

**APPROVED 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 13<sup>th</sup> 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 6<sup>th</sup> 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, 4<sup>th</sup> 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. (2<sup>nd</sup> Reading)

**A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT ORDINANCE NO. 14, 4<sup>TH</sup> 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. (2<sup>ND</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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.*

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David Murphy, City Administrator/Clerk-Treasurer