E. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we further hereby exempt, release and discharge the City of East Grand Forks, its officers, and its employees, from any and all claims, demands, and actions for such injury, loss, or damage to us or to any third party, arising out of or in any way related to the above described activities, whether or not caused by the act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Special Events Holder initials here) JS

F. We further agree to defend, indemnify and hold harmless the City of East Grand Forks, its officers, employees, insurers, and self insurance pool, from and against all liability, claims, and demands, court costs and attorneys fees, including those arising from any third party claim asserted against the City of East Grand Forks, its officers, employees, insurers or self insurance pool, on account of injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property damage or loss, or any other loss of any kind whatsoever, which arise out of or are in any way related to the above described activities, whether or not caused by our act, omission, negligence, or other fault of the City of East Grand Forks, its officers, its employees, or by any other cause.

(Special Events Holder initials here) JS

G. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby acknowledge and agree that said Agreement extends to all acts omissions, negligence, or other fault of the City of East Grand Forks, its officers, and/or its employees, and that said Agreement is intended to be as broad and inclusive as is permitted by the laws of the State of Minnesota. If any portion thereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.

(Special Events Holder initials here) JS

H. We understand and agree that this **RELEASE AND INDEMNIFICATION AGREEMENT** shall be governed by the laws of the State of Minnesota and that jurisdiction and venue for any suit or cause of action under this agreement shall lie in the courts.

(Special Events Holder initials here) JS

I. This **RELEASE AND INDEMNIFICATION AGREEMENT** shall be effective as of the date or dates of the applicable special event, shall continue in full force until our responsibilities hereunder are fully discharged, and shall be binding upon us, or successors, representatives, heirs, executors, assigns, and transferees.

(Special Events Holder initials here) JS

IN WITNESS THEREOF, THIS RELEASE AND INDEMNIFICATION AGREEMENT is executed by the special events holder, acting by and through the undersigned, who represents that he or she is properly authorized to bind the Special Events Holder hereto.

PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS HOLDER:

City of East Grand Forks
Application for Special Event

Name _____

Title _____

Signature _____

Date _____

**PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS
HOLDER:**

Name Jennifer Stocker

Title Sales Manager

Signature Jennifer Stocker

Date 5/20/15



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar Street Suite 133, St. Paul MN 55101-5133
 (651) 215-6209 Fax (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



**APPLICATION AND PERMIT
 FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <u>VFW Post 3817</u>		DATE ORGANIZED <u>1942</u>	TAX EXEMPT NUMBER	
STREET ADDRESS <u>312 DeMers Ave.</u>		CITY <u>E. Grand Forks</u>	STATE <u>MN</u>	ZIP CODE <u>56721</u>
NAME OF PERSON MAKING APPLICATION <u>Patricia Sauskojus</u>		BUSINESS PHONE <u>(218) 773-2481</u>	HOME PHONE <u>(218) 791-0180</u>	
DATES LIQUOR WILL BE SOLD <u>7-16-15</u>		TYPE OF ORGANIZATION <input checked="" type="checkbox"/> CLUB <input type="checkbox"/> CHARITABLE <input type="checkbox"/> RELIGIOUS <input type="checkbox"/> OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <u>Jerry Stadstad, Commander</u>		ADDRESS <u>728 Chestnut St Grand Forks, ND 58201</u>		
ORGANIZATION OFFICER'S NAME <u>Cory Dudgeon, Quartermaster</u>		ADDRESS <u>18577 440th Ave SW East Grand Forks, MN 56721</u>		
ORGANIZATION OFFICER'S NAME <u>Wm Bridges, Adjutant</u>		ADDRESS <u>1504 Aspen Ave NE East Grand Forks, MN</u>		
Location license will be used. If an outdoor area, describe				
<u>Riverwalk Boardwalk</u>				
Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service.				
Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage. <u>yes</u>				
<u>Secura Insurance Co.</u> <u>Aggregate \$3,000,000</u> <u>Each Occasion \$1,000,000</u>				
APPROVAL				
APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT				
CITY/COUNTY <u>City of East Grand Forks</u>		DATE APPROVED _____		
CITY FEE AMOUNT <u>\$100</u>		LICENSE DATES _____		
DATE FEE PAID <u>6/16/15</u>				
SIGNATURE CITY CLERK OR COUNTY OFFICIAL		APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT		

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event

Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held June 4, 2015 at 5:00 P.M.

Present: Ogden, Loven, Tweten

Absent: Quirk

It was moved by Commissioner Tweten seconded by Commissioner Loven that the minutes of the previous meeting of May 21, 2015 be approved as read.

Voting Aye: Ogden, Loven, Tweten

Voting Nay: None

It was moved by Commissioner Loven seconded by Commissioner Tweten to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$332,981.23.

Voting Aye: Ogden, Loven, Tweten

Voting Nay: None

It was moved by Commissioner Loven seconded by Commissioner Tweten to declare a transformer as surplus and approve sale of said transformer to T&R Electric in the amount of \$150.00.

Voting Aye: Ogden, Loven, Tweten

Voting Nay: None

It was moved by Commissioner Tweten seconded by Commissioner Loven to adjourn to the next regular meeting on June 18, 2015 at 5:00 P.M.

Voting Aye: Ogden, Loven, Tweten

Voting Nay: None

Lori Maloney
Sec'y

Minutes of a special meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held June 8, 2015 at 5:00 P.M.

Present: Ogden, Loven, Quirk, Tweten

Absent: None

Discussion was held regarding whether to change the Distribution System Foreman position to a union position.

It was moved by Commissioner Quirk seconded by Commissioner Tweten to keep the above-mentioned position a non-union position through the current contract which is effective through 2016.

Voting Aye: Ogden, Loven, Quirk, Tweten

Voting Nay: None

It was moved by Commissioner Quirk seconded by Commissioner Loven to adjourn to the next regular meeting on June 18, 2015 at 5:00 P.M.

Voting Aye: Ogden, Loven, Quirk, Tweten

Voting Nay: None

Lori Maloney
Sec'y

**EAST GRAND FORKS
ORGANIZATIONAL
PLANNING COMMISSION MINUTES
Thursday, April 9, 2015 – 12:00 Noon
East Grand Forks City Council Chambers**

CALL TO ORDER

Chairman Mike Powers called the April 9, 2015, meeting of the East Grand Forks Planning Commission to order at 12:05 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Chairman Powers, Vice Chairman Christianson, Commissioners Randy Boushey, Chad Erickson, Marc DeMers, Kevin Marcott, and Niel McWalter.

Absent:

Guest(s) present: Sue Neegard, Cathy Ryan, Eryn Rudd and Mike Pokrzywinski

Staff present: Nancy Ellis, East Grand Forks City Planner; Ron Galstad, City Attorney; & Brenda Ault, Executive Assistant.

DETERMINATION OF A QUORUM

A quorum was present.

COMMUNICATION

Name of a Consultant for 2045 Land Use Plan Update.

SRF consulting has been named the consultant for the Land Use Plan Update. Ellis informed the Board that a land use plan was in the works to make clear, concise goals for new development or redevelopment. The plan may also propose any ordinance changes that need to be implemented. Five Steering Committee meetings will be held and they may request information from the planning board and present their findings to the Board. They may be present at the May meeting and expect to have monthly planning commission meetings until the rest of the year. DeMers will be one of the members on this committee. She would like to get the meetings available electronically for the public to be more involved.

APPROVAL OF MINUTES

Matter of Approval of the March 12, 2015 Regular Minutes of the East Grand Forks Planning Commission.

A MOTION WAS MADE BY COMMISSIONER ERICKSON, SECONDED BY COMMISSIONER MARCOTT TO APPROVE THE MINUTES OF THE MARCH 12, 2015 MEETING OF THE EAST GRAND FORKS PLANNING COMMISSION, AS SUBMITTED.

M/S/P- 7:0, MC.

OLD BUSINESS

None.

NEW BUSINESS

Matter of Consideration of a Special Use Permit to Construct a Monopole Cell Tower and Equipment Shelter at a Second Site on Valley Golf Assn property at the east end of the gravel parking lot at the new club house site and south of Valley Golf Way.

A MOTION WAS MADE BY COMMISSIONER CHRISTIANSON, SECONDED BY COMMISSIONER MARCOTT TO OPEN TO A PUBLIC MEETING.

M/S/P- 7:0, MC.

Ellis stated she had received a letter from Eddie Buell, of Buell Consulting, who is working with the City on behalf of Verizon Wireless, and has requested to withdraw the CUP application at this time pending further investigation into the city code. No action needs to be taken at this time.

A MOTION WAS MADE BY COMMISSIONER CHRISTIANSON, SECONDED BY COMMISSIONER DEMERS TO CLOSE THE PUBLIC MEETING.

M/S/P- 7:0, MC.

Ellis explained to the Board that our current ordinance is dated 2003 and doesn't meet the current needs of wireless services. Currently the tower would need to be 600 feet from the public sector and that eliminates many sites. She stated that Mr. Buell has indicated that he will be requesting that the City consider amending their wireless communications ordinance; and will bring more current ordinances from other Cities for us to consider. She also is recommending that our new ordinance include hiring a consultant, at the applicant's expense to look at all sides of the placement of a tower.

Galstad explained to the group that an antenna is attached to an existing structure and a monopole cell tower would require an equipment shed in case of a power outage. General discussion was held as to why other towers in the area are allowed. Galstad explained that zoning ordinances are different for commercial areas and at least one of the towers was grandfathered in because it was built before the current ordinance was in place. If a tower was placed in a commercial zone, that does have a height restriction and that would affect the area it would serve and wouldn't be effective.

Other discussion was held on making sure all our information was accurate going forward and how specific the new ordinance should be worded. Another concern the group voiced was that if they allow one to be built, then would four other companies want towers in the same area? Galstad explained that each tower would have to allow for at least two other providers to utilize the same tower. He also stated that we can charge them rent if they lease the tower out to other providers, as well as, lease or rent the ground out around the tower.

OTHER BUSINESS

None.

ADJOURNMENT

A MOTION WAS MADE BY COMMISSIONER DEMERS, SECONDED BY COMMISSIONER BOUSHEY, TO ADJOURN THE APRIL 9, 2015, MEETING OF THE EAST GRAND FORKS PLANNING COMMISSION AT 12:50 PM.

M/S/P-7:0, MC.

Respectfully submitted by,

Brenda Ault
Executive Assistant

**APPROVED MINUTES OF THE REGULAR MEETING OF THE BOARD MEMBERS OF
THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA)**

A regular meeting of the Board Members of the East Grand Forks Economic Development Authority was held at 4:00 p.m. on March 17, 2015 in the East Grand Forks City Hall Training Room, on the first floor in the South Wing, East Grand Forks, MN.

1. Roll Call

Meeting was call to order by President Justin Hecht at 4:03 pm.

EDA Board present at roll President Justin Hecht, Board Members Chad Grassel, Josh Grinde, Ralph Messelt and Mike Pokrzywinski.

Absent: Vice-President Chip Shea and Board Member George Wogaman

Staff present included Paul Gorte, Economic Director; Karla Anderson, Finance Director; Nancy Ellis, City Planner; Ron Galstad, City Attorney; David Murphy, City Administrator; Brenda Ault and Megan Nelson, Executive Assistants.

Guests: John Hageman Grand Forks Herald

Determination of a Quorum

President Hecht determined a quorum was present.

2. Approval of minutes of the February 17, 2015 Regular Meeting:

A motion was made by Board member Grassel, seconded by Board member Pokrzywinski, to approve the minutes from the February 17, 2015 Regular Meeting.

Voting Aye: Grassel, Grinde, Hecht, Messelt and Pokrzywinski.

Voting Nay: None.

3. Bills and Communications:

a. Welcome New Board Members

Paul Gorte and Brenda Ault introduced themselves to the group. The Board Members introduced themselves as well and welcomed them to the group.

b. Election of Officers

Treasurer: Board Member Grassel nominated Board Member Ralph Messelt as Treasurer, was seconded by Board Member Pokrzywinski.

March 17, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

Voting Aye: Grassel, Grinde, Hecht and Pokrzywinski.

Voting Nay: None.

Abstain: Messelt

Secretary: Board Member Grassel nominated Board Member Josh Grinde as Secretary, was seconded by Board Member Messelt.

Voting Aye: Grassel, Hecht, Messelt and Pokrzywinski.

Voting Nay: None.

Abstain: Grinde

c. Review of Accounts Payable for March 3, 2015 and Approval for Accounts Payable for March 17, 2015.

Executive Assistant Nelson explained to the group that they could review the bills for March 3rd, but they did not need a motion to approve because they had already been paid. She stated that she would need a motion to approve the Accounts Payable for the March 17th check run. City Planner Ellis explained that there were some final bills included for Riverwalk Center and these should be the last of those bills.

A Motion was made by Board Member Grassel to approve the Accounts Payable for March 17, 2015, was seconded by Board Member Grinde.

Voting Aye: Grassel, Grinde, Hecht, Messelt and Pokrzywinski.

Voting Nay: None.

4. Reports:

a. Update of Border City Credits for Proll, LLC.

Economic Director Gorte informed the Board that he has been in contact with Proll. He explained things are moving forward and he is working with them to possibly receive \$100,000 in border city tax credits. He added that would have to be voted on by the City Council and that he wanted to update the Board about this project.

b. Loan and Rent Report

Economic Director Gorte informed the Board that there are some delinquencies; he has been working with the City Attorney on the issue. He is also working on getting the loans set up with automatic payment withdrawals every month. Finance Director Anderson informed the Board she had been working with Executive Assistant Ault on setting up new amortization schedules for the audit. Board Member Messelt inquired whether we had personal guarantees for the loans, Mr. Gorte explained that both he

March 17, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

and Mr. Galstad were looking into that and it would take time. He added he would be updating the Board throughout the process.

5. Unfinished Business:

a. What is Economic Development Follow Up

Economic Director Gorte asked the group what they felt this department should accomplish to be successful. Discussion included attracting new businesses to town, expand businesses already established, increase the tax base, use a business approach, adapt to the needs, be professional, competent, change the view of the Board, show what there is to offer in the community, possibly work more with the Grand Forks Economic Development Authority, and make sure current businesses are not at a disadvantage. Other suggestions were to show all lots available in the City to potential buyers, not just City owned lots. More discussion followed about how to attract workers into the community by promoting us as a great place for the workforce to live, maybe offer bus service to where they are employed. Another idea of what a successful Economic Development was having an active and diverse economy and how this department was seen as a viable part of the community.

Mr. Gorte stated how they should also promote all the good the department has accomplished in the past; the department has helped over 200 businesses. It was also mention to develop the web page to include all available lots, both residential and commercial. Mr. Gorte said he would be putting these items together and bring them to the next meeting so the Board can decide if those are the items they would like to focus on.

b. Loan Update

Economic Director Gorte informed the Board this item had been discussed during the loan and rent report.

6. New Business:

a. Home Show

Economic Director Gorte informed the Board that he would be attending the Home Show Friday 4-8; Saturday 9-6 and Sunday 11-4. He invited the Board to stop by, check out the booth, and stated that he would be displaying lot information and the programs the City offers.

March 17, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

Other:

Ms. Anderson informed the Board there was approximately \$120,000 remaining in the Town Square fund and asked them to consider transferring that amount to the Sunshine Terrace account. She explained the roof needed to be repaired so that could be used towards that project. After a short discussion Mr. Gorte said this item would be brought forward at the next meeting.

7. Adjournment

A motion was made by Board member Grassel, seconded by Board member Pokrzywinski, to adjourn the meeting at 4:48 pm.

Voting Aye: Grassel, Grinde, Hecht, Messelt and Pokrzywinski.

Voting Nay: None.

The next regular meeting is **April 7, 2015 at 4:00 pm** at the **East Grand Forks Training Room, First Floor in the South Wing, East Grand Forks City Hall, East Grand Forks, MN.**

Respectfully Submitted,
Brenda Ault
Executive Assistant

APPROVED MINUTES OF THE REGULAR MEETING OF THE BOARD MEMBERS OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA)

A regular meeting of the Board Members of the East Grand Forks Economic Development Authority was held at 4:00 p.m. on April 21, 2015 in the East Grand Forks City Hall Training Room, on the first floor in the South Wing, East Grand Forks, MN.

1. Roll Call

Meeting was called to order by Vice President Chip Shea at 4:04 pm.

EDA Board present at roll, Vice-President Chip Shea, Board Members George Wogaman, Chad Grassel, Josh Grinde, Ralph Messelt and Mike Pokrzywinski.

Absent: President Justin Hecht

Staff present: Paul Gorte, Economic Development Director; Nancy Ellis, City Planner; Ron Galstad, City Attorney; David Murphy, City Administrator; Brenda Ault Executive Assistant.

Council Representative Marc DeMers at 4:33

Determination of a Quorum

Vice President Shea determined a quorum was present.

2. Approval of minutes of the March 17, 2015 Regular Meeting:

A Motion was made by Board member Pokrzywinski, seconded by Board member Grinde, to approve the minutes from the March 17, 2015 Regular Meeting.
M/S/P-Pokrzywinski, Grinde; 6:0, mc.

3. Bills and Communications:

a. Review of Accounts Payable for April 7, 2015 and Approval for Accounts Payable for April 21, 2015.

Board Member Grassel asked when the Riverwalk bills would be completed. City Planner Ellis explained that there were some final bills included for Riverwalk Center and these should be the last of those bills.

A Motion was made by Board Member Wogaman to approve the Accounts Payable for April 21, 2015, was seconded by Board Member Messelt.
M/S/P- Wogaman, Messelt; 6-0, mc.

April 21, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

EDD Gorte informed the Board that he had received a Notice of Mortgage Foreclosure Sale for the property at 626 12th St NW, owned by Derek and Amy Olson, and he had discussed the matter with City Attorney Galstad. They will not be moving forward on collection at this time because we would have to purchase the property for \$158,429.87 and then sell to recoup our loss. The EDA originally loaned the Olson's \$7500 as part of the Down Payment Assistance Program.

4. **Reports:**

a. Loan and Rent Report

EDD Gorte informed the Board of the progress being made and he has been working with City Attorney Galstad on the issues. Hawke's Manufacturing recently made payment in the amount of \$7500; Bydal's payments are being applied first to the interest, then to the principal, and the shortage is accumulating a 6% penalty, which is being added to the principal. This is how the mortgage paperwork reads so we are disregarding when he indicates in the memo on the check that it is a principal payment; VP Shea inquired when the last contact was with Bydal. Galstad indicated it had been a few months and the amount currently behind was around \$1200. He was following the guidelines with a notice of default, then a note mortgage modification would be drawn up and an auto deduction would need to be signed. Weber recently made payment in the amount for \$3000. Gorte indicated he was still trying to get an auto deduction signed. Cutting Edge's bankruptcy has been taken care of, City Administrator Murphy indicated that he has spoken with the owner and once he figures out what his monthly payment will be, he will let us know what kind of payments he will be able to make each month.

Gorte also reported that he is working on getting the Intermediary Relending Program (IRA) up and running again. This is for business development loans, equipment or buildings. It is not available for public or non-profit use. VP Shea indicated that City Administrator Murphy and City Attorney Galstad assist Gorte in getting this up and running.

b. Report on Annual Meeting of the Grand Forks Region Economic Development Corporation

EDD Gorte and Board Member Messelt attended. The both felt that Grand Forks can do more things without the funds coming directly from the City. They are private, not for profit with a private Board of Directors. Gorte stated that the Minnesota legislature approved equipment will be free of sales tax beginning on July 1st.

Gorte also stated that the GFREDA has 8 strategic priorities they are currently working on; Aerospace, Strategic Infrastructure, Energy & Environment,

April 21, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

Partnership Initiatives, Agri-Business, Workforce, Professional & Technical Services and Canadian Business Development. He would like the Board to start thinking about these points and revisit the items at a later date.

He also stated that the Chamber Director, Barry Wilfahrt, will start attending meetings once we start our summer schedule, in the meantime, City Attorney Galstad will keep us informed because he is on the Chamber Board.

5. **Unfinished Business: None**

6. **New Business:**

a. Funds Transfer from Town Square Building Fund to EDA

EDD Gorte reminded the Board that Finance Director Anderson had attended the last meeting and proposed this transfer. The Town Square used to be under the Economic Department, but the City no longer manages this property. The funds built up for this total \$154,371.34.

City Planner Ellis reminded the Board that FD Anderson had earmarked the funds for Sunshine Terrace. It currently is in need of a new roof and a boiler.

Motion was made by Board Member Pokrzywinski to transfer the funds from the Town Square fund to the EDA general fund, was seconded by Board Member Grassel. M/S/P-Pokrzywinski, Grassel: RCV: Wogaman Y, Messelt Y, Grinde Y, Shea Y, Grassel Y, Pokrzywinski Y: 6:0, mc.

b. Phil & Susan Cote

Request was received from them; they would like to install a washer and dryer in their apartment in Sunshine Terrace. City Planner Ellis questioned whether a policy had been set up for this kind of thing. After discussion, it was decided that CP Ellis go inspect the place they would like to install the appliances and report back to the Board at the next scheduled meeting. Tabled.

c. Kevin Thompson

Mr. Thompson received a \$10,000 deferred loan grant in April 2005 and has currently reached his 10-year satisfaction date. He is in process of selling his home and purchasing another new home. He would like to apply for another deferred loan grant, which currently set at \$5,000. CP Ellis explained to the Board that there's a cost incurred with this program and she would like to see some sort of administrative fee

April 21, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

added to this program. After discussion, the Board instructed Gorte to show the fees incurred with this type of program and bring it to the next meeting. Tabled.

d. EDHA Loan/Rent Delinquency Policy Dated October 2011.

Gorte explained that the current policy was included in their Board Packets. He would like to see the timelines tightened up somewhat. After discussion, Gorte was instructed to rewrite the policy and present it at the next meeting.

e. Clay Policy

EDD Gorte explained that the city lots need clay before homes can be built on them, up to 5,000 cubic yards. The City has 300,000 cubic yards of clay and he would like it to be made available to the citizens purchasing the lots, at their expense to haul it. He has spoken with Public Works Director Stordahl about building the lots up to a buildable elevation. Public Works has some restrictions on the clay usage, they need to be present and the dust needs to be controlled. Galstad suggested that he should draft a clause for those hauling the clay themselves so the City isn't liable. Council Member DeMers stated that he would like to see a cleanup deposit implemented. Gorte explained that they had talked about a cleanup deposit and he will discuss the issue with PWD Stordahl.

f. Economic Development

EDD Gorte explained that the results from the last meeting, regarding our vision for the EDA were included in the packet. Work Program and Policies and Procedures were the two things they were all broken down into, these are some things he would like us to start working towards. The Work Program he is planning on putting together ways for us to do business. He will present more info at the next meeting.

7. **Adjournment**

A motion was made by Board member Wogaman, seconded by Board member Grassel, to adjourn the meeting at 4:48 pm. M/S/P-Wogaman, Grassel; 6-0, mc.

The next regular meeting is **May 5, 2015 at 4:00 pm** at the **East Grand Forks Training Room, First Floor in the South Wing, East Grand Forks City Hall, East Grand Forks, MN.**

Respectfully Submitted,
Brenda Ault
Executive Assistant

APPROVED MINUTES OF THE REGULAR MEETING OF THE BOARD MEMBERS OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA)

A regular meeting of the Board Members of the East Grand Forks Economic Development Authority was held at 4:00 p.m. on May 5, 2015 in the East Grand Forks City Hall Training Room, on the first floor in the South Wing, East Grand Forks, MN.

1. Roll Call

Meeting was called to order by President Justin Hecht at 4:00 pm.

EDA Board present at roll, President Justin Hecht, Vice-President Chip Shea, Board Members George Wogaman, Chad Grassel, Josh Grinde, Ralph Messelt and Mike Pokrzywinski.

Absent: None

Staff present: Paul Gorte, Economic Development Director; Brenda Ault Executive Assistant; Karla Anderson, Finance Director; David Murphy, City Administrator arrived at 4:10.

Roll Call; President Hecht determined a quorum was present.

2. Approval of minutes of the April 21, 2015 Regular Meeting:

A Motion was made by Board member Wogaman, seconded by Board member Shea, to approve the minutes from the April 21, 2015 Regular Meeting.
M/S/P-Wogaman, Shea; 7-0, mc.

3. Bills and Communications:

a. Approval for Accounts Payable for May 5, 2015.

Board Member Messelt stated that he would like to see a financial statement on money coming in, money going out each month and would also be interested in what the vacancy rate was at Sunshine Terrace. FD Anderson stated that she could work with EA Ault to prepare financial statements for the meetings. Board Member Grassel stated that there was a waiting list for apartments, so we know they're full.

A Motion was made by Board Member Pokrzywinski to approve the Accounts Payable for May 5, 2015, was seconded by Board Member Grassel.
M/S/P- Pokrzywinski, Grassel; 7-0, mc.

4. Reports:

May 5, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

a. Loan and Rent Report

EDD Gorte informed the Board that he has still been working with Bydal's. He has been working with an additional two accounts that were delinquent. One recently came in and paid his past due, but one is still delinquent. He asked the Board if they wanted the full report each month or if they would prefer just delinquencies. P Hecht stated he would like to see just the delinquencies and then a full report quarterly. Cutting Edge's bankruptcy is still in the works and we are not sure what kind of payments he will be able to make each month.

5. **Unfinished Business:**

a. Phil & Susan Cote

EDD Gorte reported that City Planner Ellis is working on this, but it is not completed yet. He explained to P Hecht that a request was received from them; they would like to install a washer and dryer in their apartment in Sunshine Terrace. Tabled.

b. Mortgage/Sale Fees

EDD Gorte informed the Board that there was a draft of a new Real Estate Transaction Fee and Mortgage Fee Policy in their packet. Currently the County collects three fees: deed tax, mortgage registration tax and a document recording fee. The Seller/City shall be responsible for the deed tax & deed recording fee for any land sale. The purchaser/mortgagor will be responsible for the mortgage registration tax and the recording fee. When the mortgage is satisfied, the mortgagor will be send a Satisfaction and they will be instructed to sent to the County with a check for \$46 to record the document. P Hecht inquired if we need to approve it and send it to the Council for approval, EDD Gorte indicated that that was the correct way to do it.

A Motion was made by Board Member Grassel, seconded by Board Member Messelt to approve the Real Estate Transaction Fee and Mortgage Fee Policy. M/S/P- Grassel, Messelt; 7-0, mc.

c. Delinquency Policy

EDD Gorte explained that the new draft of the policy was included in their Board Packets. He worked on the policy, along with City Attorney Galstad, to make a more simplified policy. The First Missed Payment: The City will notify the borrower that a payment has been missed and is due immediately. They would also be notified of the various business assistance available through the State of Minnesota. The Second Missed Payment: The City will meet with the borrower regarding the missed

May 5, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

payments. The City will file any legal paperwork necessary to secure its interests. Third Missed Payment: The City takes action to foreclose on the loan and collect the outstanding monies from the business and/or personal guarantee. The Board will be informed of any actions taken regarding this policy.

Board Member Grassel would like this new form sent out to all the people and businesses that currently have loans. P Hecht inquired if this policy would be applied to our current delinquent loans. EDD Gorte explained that he was already using the guidelines on the current delinquent loan. Board Member Messelt would like to see return receipts used when the new policy is sent out. Board Member Pokrzywinski wants to make sure this new policy does not violate any current agreements that have been signed.

A Motion was made by Board Member Grassel to approve the Loan/Rent Delinquency Policy, was seconded by Board Member Wogaman. M/S/P- Grassel, Wogaman; 7-0, mc.

d. Economic Development Authority Work Program

EDD Gorte explained that we will focus on work activity and that everything we do promotes the City. He also pointed out that item number 11 had a lot of collaboration and was an ambitious proposal. He also inquired whether anything needed to be added or removed. P Hecht asked if there were any questions on any of the items.

Board Member Messelt stated that he would like to see a new entrance to the industrial park, he feels that the disrepair is a disgrace to the City. EDD Gorte stated that he was aware of the problem and had been working with Public Works Director Jason Stordahl. Discussion followed and it was determined that something needs to be done and the issue will be pursued.

Board Member Messelt also inquired if EDD Gorte had been getting any inquiries from businesses to come in or wanting to expand.

6. **New Business:**

EDD Gorte inquired when the Board would like to hold Summer Meetings. After discussion, it was determined that one meeting will be held once a month, on the third Tuesday of each month, at Noon. The first summer meeting will be held on June 16th at Noon.

7. **Adjournment**

A motion was made by Board member Grassel, seconded by Board member Wogaman, to adjourn the meeting at 4:33 pm. M/S/P- Grassel, Wogaman; 7-0, mc.

May 5, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC
DEVELOPMENT AUTHORITY (EDA) (continued)

The next regular meeting is **May 19, 2015 at 4:00 pm** at the **East Grand Forks Training Room, First Floor in the South Wing, East Grand Forks City Hall,** East Grand Forks, MN.

Respectfully Submitted,
Brenda Ault
Executive Assistant

APPROVED MINUTES OF THE REGULAR MEETING OF THE BOARD MEMBERS OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA)

A regular meeting of the Board Members of the East Grand Forks Economic Development Authority was held at 4:00 p.m. on May 19, 2015 in the East Grand Forks City Hall Training Room, on the first floor in the South Wing, East Grand Forks, MN.

1. Roll Call

Meeting was called to order by President Justin Hecht at 4:02 pm.

EDA Board present at roll, President Justin Hecht, Board Members George Wogaman, Chad Grassel, Ralph Messelt and Mike Pokrzywinski. Board Member Josh Grinde arrived at 4:06.

Absent: Vice-President Chip Shea

Staff present: Paul Gorte, Economic Development Director; Brenda Ault Executive Assistant; Ron Galstad City Attorney; Nancy Ellis City Planner; David Murphy, City Administrator arrived at 4:19.

Roll Call; President Hecht determined a quorum was present.

2. Approval of minutes of the May 5, 2015 Regular Meeting:

A Motion was made by Board member Pokrzywinski, seconded by Board member Wogaman, to approve the minutes from the May 5, 2015 Regular Meeting.
M/S/P- Pokrzywinski, Wogaman; 5-0, mc.

Josh Grinde arrived at 4:06.

3. Bills and Communications:

a. Approval for Accounts Payable for May 19, 2015.

Board Member Grassel inquired whether the Tru Temp bill was to repair the pipes on the 3rd floor at Sunshine Terrace; CP Ellis indicated that it was. Board Member Messelt questioned why there are 5 bills for Sunshine Terrace from Light & Water. CP Ellis stated that she would look into it.

A Motion was made by Board Member Grassel to approve the Accounts Payable for May 19, 2015, was seconded by Board Member Wogaman.
M/S/P- Grassel, Wogaman; 6-0, mc.

4. Reports:

Delinquencies

MIF Loans:

EDD Gorte informed the Board that he has still been working with CA Galstad on the following.

May 19, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

Cutting Edge: bankruptcy is still in the works and we are still waiting, Gorte indicated that the loan does have personnel guarantee.

Bydal: continues to make the reduced payment, currently he needs to pay about \$1300 to catch up on his payments. Gorte will try to set a meeting up with them.

DPA Loans:

Gonzalez: owes \$300 and it would cost more in legal fees than that to collect the money.

Olson: the home is in foreclosure and he has 6 months to redeem it, when that period is over in late November, we will check to see if he has redeemed it, if he has, we can go after the funds at that point. He currently owes less than \$4000.

Misc Loans:

My Friends & I: the business sold in 2009, and at that time they were behind in their rent payments. CA Galstad stated that a letter in the file, dated 2005, indicates that they were behind roughly \$7500 at that time, and it may be difficult to determine what they owe at this point.

Waycool: Gorte indicated that after visiting with CA Galstad, he was informed that the loan was written off as a bad debt, so this was a non issue, but he did not have that information when he prepared the agenda.

Pierce Investments: Gorte indicated he needs to work with Finance Director Anderson on this loan.

a. Sunshine Terrace

Included in the packet is the Revenue and Expense Report that Board Member Messelt requested at the last meeting. CP Ellis informed the Board that the first sheet only had the May expenses and no rents were recorded yet, so it wasn't a complete report. She went on to say that this is the first year there is a budget for the complex and so it is a learning experience. She also explained to the Board that she is fulfilling a commitment to the tenants to replace carpets and the vinyl flooring in the apartments. She also has been having the elevator and the sprinkler system have a maintenance update.

5. **Unfinished Business:**

a. Phil & Susan Cote

CP Ellis informed the Board that a few of the apartments have had an opening cut into the tub, so that a wheelchair could be wheeled inside the tub, but we are no longer allowing tenants to go this route. Once they move out the tub is not repairable and there is now medical equipment available to get disabled people in a tub without cutting the tub.

CP Ellis reported that she had gone to the apartment to look at the space the couple wished to install a washer and dryer. It would be feasible, because there is a hookup in the apartment above them, as well as below them. She asked them to have a plumber

May 19, 2015

MINUTES OF THE REGULAR MEETING OF THE EAST GRAND FORKS ECONOMIC DEVELOPMENT AUTHORITY (EDA) (continued)

look at the issue and return with a plan. That was a month ago and they have not pursued the issue.

Board Member Grinde questioned whether there were coin operated machines available to the tenants. CP Ellis stated there were 5 sets of machines. Board Member Grassel would like to see more machines added and the Board was in agreement that more machines should be added.

b. Contacts/Web Site

EDD Gorte stated that first contact generally is made on a City's website and if they don't find what they want, they move on. He went on to show the Board the City's website and a few other websites he felt were more user friendly. Our current website concentrates on residential and he would like it to be geared towards commercial development as well. He would like to see our website updated and would like the Boards' permission to contact the firm that does our website to make some changes, add a few links, including the GF/EGF Chamber link. After discussion, the Board felt this would be a much needed update to the site.

6. **New Business:**

a. Future Events

Workforce Update:

Barry Wilfahrt will be present at the next meeting to give us information on this issue.

SWOT Activity:

Strengths, Weaknesses, Opportunities, Threats: EDD Gorte would like to coordinate a meeting with the City Council and cover these topics. The group agreed this might need to wait until Fall.

7. **Adjournment**

A motion was made by Board member Pokrzywinski, seconded by Board member Grassel, to adjourn the meeting at 4:46 pm. M/S/P- Pokrzywinski, Grassel; 6-0, mc.

The next regular meeting is **June, 16 2015 at Noon** in the **East Grand Forks Training Room, First Floor in the South Wing, East Grand Forks City Hall**, East Grand Forks, MN.

Respectfully Submitted,
Brenda Ault
Executive Assistant

Request for Council Action

Date: April 9, 2015

To: East Grand Forks City Council, Mayor Lynn Stauss, President Mark Olstad, Council Vice President Chad Grassel, Council Members: Clarence Vetter, Henry Tweten, Marc Demers, Craig Buckalew and Mike Pokrzywinski.

Cc: File

From: Steve Emery, P.E.

RE: Project Award - 2015 Assessment Job No. 2 – Concrete Paving / Replat of Outlot B, Block2, Point of Woods 5th Addition

Background:

Two bids were received on Thursday, April 9, 2015. The apparent low bidder for the project is Opp Construction, Grand Forks, ND. Attached for your information is the bid tabulation. The bids came in approximately 19% higher than the engineers estimate that was put together for the Report of Feasibility. The estimated construction cost at that time was \$155,480.00

The following is the proposed budget for the project based on as-bid costs:

PROPOSED BUDGET

	<u>2015 AJ # 2</u>
Construction	\$184,740.00
Plans / Specifications	\$18,126.60
Staking / Inspection	\$ 9,237.00
Assessment Roll	\$ 1,847.40
Contingencies	\$ 5,542.20
Administration / Legal	<u>\$ 5,542.20</u>
TOTAL PROJECT COST	\$225,035.40

PROPOSED FUNDING

	<u>2015 AJ # 2</u>
Assessments	\$217,145.05
City	<u>\$ 7,890.35</u>
TOTAL PROJECT COST	\$225,035.40

Recommendation:

Due to the increase in project costs it would be our recommendation the final assessment roll be put together with the proposed budget and the final assessment hearing be conducted prior to award of bids.

Enclosures: Bid Tabulation

Revised 4/3/2015

**2015 Assessment Job No. 2
Concrete Paving
Replat of Outlot B, Block 2
Point of Woods 5th Addition
East Grand Forks, MN**

ITEM NO.	ITEM DESCRIPTION	Unit	Quantity	Opp Construction		Paras Contracting	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
015526	Traffic Control	LS	1	\$ 500.00	\$ 500.00	\$ 3,000.00	\$ 3,000.00
015713	Storm Drain Inlet Protection	EA	3	\$ 130.00	\$ 390.00	\$ 250.00	\$ 750.00
024100	Remove Curb and Gutter	LF	153	\$ 8.00	\$ 1,224.00	\$ 10.00	\$ 1,530.00
312200	Salvage Aggregate Surfacing	CY	408	\$ 16.00	\$ 6,528.00	\$ 10.00	\$ 4,080.00
321600	7" Concrete Pavement	SY	2453	\$ 67.00	\$ 164,351.00	\$ 68.00	\$ 166,804.00
321600	Concrete Curb and Gutter, Design B624	LF	153	\$ 39.00	\$ 5,967.00	\$ 30.00	\$ 4,590.00
321600	Reinforcement Bars (Epoxy Coated)	LBS	1538	\$ 2.00	\$ 3,076.00	\$ 3.85	\$ 5,921.30
321600	Adjust Manhole Casting Assembly	EA	1	\$ 540.00	\$ 540.00	\$ 1,000.00	\$ 1,000.00
321600	Install Manhole Casting Assembly	EA	1	\$ 1,900.00	\$ 1,900.00	\$ 1,500.00	\$ 1,500.00
329219	Turf Establishment	SY	33	\$ 8.00	\$ 264.00	\$ 25.00	\$ 825.00
TOTAL BID					\$ 184,740.00		\$ 190,000.30

RESOLUTION NO. 15 – 06 - 63

RESOLUTION ACCEPTING AND AWARDING BID FOR IMPROVEMENT

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

WHEREAS, pursuant to an advertisement for bids for the improvement of 2015 Assessment Job No. 2 – Paving, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

WHEREAS, it appears that Opp Construction is the lowest responsible bidder at a bid price of \$184,740;

WHEREAS, the total project costs are estimated to total \$219,840.60;

NOW THEREFORE, BE IT RESOLVED,

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Opp Construction in the name of the City of East Grand Forks for the improvement of 2015 Assessment Job No. 2 – Paving according to the plans and specifications therefore approved by the City Council and on file in the administration office.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.
3. The City Portion for this project will be paid out of the following funds:

414-43-146-45300	Construction	\$184,740
414-43-146-43030	Engineering	\$27,711
414-43-146-43500	Miscellaneous	\$7389.60

Voting Aye:
Voting Nay:
Abstain:

The President declared the resolution passed.

Passed: June 16, 2015

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 16th of June, 2015.

Mayor

RESOLUTION NO. 15 – 06 - 62

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

WHEREAS, The City Administrator/Clerk-Treasurer with the assistance of the person designated, has calculated the proper amount to be specially assessed against every lot, piece and parcel of land, without regard to cash valuation, utilities and street foundation improvements described as “2015 Assessment Job No. 2 – Paving – Replat of Outlot B Block 2”; for a total assessment of \$219,840.60; and

WHEREAS, Said calculations known as the proposed assessments were filed with the Administrator/Clerk-Treasurer on May 19, 2015; and

WHEREAS, On May 27, 2015 and June 3, 2015, a published notice will be given in the official newspaper of a special assessment hearing to consider the said proposed assessment, and a copy of said published notice was mailed on May 20, 2015, to the owner(s) of the tract(s) or parcel(s) of land as provided by law, and the public hearing will be held on June 16, 2015 and all objections to said proposed assessment have been considered by the Council, and

BE IT RESOLVED, That the City Council of the City of East Grand Forks, Minnesota, hereby determines that the property in the said proposed assessment is benefited by the improvement and that the amount of said assessment is based upon the benefit received, without regard to cash valuation, and that every lot, piece and parcel or parcels of land set out therein as assessable and that said proposed assessment has been calculated in accordance with the law, and

BE IT FURTHER RESOLVED, That said proposed assessments for said improvement be and hereby are adopted as the special assessments against the tracts of land stated in the assessment roll in the amount set out therein and that this assessment roll be given the descriptive name of “Assessment Roll No. 333 – Paving – Replat of Outlot B Block 2”.

BE IT FURTHER RESOLVED, That the said assessment shall be payable in equal installments over a period of twenty (20) years.

BE IT FURTHER RESOLVED, That interest at the rate of 4.5 percent per annum on the entire assessment from the date of the resolution levying said assessment to December 31, 2015, and each subsequent installment will be payable with one year’s interest at said rate on all unpaid installments, except that no interest will be charged if the entire assessment as to any parcel is paid at the office of the City Administrator/Clerk-Treasurer within 30 days from the date of adoption of the assessment roll.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: June 16, 2015

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 16th day of June, 2015.

Mayor

**ASSESSMENT ROLL
 REPLAT OF OUTLOT B, Block 2 - POINT OF WOODS 5TH ADDITON
 EAST GRAND FORKS, MINNESOTA**

STREET IMPROVEMENTS	
Construction	\$ 184,740.00
Plans and Specifications	\$ 16,626.60
Staking & Inspection	\$ 9,237.00
Assessment Roll	\$ 1,847.40
Administration	\$ 5,542.20
Contingencies	<u>\$ 1,847.40</u>
TOTAL PROJECT COST	\$ 219,840.60
Front Footages	
Point of Woods 5th Addition -	
Replat of Outlot B	<u>967.67</u>
TOTAL ASSESSABLE FOOTAGE	967.67
Assessment Rate	\$ 227.19 Front Foot

ASSESSMENT ROLL
REPLAT OF OUTLOT B, BLOCK 2 - POINT OF WOODS 5TH ADDITON
EAST GRAND FORKS, MINNESOTA

PARCEL No.	OWNER	DESCRIPTION	STREET		TOTAL ASSESSMENT BEFORE INTEREST
			FRONT FOOT	\$ FRONT BENEFIT	
	REPLAT OF OUTLOT B - POINT OF WOODS 5TH ADDITION			\$227.19	
83.04432.00	ROBERT E & JEANINE H PEABODY	Lot-A Block-001	165.34	\$37,562.84	\$37,562.84
83.04433.00	AFFINITY BUILDERS LLC	Lot-B Block-001	109.72	\$24,926.79	\$24,926.79
83.04434.00	ROBERT E & JEANINE H PEABODY	Lot-C Block-001	23.16	\$5,261.62	\$5,261.62
83.04435.00	ROBERT E & JEANINE H PEABODY	Lot-G Block-002	124.67	\$28,323.22	\$28,323.22
83.04436.00	MELQUIST SAMUEL R & LEAH M	Lot-H Block-002	95.47	\$21,689.40	\$21,689.40
83.04437.00	ROBERT E & JEANINE H PEABODY	Lot-J Block-002	103.54	\$23,522.79	\$23,522.79
83.04438.00	ROBERT E & JEANINE H PEABODY	Lot-K Block-002	111.24	\$25,272.12	\$25,272.12
83.04439.00	MEAGHER GREGORY P & TRACY J	Lot-L Block-002	109.79	\$24,942.70	\$24,942.70
83.04440.00	ROBERT E & JEANINE H PEABODY	Lot-M Block-002	124.74	\$28,339.12	\$28,339.12
SUBTOTAL REPLAT OF OUTLOT B POINT OF WOODS 5TH ADDITION			967.67	\$219,840.60	\$219,840.60
GRAND TOTAL			967.67	\$219,840.60	\$219,840.60

Request for Council Action

Date: July 7, 2015

To: East Grand Forks City Council Mayor Lynn Stauss, Council President Mark Olstad, Council Vice President Chad Grassel, Council Members: Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Cc: File

From: Paul Gorte, Economic Development Director

RE: Public Hearing and Business Subsidy Agreement: Border Cities Tax Credits (Proll, LLC./Fairfield Inn)

The City approved a Development Agreement with Proll LLC on January 9, 2014. The agreement provided for EDA participation in a hotel project. One of the commitments made by the City was for Border City tax credits, if available, in the amount of 6½% of the cost of new capital equipment and/or construction materials not to exceed \$100,000. This required an investment by Proll LLC of an amount not less than \$1,538,461.50 to obtain the maximum benefit. Proll LLC has submitted documentation of expenditures totaling \$1,540,574.75, which allows the maximum award of \$100,000 if available. The City has \$240,548 available in tax credits. The hotel has completed construction. Therefore, it is appropriate at this time to approve the tax credits.

By City policy, unless waived by the City Council, the maximum amount of credits available in any year is \$30,000. Based upon the initial estimates of assessed value and the application of the disparity credits, the facility is expected to generate slightly more than the \$30,000 annually. Therefore, the term has been calculated to allow the use of up to \$30,000 of tax credits in any single year.

Approval requires conducting a public hearing to allow affected parties to state their opinions about the proposed approval. The City Council must also approve the Business Subsidy Agreement to implement the tax credits.

Recommendation: Conduct the public hearing. Approve and execute the Business Subsidy Agreement.

RESOLUTION NO. 15 – 07 - 70

**RESOLUTION GRANTING BORDER CITY DEVELOPMENT ZONE
TAX CREDITS AND APPROVING A BUSINESS SUBSIDY
AGREEMENT BETWEEN CITY AND PROLL, LLC**

WHEREAS, Proll, LLC doing business as Fairfield Inn by Marriott (the “Developer”) desires to construct a 67 room hotel (the “Minimum Improvements”) located at 514 Gateway Drive NE (Parcel Numbers 83.02861.00 and 83.02306.02) in the City of East Grand Forks, Minnesota (the “City”); and

WHEREAS, the City has designated a Border City Development Zone (“BCDZ”) and has the authority pursuant to Minnesota Statutes, Section 469.1732, subd. 1 to grant a partial or complete exemption from property taxation of all buildings, structures, fixtures, and improvements used in or necessary to a qualifying business within the BCDZ; and

WHEREAS, the City has received a completed application filed in accordance with applicable City procedures, policy, and guidelines from the Developer requesting a property tax exemption (the “Tax Incentives”) in order to make the Minimum Improvements economically feasible; and

WHEREAS, the application form filed with the City and all associated documentation have been reviewed and evaluated by City staff; and

WHEREAS, granting the Tax Incentives is in the best interest of the City to enhance its property tax base and create new jobs.

WHEREAS, the Tax Incentives requested by the Developer are a business subsidy under Minnesota Statutes, Sections 116J.993 through 116J.995, as amended; and

WHEREAS, the City Council has received and reviewed a Business Subsidy Agreement, between the City and Developer (the “Business Subsidy Agreement”) providing for the granting of the Tax Incentives to the Developer and the Developer’s duties and responsibilities related to the business subsidy; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of East Grand Forks, that:

1. Granting the Tax Incentives to the Developer is necessary for the company to locate in the City and is in the best interests of the City.
2. The City hereby approves the application and grants the Developer an exemption from property taxation of new building value subject to the terms and conditions in this resolution, the Business Subsidy Agreement, and Minnesota Statutes in the amount of \$100,000.

3. The City Clerk is hereby directed and authorized to certify this grant of exemption from property taxation to the City Assessor and County Assessor contingent upon the Developer and the City executing the Business Subsidy Agreement.
4. The Business Subsidy Agreement, together with any related documents in connection therewith (collectively, the “Development Documents”) is approved in substantially the forms on file in City Hall, subject to modifications that do not alter the substance of the transaction and are approved by the Mayor and the City Administrator; provided that execution of the documents will be conclusive evidence of their approval.
5. The Mayor and the City Administrator are authorized and directed to execute the Development Documents and any other documents or certificates necessary to carry out the transactions described in the Development Documents.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: July 7, 2015

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 7th of July, 2015.

Mayor

BUSINESS SUBSIDY AGREEMENT

between

THE CITY OF EAST GRAND FORKS

and

PROLL, LLC

Approved: July 7, 2015

This document was drafted by:

Kennedy & Graven, Chartered (JAE)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
Telephone No.: (612) 337-9260

BUSINESS SUBSIDY AGREEMENT

THIS AGREEMENT made this 7th day of July, 2015, by and between the City of East Grand Forks, Minnesota, a home rule city existing under its Charter and the Constitution of the State of Minnesota (“City” or “Grantor”) and Proll, LLC doing business as Fairfield Inn by Marriott, a North Dakota limited liability company (“Developer”).

RECITALS

WHEREAS, the City, pursuant to Minnesota Statutes 469.1731 to 469.1735, the Border City Development Zone Act (the “BCDZ Act”), is authorized to grant certain tax incentives to qualifying new businesses located within the City;

WHEREAS, the Developer has requested that the City exercise its authority and grant said tax incentives to the Developer;

WHEREAS, the Developer proposes to construct, develop, operate and maintain a 67 room hotel with an estimated new building value of \$2,000,000, exclusive of land value, which remains taxable (the “Project”);

WHEREAS, the City has received a completed application for tax incentives under the City’s Border City Development Zone Program from the Developer; and

WHEREAS, the Developer is requesting a property tax exemption (the “Business Subsidy”); and

WHEREAS, the Developer’s application was filed and evaluated by the City in accordance with applicable statutory requirements and City procedures, policy and guidelines;

WHEREAS, the City has determined that the Developer’s application is in conformance with applicable statutory requirements and City procedures, policy and guidelines; and

WHEREAS, granting the Developer’s application for tax incentives is within the best interest of the City because the Project will create additional jobs and increase the City’s tax base; and

WHEREAS the City, when providing financial assistance to projects that provide a public benefit to the City and to the State, is subject to the requirements of Minnesota Statutes, Sections 116J.993 to 116J.995, inclusive, as amended (the “Business Subsidy Act”) and is defined therein as a Grantor; and

WHEREAS, the Grantor is required by the Business Subsidy Act, to enter into this subsidy agreement to set forth the terms and conditions of the Business Subsidy (the “Business Subsidy Agreement”); and

WHEREAS, the City and the Developer agree that the Developer will receive a Business Subsidy in accordance with the terms and conditions of this Agreement.

WHEREAS, the Developer is required by the Business Subsidy Act to set forth in the Subsidy Agreement its goals, including job goals, that will result from receipt of the Subsidy; and

WHEREAS, the Council finds the Project will: (i) create 12 new full-time equivalent jobs in the City and the State; (ii) expand the tax base in the City; (iii) promote development of the Project; (iv) increase living wage employment opportunities; and (v) provide secondary economic development benefits.

NOW, THEREFORE, in consideration of the premises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

(Remainder of this page intentionally left blank.)

Section 1. Definitions.

“Agreement” or “Subsidy Agreement” means this Subsidy Agreement.

“BCDZ” means the Border City Development Zone created by the City pursuant to its authority under Minnesota Statutes, Section 469.1731.

“BCDZ Act” means the Border City Enterprise Zone (BCDZ) Act, Minnesota Statutes, Sections 469.1731 to 469.1735, inclusive, as hereinafter amended.

“Business Subsidy” means the tax exemptions provided by the City to the Developer pursuant to the BCDZ Act. The methods of calculation of such tax exemptions are attached hereto as Exhibit D.

“Benefit Date” means, pursuant to Section 116J.993, Subd. 2, the date the Developer receives a business subsidy. For the acquisition of and improvements to property, the benefit date refers to the earliest date of either (i) when the improvements are finished for the entire project, or (ii) when a business occupies the property.

“Business Subsidy Act” means Minnesota Statutes, Sections 116J.993 to 116J.995, inclusive, as hereinafter amended.

“Business Subsidy” or “Subsidy” means the property tax exemptions provided by the BCDZ to the Developer.

“City,” referred to under the Business Subsidy Law as the “Grantor,” means the City of East Grand Forks, Minnesota.

“DEED” means the Minnesota Department of Employment and Economic Development.

“Developer” means Proll, LLC doing business as Fairfield Inn by Marriott, a North Dakota limited liability company.

“Development Property” means the property described in Exhibit A attached hereto.

“Full Time Equivalent Jobs” means the total number of full-time jobs, plus the full-time equivalent of the part-time jobs created at the Project.

“Project” means the approximately 67 room hotel to be constructed by the Developer on the Development Property.

Section 2. Subsidy Agreement Requirements.

(a) The City and the Developer recognize and agree that the estimated financial benefit of the potential tax exemptions from the BCDZ to be received by the Developer pursuant to this Agreement are deemed to be a Business Subsidy under the Business Subsidy Act, and are subject to the provisions thereof.

(b) The public purposes of the Business Subsidy is to facilitate the construction of the Project, which will result in job creation, increasing living wage employment opportunities, providing secondary economic development benefits, and increasing the city's tax base.

(c) The goals for the Business Subsidy are: (i) to secure development of the Project as a hotel to be operated by the Developer; and (ii) to create the jobs and wage levels described in Section 3 for the duration of the Business Subsidy.

(d) The Business Subsidy is needed because the Developer has stated it will incur significant costs in purchasing and constructing the Project. Public assistance in the form of the a Business Subsidy makes creating 12 Full-Time Equivalent Jobs and acquiring and constructing the Project, economically feasible for the Developer.

(e) The Developer does not have a parent corporation.

(f) Other than \$175,000 from the East Grand Forks Economic Development Authority to assist with land acquisition costs, the Developer has not received, and does not expect to receive, financial assistance from any other "grantor" as defined in the Business Subsidy Act, in connection with financing the Project.

(g) The Developer warrants and represents to the City that, as of the date of this Agreement, it has not failed to meet the terms of any business subsidy agreement as defined in the Business Subsidy Act.

(h) This Agreement fully meets the statutory requirements of the Business Subsidy Act and in the event that any provision of this Agreement is inconsistent or in conflict with any provision of the Business Subsidy Act, and in the event that any provision of the Business Subsidy Act provides additional requirements, the provisions of the Business Subsidy Act shall apply and govern.

Section 3. Tax Incentives.

(a) The Project shall receive a property tax exemption in an amount not to exceed \$30,000 for a period of up to 5 years in a total amount not to exceed \$100,000 (the "Tax Incentive"). Using a projected value of \$2,000,000 and a current tax rate of 1.653%, the City expects that approximately \$33,060 will be paid by the Developer in property taxes each year. However, the property exemption provided to the Developer may not exceed \$30,000 per year.

(b) Subject to the terms and conditions contained in this Agreement and applicable state law, City procedures, policy and guidelines for the Border City Development Zone Program in effect on the date of execution of this agreement and which are incorporated herein by reference, the City and Developer agree that the tax incentives granted pursuant to this Agreement are contingent upon the Developer continuing to meet the eligibility and reporting requirements of the Border City Development Zone Program and the Business Subsidy Act, which include but are not limited to the following:

(i) **Achievement of Job and Wage Goal.** Pursuant to Minnesota Statutes § 116J.994, Subd. 4, the Developer agrees to create 12 new Full-Time Equivalent Jobs with an average hourly wage of \$10.50. The Developer agrees that the job and wage goal must be fully achieved no later than two years following the Benefit Date.

(ii) **Annual Reporting.** Pursuant to Minnesota Statutes § 116J.994, Subd. 7(b), The Developer must submit to the City a written report regarding business subsidy goals and results, by March 1 of each year, commencing March 1, 2015 and continuing until the later of (i) the date the goals stated Section 3(c)(i) are met; (ii) 30 days after expiration of the duration of the period described in Section 3(c)(iii) below; or (iii) if the goals are not met, the date the subsidy is repaid in accordance with Section 5. The City will provide information to the Developer regarding the required forms. If the Developer fails to timely file any report required under this Section, the City will mail the Developer a warning within one week after the required filing date. If, after 14 days of the postmarked date of the warning, the Developer fails to provide a report, the Developer must pay to the City a penalty of \$100 for each subsequent day until the report is filed. The maximum aggregate penalty payable under this Section is \$1,000.

(iii) **Continuation of Operations.** Pursuant to Minnesota Statutes § 116J.994 Subd. 3(a)(6), the Developer agrees to continue operations, in substantially the same manner and scale, in the City for at least five (5) years after the Benefit Date.

(d) City and Developer acknowledge and agree that the Tax Incentive Schedule attached to this Agreement is a true and correct representation of the Project as provided to the City by the Developer. Further, that the Developer agrees that as a condition precedent for the City to start the tax incentive exemption period the Project must have a minimum new building value of \$1,000,000.

Section 4. Tax Incentive Schedule.

City and Developer acknowledge and agree that the Tax Incentive Schedule attached to this Agreement is a true and correct representation of the Project as provided to the City by the Developer. Further, the Developer agrees that as a condition precedent for the City to start the tax incentive exemption period the Project must have a minimum building improvement value of \$1,000,000.

Section 5. Remedies.

If the Developer fails to meet the goals described in Section 3(c)(i) and 3(c)(iii), within the time frames set forth herein, then upon thirty (30) days of written notice delivered by the City to the Developer, the Developer must pay to the City: (a) a “pro rata share” of the amounts of any Business Subsidy; plus (b) interest on such principal amount of the Business Subsidy at the implicit price deflator as defined in Minnesota Statutes, Section 275.50, subd. 2, accrued from the Benefit Date to the date of payment. The term “pro rata share” means percentages calculated as follows:

- (i) if the failure relates to the number of jobs, the jobs required less the jobs created, divided by the jobs required;
- (ii) if the failure relates to wages, the number of jobs required less the number of jobs that meet the required wages, divided by the number of jobs required;
- (iii) if the failure relates to maintenance of the business in accordance goals delineated in Section 3(c)(i), sixty (60) less the number of months of operation (where any month in which the business is in operation for at least fifteen (15) days constitutes a month of operation), commencing on the benefit date and ending on the date the business ceases operation as determined by the City, divided by sixty (60); and
- (iv) if more than one of clauses (i) through (iii) apply, the sum of the applicable percentages, not to exceed 100%.

In addition to the remedy described in this Section and any other remedy available to the City for failure to meet the goals stated in Section 3(c), the Developer agrees and understands that it may not receive a business subsidy from the City or any grantor (as defined in the Business Subsidy Act) for a period of five years from the date of the failure or until the Developer satisfies its repayment obligation under this Section, whichever occurs first.

Section 6. Deadline to Complete Project. The Developer shall complete construction of the Project by or before December 31, 2015. Completion of the Project shall mean that the Project has been issued a Certificate of Occupancy by the City. Developer agrees and acknowledges that its failure to complete the Project by the completion deadline shall cause this Agreement to terminate, and Developer shall not qualify for the tax incentives.

Section 7. Attorney Fees and Fees of the City

If the City employs attorneys or financial advisors or incurs other expenses for the collection of payments due or for the enforcement or observance of any obligation or agreement on the part of the Developer under this Agreement, or any other agreement between the Developer and the City, the Developer agrees that it will, within ten (10) days of written demand by the City, pay to the City the reasonable fees of such attorneys and any other expenses so incurred by the City.

Section 8. Indemnification.

(a) Developer shall and does hereby agree to protect, defend, indemnify and hold the City, and its officers, agents, and employees, harmless of and from any and all liability, loss, or damage that the City may incur under or by reason of this Agreement, and of and from any and all claims and demands whatsoever that may be asserted against the City by reason of any alleged obligations or undertakings on the part of the City to perform or discharge any of the terms, covenants, or agreements contained herein, except to the extent such liability, loss, or

damage is determined to be as a result of the actions of the City, its officers, agents, or employees.

(b) Should the City, or its officers, agents, or employees incur any such liability or be required to defend against any claims or demands pursuant to this Section 8, or should a judgment be entered against the City, the amount thereof, including costs, expenses, and reasonable attorneys fees, shall be immediately payable by Developer to the City upon written demand to Developer.

(c) This indemnification and hold harmless provision shall survive the execution, delivery, and performance of this Agreement. Developer waives notice of the acceptance of this Agreement by the City.

(d) Nothing in this Agreement shall constitute a waiver of or limitation on any immunity from or limitation on liability to which the City is entitled under law.

Section 9. Project Compliance Information. The Developer shall provide to the City any information requested or needed by the City to administer this Agreement and to monitor project implementation for compliance with the BCDZ Act, the Business Subsidy Act, or other State of Minnesota guidelines, excluding any information regarding the sales or profitability of Developer or Developer's parent company or any information that would be considered trade secrets.

Section 10. Workers' Compensation Insurance. The Developer has obtained workers' compensation insurance as required by Minnesota Statutes, Section 176.181, subd. 2. The Developer's workers' compensation insurance information is as follows:

- (a) Company Name: State Fund Mutual Insurance Company
- (b) Policy Number: #66549.201
- (c) Local Agent: Vaaler Insurance

Section 11. Business with the State of Minnesota/State Tax Laws. The Developer is required by Minnesota law to provide its Minnesota tax identification number if it does business with the state of Minnesota. This information may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in an action to require the Developer to file state tax returns and pay delinquent state tax liabilities. This Agreement will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and state personnel involved in the payment of state obligations.

- (a) Minnesota Tax ID: 3864859
- (b) Federal Employer ID: 46-4565069

Section 12. Miscellaneous.

(h) Effective Date of Agreement. This Agreement shall take effect immediately.

(i) Assignment. The Developer shall neither assign nor attempt to transfer any rights or obligations under this Agreement. This activity requires the City's prior written approval and includes a reapplication process to verify that the terms and conditions of this Agreement will be met.

(Remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be executed (in one or more counterparts) by their duly authorized representatives as of the date first above written.

CITY OF EAST GRAND FORKS

By: _____
Its: Mayor

By: _____
Its: City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ and _____, the Mayor and City Administrator, respectively, of the City of East Grand Forks, Minnesota, on behalf of said City.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION

Lot 88 of Auditor's Plat of Outlots 65 through 94, Section 36-152-50, City of East Grand Forks, County of Polk and State of Minnesota

Parcel Number: 83.02861.00

and

That part of Outlot 46 of Auditor's Plat of Outlots 17 thru 64, Section 36-152-50. City of East Grand Forks, County of Polk and State of Minnesota, which part is bounded on the east by a line lying parallel with and 2220.00 feet distance easterly from the west line of said Section 36, bounded on the west line lying parallel with and 1920.00 feet distance easterly from the west line of said Section 36 and bounded on the south by a line lying parallel with and 60.00 feet distance northerly from the southerly boundary of the said Outlot 46.

Parcel Number: 83.02306.02

**EXHIBIT B
TAX INCENTIVE SCHEDULE**

CONSTRUCTION			ASSESSMENT ¹		EXEMPTION ²	
Month/Year of Incentive Agreement	Anticipated Project Start Date	Anticipated Project Completion and Certificate of Occupancy Issued	Assessment Date for Any New Construction	Property Taxes Due and Payable on Any New Construction	First Year in Which Property Taxes are Exempt (Payable Year)	Project Operator's Initials Indicating Start of Exemption Period
July 2015	Already Commenced	July 2015	January 2, 2016	May, 2017 October, 2017	2017	

¹ Pursuant to Minnesota Statutes 273.01, existing property value, along with any value attributed to the construction of the Project, whether partial or complete, whether a Certificate of Occupancy has been issued or not, shall be valued as of January 2 for property tax payable the following year.

² A minimum new building value of \$1,000,000 must be achieved before exemption may begin. Land value is not included in the calculation of the new building value and is not exempt from property taxation as a result of this Agreement.

It is the sole responsibility of the Project Operator to monitor the construction, assessment, and exemption schedule.

Request for Council Action

Date: July 7, 2015

To: East Grand Forks City Council Mayor Lynn Stauss, Council President Mark Olstad, Council Vice President Chad Grassel, Council Members: Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Cc: File

From: Paul Gorte, Economic Development Director

RE: Budget Transfer Regarding Town Square to EDA

The City formerly performed services at Town Square. The City budgeted for the performance of said services. The City, however, no longer provides said service, but the funds for performing the services remain in the account set up for the Town Square activity. The account contains \$154,371.34. Consequently, the funds are not available for other projects and activities benefitting the residents and businesses of East Grand Forks until and unless the funds are transferred from the Town Square account into another account making them available for use.

Therefore, the staff is asking at this time that the funds be transferred to the EDA account so that they are available for activities and projects.

The EDA approved this transfer at its April 21, 2015, meeting.

Recommendation: Approval of a resolution to transfer the funds.

RESOLUTION NO. 15 – 07 - 71

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

WHEREAS, the City formerly performed services at the Town Square building and including such expenses in its annual budget; and

WHEREAS, the City no longer performs said services and no longer needs to retain the funds for said services; and

WHEREAS, the City can productively use said funds for other municipal activities benefiting the residents and businesses of East Grand Forks if said funds are transferred to an EDA account.

NOW, BE IT RESOLVED, By the City Council of the City of East Grand Forks, Minnesota, that the Clerk-Treasurer is authorized to make the following transfers for budget year 2015 as set out hereafter:

<u>Reason</u>	<u>Amount</u>	<u>Transfer To</u>	<u>Transfer From</u>
Budget Transfer in General Fund	\$154,371.34	620-39-000-39201	635-46-415-47200

Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed.

Passed: July 7, 2015

Attest:

City Administrator/Clerk-Treasurer

President of the Council

I hereby approve the foregoing resolution this 7th day of July, 2015.

Mayor

Request for Council Action

Date: July 7, 2015

To: East Grand Forks City Council Mayor Lynn Stauss, President Mark Olstad, Council Vice President Chad Grassel, Council Members: Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Cc: File

From: Nancy Ellis, City Planner

RE: Establish zoning for the 40 acres in the Rodger Johnson annexation petition

PLANNING COMMISSION RECOMMENDATION:

At the June 25th Planning Commission meeting, the Commission recommends approval to establish R-3 zoning on the -8.61 acres in the southwest corner of the 40 acres and establish UER zoning for the remaining northeast portion of the property, including the City's drainway.

GENERAL INFORMATION

APPLICANTS/PROPERTY OWNERS: Rodger Johnson is requesting the City establish zoning for his property.

REQUESTED ACTION: Establish zoning for property in northwest East Grand Forks that will be annexed into the City – east of the golf course property, north of 23rd St NW and west of Hwy 220

SITE ZONING/LAND USE: The site is zoned within the County; this land is currently farmed

SURROUNDING ZONING/LAND USE:

North: Out of city limits, farm land

West: Out of city limits (Wavra property); golf course/residential housing

South: R-1 zoning, single family residential house and some Highway Commercial

East: Out of city limits, Hwy 220 and residential homes

LOCATION: See attached map



SPECIAL INFORMATION

Rodger Johnson is petitioning the City of East Grand Forks to annex 40 acres of property north of 23rd St NW, west of Hwy 220 and east of the golf course property. In order for the property to be annexed, zoning must be established for the site. The zoning request is for R-3 (Multi-Family Residential) zoning for the approximately 8.6 acres in the southwest corner (to be developed in the near future for apartment complexes); and the remaining drainway and northeast portion will be zoned UER (Urban Expansion Reserve). After annexation and rezoning, the developer/developers will submit a plat and a site plan for the 8.61 acre property, which will lie out how they intend to develop the land for multi-family housing.

The Planning Commission should make its recommendation based on the following:

- Is this an appropriate zoning for this property?
Staff Comment: The property is a good fit for R-3 and UER zoning. The immediate use planned for the 8.6 acre property will be for multi-family housing. This is a permitted use in the R-3 district and has requirements within the zoning district. The remaining property will be UER

which allows for urban expansion and this is also consistent with the area's uses and will be appropriate zoning.

- How would this zoning fit with the current City Comprehensive Plan?
Staff Comment: The City's Comprehensive Plan is comprised of the following plan elements: 2040 Land Use Plan, 2012 Greenway Plan Update, 2035 Long Range Transportation Plan, and the 2009 River Forks Downtown Plan Update. The 2045 Land Use Plan is currently being updated. The Plan provided growth scenarios for the City out thirty years. The plan does show a need to annex land north of 23rd Ave NW for future residential development of different types and Commercial development. As well, the 2040 Comprehensive Plan does show residential and commercial land in this area..
- How does this zoning fit into the current zoning in the area?
Staff Comment: R-3 and UER is consistent with the current zoning map. Any Residential zoning would be appropriate in this zone. Because of the different types of residential (twinhomes, single family and multi-family) uses near the property, residential zoning would work. Additionally, Highway Commercial uses along Hwy 220 would be of merit; matching the Hwy 220 Commercial uses just to the south of it.

STAFF RECOMMENDATION

Staff recommends approval to establish R-3 and UER zoning for the annexed property.

RESOLUTION NO. 15 – 07 - 72

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

WHEREAS, the City has been petitioned to annex in 40 acres of property on the north end of town;

WHEREAS, when property is annexed into city limits zoning has to be established; and

WHEREAS, the Planning Commission has reviewed the information and agrees with the staff recommendation; and

NOW, BE IT RESOLVED, By the City Council of the City of East Grand Forks, Minnesota, approves the zoning for the 40 acres as both R-3 or multi-family residential and UER or urban expansion reserve.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: July 7, 2015

Attest:

City Administrator/Clerk-Treasurer

President of the Council

I hereby approve the foregoing resolution this 7th day of July, 2015.

Mayor

Request for Council Action

Date: July 7, 2015

To: East Grand Forks City Council Mayor Lynn Stauss, President Mark Olstad, Council Vice President Chad Grassel, Council Members: Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Cc: File

From: Nancy Ellis, City Planner

RE: Approval of Variance Request for Darryl Beauchamp/Eagle Electric

PLANNING COMMISSION RECOMMENDATION:

At the June 25th Planning Commission meeting, the Commission recommends approval for the variance to Darryl Beauchamp as: 1) He needs the variance to use the property in a reasonable manner fitting of the area; 2) He needs the variance because of a circumstances unique to the property, specifically the shape of property being crescent in nature; and 3) Granting the variance will not alter the essential character of the area because it is not out of scale, out of place or inconsistent with the other properties in the area.

GENERAL INFORMATION:

APPLICANTS/PROPERTY OWNERS: Darryl Beauchamp/Eagle Electric.

REQUESTED ACTION: Applicant is requesting approval of a variances from: City Code Sect 152.218 (A)(2) which requires a 10-foot rear yard building setback. He would like to reduce this setback to 5 feet to keep the new storage building in the same building line as the commercial building to the west

SITE ZONING/LAND USE: The site is currently zoned C-2 Highway Commercial.

SURROUNDING ZONING/LAND USE:

North: C-2 zoning, Grand Forks grocery building and Railroad tracks/R-O-W

West: C-2 zoning, Wherley building/car repair and sales

South: R-2 zoning, single-family homes

East: C-2 zoning, Commercial storage and limited assembly

LOCATION: See attached site plan

SPECIAL INFORMATION:

This property has remained vacant for some time because of its size and shape, as well as its proximity to the Railroad tracks and Right-of-Way. This building would be a viable use of the property for Eagle Electric and should not cause any adverse affect to the surrounding properties. This request for the building variance was discussed briefly at an early Planning Commission meeting and the Commission had no concerns. This is the formal request and hearing.

ANALYSIS:

The Planning Commission should make its recommendation based on the following three factors test for the “practical difficulties” legal standard:

- The first factor is that the property owner proposes to use the property in a reasonable manner.
Staff Comment: This use is reasonable for the zoning of the property and the size and shape of the property. The request to vary from the rear setback is reasonable in that it does not get any closer to the street than the existing building to the west and is within a similar distance from the railroad tracks as the other existing buildings.
- The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property.
Staff Comment: This property arcs and gets substantially smaller as you go further east. The northwesterly corner of the building will meet the 10 foot rear yard setback, however, the northeasterly corner will not meet the setback as the property gets smaller the further east you go towards 2nd Ave NE. Because of the shape (not rectangular), the building would need to be angled, placed closer to the road, or reduce the size of the building which would not be of a benefit for them to store their equipment.
- The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.
Staff comment: This building and request will not alter the character of the area and the structure will fit in with surrounding uses. It will not be out of scale or out of place. It is a good use for the empty property.
- Other items to consider are:
 1. Is the variance in harmony with the purposes and intent of the ordinance?
 2. Is the variance consistent with the comprehensive plan?
 3. Does the proposal put property to use in a reasonable manner?

4. Are there unique circumstances to the property not created by the landowner?
5. Will the variance, if granted, alter the essential character of the locality?

STAFF RECOMMENDATION:

Staff recommends approval of this variance to reduce the 10 foot rear yard setback for a storage building.

RESOLUTION NO. 15 – 07 - 73

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

WHEREAS, the Planning Commission received an application for a variance from City Code Sect 152.218(A)(2) which requires a 10-foot rear yard building setback;

WHEREAS, the applicant Darryl Beauchamp with Eagle Electric is requesting the setback be reduced to 5 feet; and

WHEREAS, this would keep the storage building they are proposing to build in the same building line as the commercial building located on the lot just west of the proposed location; and

WHEREAS, this use would be a reasonable for the zoning of the property with the size and shape of the property and will not have the building be closer to the street than the existing buildings;

NOW, BE IT RESOLVED, By the City Council of the City of East Grand Forks, Minnesota, approves the variance to reduce the 10 foot rear yard setback on parcel 83.01239.00 to a five foot setback.

Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed.

Passed: July 7, 2015

Attest:

City Administrator/Clerk-Treasurer

President of the Council

I hereby approve the foregoing resolution this 7th day of July, 2015.

Mayor

RESOLUTION NO. 15 – 07 - 74

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

RESOLUTION RATIFYING CONTRACTS

WHEREAS, the City of East Grand Forks purchased from Hardware Hank the goods referenced in check number 21887 for a total of \$1,730.59.

WHEREAS, Craig Buckalew, was personally interested financially in the contract, but the purchases were made because the price was as low as or lower than other local vendors.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF EAST GRAND FORKS:

- 1. The above mentioned purchase by the City and the claim of the vendor based thereon are confirmed and the Mayor and Clerk are directed to issue an order-check in payment of such claim on the filing of the affidavit of official interest required under Minnesota Statutes, Section 471.89.
- 2. It is hereby determined that the total price of \$1,730.59 paid for such goods is as low as, or lower than, the price at which they could have been obtained elsewhere at the time the purchase was made.
- 3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
- 4. Resolution passed by unanimous vote of the council on July 7, 2015.

Voting Aye:
Voting Nay:
Abstain:

The President declared the resolution passed.

Passed: July 7, 2015

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 7th day of July, 2015.

Mayor

AFFIDAVIT OF OFFICIAL INTEREST CLAIM

STATE OF MINNESOTA)
COUNTY OF POLK) ss
CITY OF EAST GRAND FORKS)

I, Craig Buckalew, being duly sworn states the following:

1. I am 3rd Ward Council Member of the City of East Grand Forks.
2. The City of East Grand Forks check number 21887 for a total of \$1,730.59.
3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
4. Resolution passed by unanimous vote of the council on July 7, 2015.

Affiant states further that to the best of his knowledge and belief (a) the contract price was as low as or lower than the price at which the services could be obtained from other sources.

Affiant further states that the affidavit constitutes a claim against the city for the contract price, that the claim is just and correct, and that no part thereof has been paid.

Dated: _____

(Signature of Official)

Accounts Payable

Check Register Totals Only



City of East Grand Forks

600 Demers Avenue Northwest
East Grand Forks, Minnesota 56721
(218) 773-2483 www.egf.mn

User: lkatka
Printed: 7/2/2015 - 2:58 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
21839	07/07/2015	ACM001	Acme Electric Companies	1,242.40	0
21840	07/07/2015	ADV001	Advanced Business Methods Inc	1,324.36	0
21841	07/07/2015	ALB001	Albrecht Manufacturing	57.00	0
21842	07/07/2015	ALT001	Altru Health System	91.50	0
21843	07/07/2015	AME002	American Tire Service	3,593.10	0
21844	07/07/2015	AME005	Ameripride Linen & Apparel Services	480.87	0
21845	07/07/2015	AUT001	Auto Glass & Aftermarket Inc	126.00	0
21846	07/07/2015	BAK001	Baker & Taylor Co	145.13	0
21847	07/07/2015	BAL001	Balco Uniforms Co Inc	976.58	0
21848	07/07/2015	BAT001	Batteries Plus	135.80	0
21849	07/07/2015	BCA002	BCA CJTE	225.00	0
21850	07/07/2015	BOB001	Bobcat of Grand Forks	150.00	0
21851	07/07/2015	BRI004	Brians Flooring	2,417.00	0
21852	07/07/2015	BRO002	Brodart Co	228.49	0
21853	07/07/2015	C&R001	C&R Laundry & Cleaners	283.69	0
21854	07/07/2015	CAR002	Carquest Auto Parts	214.71	0
21855	07/07/2015	GFT003	Donald Scott Cash	2,616.75	0
21856	07/07/2015	CEN006	Century Link	845.10	0
21857	07/07/2015	CLA004	Clarke Mosquito Control Products	6,842.94	0
21858	07/07/2015	COL004	Coldspring Memorial	526.00	0
21859	07/07/2015	COL002	Cole Papers Inc	615.02	0
21860	07/07/2015	AIR003	Corval Constructors	2,898.95	0
21861	07/07/2015	CUM001	Cummins NPower LLC	80.33	0
21862	07/07/2015	CUS002	Custom Stripes Inc	65.00	0
21863	07/07/2015	DAK015	Dakota Mud Jack, LLC	4,160.00	0
21864	07/07/2015	DAK004	Dakota Supply Group	109.64	0
21865	07/07/2015	DEM001	Demco Educational Corp	244.26	0
21866	07/07/2015	EAG001	Eagle Electric	112.00	0
21867	07/07/2015	EAP001	EAPC Architects Engineers	3,847.36	0
21868	07/07/2015	EDA001	EDA	3,025.00	0
21869	07/07/2015	EGFCOM	EGF Community Development Petty C	60.00	0
21870	07/07/2015	EGF008	EGF Homerun Club Inc	1,230.00	0
21871	07/07/2015	ENV002	Environmental Equipment	2,373.39	0
21872	07/07/2015	EXP003	Explorer Post #38	60.00	0
21873	07/07/2015	EXP002	Exponent	698.35	0
21874	07/07/2015	FIL001	Filter Care	54.47	0
21875	07/07/2015	FIN003	Finest Auto Trim Inc.	317.50	0
21876	07/07/2015	G&K001	G&K Services	153.68	0
21877	07/07/2015	GAF002	Gaffaney's	154.97	0
21878	07/07/2015	GAL001	Gale	314.95	0
21879	07/07/2015	GAR001	Garden Hut Inc	680.32	0
21880	07/07/2015	GER001	Gerrells Sport Center	712.85	0
21881	07/07/2015	GFF001	GF Fire Equipment	417.50	0
21882	07/07/2015	GFW001	GF Welding & Machine	194.19	0
21883	07/07/2015	GGF001	GGF Convention & Visitors Bureau	1,351.67	0
21884	07/07/2015	GLO005	Global Software	5,260.00	0
21885	07/07/2015	GRA008	Grand Forks City	2,500.00	0
21886	07/07/2015	GRE002	Greg's Lawn Care	346.60	0
21887	07/07/2015	HAR001	Hardware Hank	1,730.59	0
21888	07/07/2015	HEA003	Jason Hearn	67.78	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
21889	07/07/2015	HEA001	Heartland Paper	461.89	0
21890	07/07/2015	HOM001	Home of Economy	95.28	0
21891	07/07/2015	HUG001	Hugo's	120.18	0
21892	07/07/2015	INP002	In Prints Screen Printing	280.00	0
21893	07/07/2015	INT003	Integra Telecom	93.80	0
21894	07/07/2015	INT011	Integrated Process Solutions Inc	1,338.83	0
21895	07/07/2015	JUN001	Junior Library Guild	1,980.00	0
21896	07/07/2015	KAL003	Kaler Doeling, PLLP	798.00	0
21897	07/07/2015	KEI001	Keith's Security World	20.12	0
21898	07/07/2015	KEL002	Kelley Blue Book	70.00	0
21899	07/07/2015	KEN002	Kennedy & Graven, Chartered	349.25	0
21900	07/07/2015	LAK002	Lake Agassiz Babe Ruth	950.00	0
21901	07/07/2015	LEA001	League of MN Cities	56.67	0
21902	07/07/2015	LEA002	League of MN Cities	40,169.61	0
21903	07/07/2015	LEI002	Leisureland RV	24.63	0
21904	07/07/2015	LIB001	Liberty Business Systems	25.21	0
21905	07/07/2015	LUM001	Lumber Mart	225.00	0
21906	07/07/2015	LUN001	Lunseth Plumbing & Heating	65.00	0
21907	07/07/2015	M&W001	M&W Services	3,262.72	0
21908	07/07/2015	MAR004	Marco	94.84	0
21909	07/07/2015	MCF001	McFarlane	1,587.85	0
21910	07/07/2015	MED002	Medco Supply Company	169.88	0
21911	07/07/2015	MLR001	Michael L. Miller	19,054.00	0
21912	07/07/2015	MIC001	Micro-Marketing LLC	40.00	0
21913	07/07/2015	MID003	Midcontinent Communications	1,409.07	0
21914	07/07/2015	MIK001	Mike's Pizza	81.90	0
21915	07/07/2015	BCA004	MN Bureau of Criminal Apprehension	7.07	0
21916	07/07/2015	MND003	MN Dept of Labor & Industry	100.00	0
21917	07/07/2015	MND007	MN Dept of Revenue	355.31	0
21918	07/07/2015	MND006	VOID****VOID****VOID*** MN I	439.00	0
21919	07/07/2015	MON004	Lenore Monson	288.90	0
21920	07/07/2015	MOO001	Moorhead Babe Ruth	500.00	0
21921	07/07/2015	NOR004	Northern Plumbing Supply	10.75	0
21922	07/07/2015	NOR005	Northern Safety Tech	454.94	0
21923	07/07/2015	ORE001	O'Reilly Auto Parts	1,049.81	0
21924	07/07/2015	OCL001	OCLC	139.04	0
21925	07/07/2015	OLS015	Jake and Jenny Olson	5,000.00	0
21926	07/07/2015	ORC002	Roger Orchard	693.66	0
21927	07/07/2015	OVE002	OverDrive, Inc	1,200.00	0
21928	07/07/2015	PAR006	Paraclete Press, Inc.	36.78	0
21929	07/07/2015	PAR005	Paras Contracting	40,360.70	0
21930	07/07/2015	PIE002	Michael & Christy E. Phil Pietruszewski	488.78	0
21931	07/07/2015	PRA003	Prairie Wind BG Inc	399.00	0
21932	07/07/2015	PRA001	Praxair Distribution	32.62	0
21933	07/07/2015	PUM001	Pumpkin Books	188.88	0
21934	07/07/2015	QUI001	Quill Corp	317.61	0
21935	07/07/2015	RED008	Red Wing Shoe Store	126.65	0
21936	07/07/2015	REL001	Reliable Office Supplies	134.43	0
21937	07/07/2015	REL004	Reliable Office Supplies	124.12	0
21938	07/07/2015	RMB001	RMB Environmental Lab Inc	43.00	0
21939	07/07/2015	RUD001	Karina Rude	115.29	0
21940	07/07/2015	SCH001	Scheels All Sports	35.94	0
21941	07/07/2015	SEL005	Nikki Selnes	140.39	0
21942	07/07/2015	SKI001	Skinner Roofing	1,050.00	0
21943	07/07/2015	SMI008	Bridgette Smith	90.00	0
21944	07/07/2015	SPA001	Spare Husband Inc	180.00	0
21945	07/07/2015	SPR002	Spray Advantage	161.60	0
21946	07/07/2015	SPR001	Springsted Incorporated	500.00	0
21947	07/07/2015	STE008	Kyle Steever	117.39	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
21948	07/07/2015	STE009	Sterling Carpet One	371.35	0
21949	07/07/2015	STO001	Stone's Mobile Radio Inc	852.00	0
21950	07/07/2015	K&H001	Kenley Stordahl	6,000.00	0
21951	07/07/2015	STR010	Justin or Heather Stromme	100.00	0
21952	07/07/2015	STU001	Stuart's Towing	200.00	0
21953	07/07/2015	TRF001	Thief River Falls Baseball Association	200.00	0
21954	07/07/2015	THU002	Thur-O-Clean	3,215.26	0
21955	07/07/2015	TOD001	Todays Organized Living LLC	150.00	0
21956	07/07/2015	TRA003	Trans Alarm, Inc	1,516.46	0
21957	07/07/2015	TRI006	Tri-County EMS	180.00	0
21958	07/07/2015	TRI001	Tristeel Manufacturing	11.82	0
21959	07/07/2015	USB005	US Bank Corporate Payment System	3,724.93	0
21960	07/07/2015	USH001	US Hockey	30.00	0
21961	07/07/2015	VER001	Verizon Wireless	518.30	0
21962	07/07/2015	VIL001	Vilandre Heating & A/C	129.98	0
21963	07/07/2015	WAS004	Shelly Wasylow	25.00	0
21964	07/07/2015	WAT001	Water & Light Department	21,413.60	0
21965	07/07/2015	WID001	Widseth Smith Nolting & Associates	87,316.99	0
21966	07/07/2015	WIL002	Wilbur-Ellis	139.60	0
21967	07/07/2015	WIL006	John Wilkinson	240.00	0
21968	07/07/2015	WIZ001	Wizard's Enterprises Inc.	590.00	0
21969	07/07/2015	XCE001	Xcel Energy	1,821.83	0
21970	07/07/2015	YOS001	Nancy Yoshida	50.00	0
21971	07/07/2015	HIG001	Paul Zavoral	1,555.00	0
Check Total:				314,416.30	