

**AGENDA
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, DECEMBER 8, 2015 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

- 1. East Grand Forks Girls Hockey Team – Jim Enright**
- 2. Lot Pricing Discussion – Paul Gorte**
- 3. Request to Purchase Radios for Police Dept – Mike Hedlund**
- 4. School Lease Addendum – David Murphy**
- 5. Resolution to Support Increase in LGA – David Murphy**
- 6. Voluntary Assessment to Fund Environmental Program – David Murphy**
- 7. Discussion on Special Election – David Murphy**
- 8. Other**

ADJOURN:

FOR THE OTHER AGENDA PLEASE SEE THE FOLLOWING PAGE.

**AGENDA
OF THE CITY
SPECIAL MEETING
CITY OF EAST GRAND FORKS
TUESDAY, DECMEBER 8, 2015 – 7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

SCHEDULED PUBLIC HEARINGS:

1. Public Hearing for the consideration of the 25% increase to the tax levy.

NEW BUSINESS:

2. Consider adopting Resolution No. 15-12-133 approving the 2015 Tax Levy, Collectable in 2016.
3. Consider adopting Resolution No. 15-12-134 approving the 2016 Budget and to authorize specific financial related activities.

ADJOURN:

Upcoming Meetings:

Regular Council Meeting – December 15, 2015 – 5:00 PM – Council Chambers
Work Session – December 22, 2015 – 5:00 PM – Training Room
Organizational Meeting – January 5, 2016 – 5:00 PM – Council Chambers
Regular Council Meeting – January 5, 2016 – 5:00 PM – Council Chambers

Request for Council Action

Date: December 15, 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: Lot Pricing

The EDA reviewed the lot prices for the residential lots. The City offers \$10-12,000 in incentives to purchasers of new homes. Upon review the EDA found that the land price for numerous lots was less than the incentives available. Therefore, the EDA voted to revise the lot prices to provide a land price of not less than \$12,000. No lots were adjusted downward at this time.

The EDA approved this change at its December 1, 2015, meeting.

Recommendation: Approval of a motion to accept and ratify the revised Lot Pricing.

Parcel #	Legal Description	Price	Total Specials	Actual Lot Price	12000/Lot	Recommended	Change
83.04054.00	WE 1st Lot 1 Block 1	\$38,650.00	\$23,160.69	\$15,489.31	\$35,160.69	\$38,650.00	\$0.00
83.04055.00	WE 1st Lot 2 Block 1	\$38,650.00	\$24,027.52	\$14,622.48	\$36,027.52	\$38,650.00	\$0.00
83.04056.00	WE 1st Lot 3 Block 1	\$38,650.00	\$19,825.57	\$18,824.43	\$31,825.57	\$38,650.00	\$0.00
83.04057.00	WE 1st Lot 4 Block 1	\$38,650.00	\$21,566.49	\$17,083.51	\$33,566.49	\$38,650.00	\$0.00
83.04059.00	WE 1st Lot 6 Block 1	\$38,650.00	\$23,158.47	\$15,491.53	\$35,158.47	\$38,650.00	\$0.00
83.04060.00	WE 1st Lot 7 Block 1	\$130,000.00	\$16,386.17	\$113,613.83	\$136,386.17	\$136,386.00	\$6,386.00
83.04062.00	WE 1st Lot 9 Block 1	\$38,650.00	\$31,477.60	\$7,172.40	\$43,477.60	\$43,478.00	\$4,828.00
83.04065.00	WE 1st Lot 3 Block 2	\$48,650.00	\$25,904.92	\$22,745.08	\$37,904.92	\$48,650.00	\$0.00
83.04072.00	WE 1st Lot 10 Block 2	\$48,650.00	\$25,269.02	\$23,380.98	\$37,269.02	\$48,650.00	\$0.00
83.04073.00	WE 1st Lot 11 Block 2	\$48,650.00	\$29,394.46	\$19,255.54	\$41,394.46	\$48,650.00	\$0.00
83.04074.00	WE 1st Lot 12 Block 2	\$48,650.00	\$12,022.95	\$36,627.05	\$24,022.95	\$48,650.00	\$0.00
83.04075.00	WE 1st Lot 13 Block 2	\$48,650.00	\$11,980.70	\$36,669.30	\$23,980.70	\$48,650.00	\$0.00
83.04076.00	WE 1st Lot 14 Block 2	\$48,650.00	\$11,980.70	\$36,669.30	\$23,980.70	\$48,650.00	\$0.00
83.04077.00	WE 1st Lot 15 Block 2	\$48,650.00	\$11,980.70	\$36,669.30	\$23,980.70	\$48,650.00	\$0.00
83.04078.00	WE 1st Lot 16 Block 2	\$48,650.00	\$11,980.70	\$36,669.30	\$23,980.70	\$48,650.00	\$0.00
83.04079.00	WE 1st Lot 17 Block 2	\$48,650.00	\$29,718.51	\$18,931.49	\$41,718.51	\$48,650.00	\$0.00
83.04080.00	WE 1st Lot 18 Block 2	\$48,650.00	\$26,648.66	\$22,001.34	\$38,648.66	\$48,650.00	\$0.00
83.04081.00	WE 1st Lot 19 Block 2	\$48,650.00	\$29,893.92	\$18,756.08	\$41,893.92	\$48,650.00	\$0.00
83.04083.00	WE 1st Lot 21 Block 2	\$48,650.00	\$28,996.95	\$19,653.05	\$40,996.95	\$48,650.00	\$0.00
83.04095.00	WE 1st Lot 1 Block 3	\$38,650.00	\$26,280.06	\$12,369.94	\$38,280.06	\$38,650.00	\$0.00
83.04096.00	WE 1st Lot 2 Block 3	\$38,650.00	\$28,602.49	\$10,047.51	\$40,602.49	\$38,650.00	\$0.00
83.04097.00	WE 1st Lot 3 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04099.00	WE 1st Lot 5 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04100.00	WE 1st Lot 6 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04101.00	WE 1st Lot 7 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04103.00	WE 1st Lot 9 Block 3	\$38,650.00	\$29,467.70	\$9,182.30	\$41,467.70	\$41,468.00	\$2,818.00
83.04104.00	WE 1st Lot 10 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04105.00	WE 1st Lot 11 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04106.00	WE 1st Lot 12 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04107.00	WE 1st Lot 13 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04108.00	WE 1st Lot 14 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04110.00	WE 1st Lot 16 Block 3	\$38,650.00	\$30,971.94	\$7,678.06	\$42,971.94	\$42,972.00	\$4,322.00
83.04111.00	WE 1st Lot 17 Block 3	\$38,650.00	\$35,723.84	\$2,926.16	\$47,723.84	\$47,724.00	\$9,074.00
83.04112.00	WE 1st Lot 18 Block 3	\$38,650.00	\$35,709.16	\$2,940.84	\$47,709.16	\$47,709.00	\$9,059.00
83.04113.00	WE 1st Lot 19 Block 3	\$38,650.00	\$25,874.23	\$12,775.77	\$37,874.23	\$38,650.00	\$0.00
83.04114.00	WE 1st Lot 20 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04115.00	WE 1st Lot 21 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04116.00	WE 1st Lot 22 Block 3	\$38,650.00	\$24,568.18	\$14,081.82	\$36,568.18	\$38,650.00	\$0.00
83.04118.00	WE 1st Lot 24 Block 3	\$38,650.00	\$25,630.02	\$13,019.98	\$37,630.02	\$38,650.00	\$0.00
83.04119.00	WE 1st Lot 25 Block 3	\$38,650.00	\$33,772.69	\$4,877.31	\$45,772.69	\$45,773.00	\$7,123.00
Parcel #	Legal Description	Price	Total Specials	Actual Lot Price	12000/Lot	Recommended	Change
83.04141.00	WE 2nd Lot 1 Block 1	\$35,000.00	\$24,900.84	\$10,099.16	\$36,900.84	\$36,901.00	\$1,901.00
83.04143.00	WE 2nd Lot 3 Block 1	\$35,000.00	\$23,447.86	\$11,552.14	\$35,447.86	\$35,448.00	\$448.00
83.04144.00	WE 2nd Lot 4 Block 1	\$35,000.00	\$30,440.68	\$4,559.32	\$42,440.68	\$42,441.00	\$7,441.00
83.04146.00	WE 2nd Lot 6 Block 1	\$35,000.00	\$31,345.27	\$3,654.73	\$43,345.27	\$43,345.00	\$8,345.00
83.04147.00	WE 2nd Lot 7 Block 1	\$35,000.00	\$30,249.97	\$4,750.03	\$42,249.97	\$42,250.00	\$7,250.00
83.04148.00	WE 2nd Lot 8 Block 1	\$35,000.00	\$25,691.83	\$9,308.17	\$37,691.83	\$37,692.00	\$2,692.00
83.04150.00	WE 2nd Lot 10 Block 1	\$35,000.00	\$23,436.08	\$11,563.92	\$35,436.08	\$35,436.00	\$436.00
83.04151.00	WE 2nd Lot 11 Block 1	\$35,000.00	\$30,009.31	\$4,990.69	\$42,009.31	\$42,009.00	\$7,009.00
83.04152.00	WE 2nd Lot 12 Block 1	\$35,000.00	\$31,789.52	\$3,210.48	\$43,789.52	\$43,790.00	\$8,790.00
83.04153.00	WE 2nd Lot 13 Block 1	\$35,000.00	\$30,704.54	\$4,295.46	\$42,704.54	\$42,705.00	\$7,705.00
83.04155.00	WE 2nd Lot 15 Block 1	\$35,000.00	\$25,483.74	\$9,516.26	\$37,483.74	\$37,484.00	\$2,484.00
83.04156.00	WE 2nd Lot 1 Block 2	\$20,000.00	\$15,661.19	\$4,338.81	\$27,661.19	\$27,662.00	\$7,662.00
83.04157.00	WE 2nd Lot 2 Block 2	\$20,000.00	\$13,382.09	\$6,617.91	\$25,382.09	\$25,382.00	\$5,382.00
83.04158.00	WE 2nd Lot 3 Block 2	\$20,000.00	\$13,439.91	\$6,560.09	\$25,439.91	\$25,440.00	\$5,440.00
83.04159.00	WE 2nd Lot 4 Block 2	\$20,000.00	\$13,497.72	\$6,502.28	\$25,497.72	\$25,498.00	\$5,498.00
83.04166.00	WE 2nd Lot 11 Block 2	\$20,000.00	\$13,503.61	\$6,496.39	\$25,503.61	\$25,504.00	\$5,504.00
83.04167.00	WE 2nd Lot 12 Block 2	\$20,000.00	\$15,548.85	\$4,451.15	\$27,548.85	\$27,549.00	\$7,549.00

Parcel #	Legal Description	Price	Total Specials	Actual Lot Price	12000/Lot	Recommended	Change
83.00114.18	WE 3rd Lot 6 Block 1	\$55,000.00	\$32,735.61	\$22,264.39	\$44,735.61	\$55,000.00	\$0.00
83.00114.19	WE 3rd Lot 7 Block 1	\$55,000.00	\$28,175.68	\$26,824.32	\$40,175.68	\$55,000.00	\$0.00

Parcel #	Legal Description	Price	Total Specials	Actual Lot Price	12000/Lot	Recommended	Change
83.04381.00	CV Lot 2 Block 1	\$31,000.00	\$0.00	\$31,000.00	\$12,000.00	\$31,000.00	\$0.00
83.04382.00	CV Lot 3 Block 1	\$28,000.00	\$0.00	\$28,000.00	\$12,000.00	\$28,000.00	\$0.00
83.04383.00	CV Lot 4 Block 1	\$30,000.00	\$0.00	\$30,000.00	\$12,000.00	\$30,000.00	\$0.00
83.04384.00	CV Lot 5 Block 1	\$30,000.00	\$0.00	\$30,000.00	\$12,000.00	\$30,000.00	\$0.00
83.04385.00	CV Lot 6 Block 1	\$30,000.00	\$0.00	\$30,000.00	\$12,000.00	\$30,000.00	\$0.00
83.04386.00	CV Lot 7 Block 1	\$33,000.00	\$0.00	\$33,000.00	\$12,000.00	\$33,000.00	\$0.00
83.04389.00	CV Lot 2 Block 2	\$40,000.00	\$0.00	\$40,000.00	\$12,000.00	\$40,000.00	\$0.00
83.04391.00	CV Lot 4 Block 2	\$35,000.00	\$0.00	\$35,000.00	\$12,000.00	\$35,000.00	\$0.00
83.04392.00	CV Lot 5 Block 2	\$35,000.00	\$0.00	\$35,000.00	\$12,000.00	\$35,000.00	\$0.00
83.04393.00	CV Lot 6 Block 2	\$35,000.00	\$0.00	\$35,000.00	\$12,000.00	\$35,000.00	\$0.00

Request for Council Action

Date: December 3, 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: Michael S. Hedlund – Chief of Police

RE: Request to purchase radios for the East Grand Forks Police Department

Background: The East Grand Forks Police Department has been in the process of trying to convert from VHF radios to 800 trunking radios on the MN ARMER (Allied Radio Matrix Emergency Response) System. We have previously acquired eight (8) portable radios. The preliminary budget for the City of East Grand Forks has funds set aside for the completion of this project. We will be purchasing portable radios for the officers, Mobile radios for the marked police cars and equipment for our Dispatch Center. We have been working with the Minnesota Department of Public Safety on this project and they have put us in touch with a consultant who will give us an independent evaluation of what equipment is needed for our Dispatch Center. That is scheduled to occur sometime during the week of December 9-13, 2015.

The East Grand Forks Fire Department and multiple other regional fire departments were able to acquire a very sizeable grant to purchase radios (this was only available for fire departments) and Motorola has provided them with a very good pricing package that is well below their own state bid price. Motorola has agreed to allow us to get this same pricing but we need to have our order placed by December 18, 2015. Billing would be after the 1st of the New Year. I will work to have a final equipment list and associated price by the December 15, 2015 City Council meeting but as we have not been able to meet with the consultant yet we have not been able to finalize that list at this time.

Recommendation: Approve the purchase of radios for the East Grand Forks Police Department to be paid out of the 2016 budget based upon the proposal that will be submitted to council ASAP but prior to the December 15, 2015 meeting.

Attachments: None

Request for Council Action

Date: December 8, 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: City Administrator David Murphy

RE: School Lease Addendum.

Background

ISD #595 previously agreed to pay \$300,000 of the construction/remodeling costs for the Civic Center to make it Title IX compliant. The School District prefers to enter into an Addendum to the Lease to address their portion of the costs rather than amending the current lease to include the obligation.

The proposed Addendum to Lease requires the School District to pay \$100,000 each year for the years of 2015, 2016 and 2017. The agreement has been reviewed by the City Attorney who approves it as to form and content.

Budget Impact

The addendum provides a total payment from the School District of **\$300,000**. The total construction costs with soft costs and Change Orders is estimated to be **\$761,430.91**. This leaves the City's portion at **\$461,430.91**. When this project was being discussed prior to letting, it was the School District's opinion that costs associated with the concession stands should not be split as that should be a cost to the City as the owners of the building resulting in the cost differential.

Action Required

Discussion and Direction.

Addendum to Lease

This Addendum Agreement is made this 14 day of September , 2014 by and between the City of East Grand Forks (“City”) and Independent School District No. 595, East Grand Forks (“District”).

WHEREAS, the above parties entered into a Lease Agreement dated September 22, 2014 by which City agreed to Lease to District the East Grand Forks Civic Recreation Center and VFW Memorial Arena (the “Arena”) for the 2014-2015 school year.

WHEREAS, the above parties agreed to amend the September 22, 2014 lease by allowing the District the opportunity to extend the lease to the 2015-2016, 2016-2017 and 2017-18 school years.

WHEREAS, the District has agreed to make a contribution towards the construction and improvement of locker room facilities (the Improvements”) at the Arena.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The City shall prepare plans for the Improvements. The District shall have an opportunity to review and approve, in writing, the plans.
2. The City shall proceed to diligently construct the Improvements as approved by the District.
3. Construction of the Improvements shall not interfere with the District’s use of the leased premises for the purposes described in the Lease.

PAYMENT PROVISIONS.

District 595 shall pay to City at 600 Demers Avenue, East Grand Forks, MN 56721 the annual sum of \$200,000, as and for payment of the lease and improvements for the construction of the East Grand Forks Civic Recreation Center and VFW Memorial Arena girls locker room, payable as follows:

\$100,000.00 due September 30, 2015

\$100,000.00 due March 30, 2016

\$100,000.00 due September 30, 2016

\$100,000.00 due March 30, 2017

\$100,000.00 due September 30, 2017

\$100,000.00 due March 30, 2018

5. The City shall be responsible for all costs of the Improvements above and beyond the District's Contribution.

INDEPENDENT SCHOOL DISTRICT NO. 595

By:

School Board Chair Date

By:

School Board Clerk Date

CITY OF EAST GRAND FORKS, MINNESOTA

By:

Lynn Stauss, Mayor Date

By:

David Murphy, Date
Administrator/
Clerk Treasurer

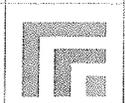
By:

David Aker, Park and Date
Recreation
Superintendent

RASW: 28768



www.eapc.net



EAPC

December 4, 2015

City of East Grand Forks
 600 DeMers Ave.
 East Grand Forks, MN 56721

RE--: Civic Center Renovation

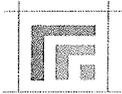
FILE: 20142610

ATTN: David Murphy

Dear David:

The following is a cost summary for the Civic Center Renovation Project.

<u>Original Contract Amount</u>	\$ 634,500.00
Change Order #1	\$ 27,841.15
Pending Change Order #2	
• Approved Electrical Items	\$ 3,289.50
• North Concession Island Revisions	\$ 3,901.00
• New Prep Sink at North Concessions	\$ 2,970.00
• New Electrical Items under review	<u>\$ 4,332.46</u>
Total Construction Costs	\$ 676,834.11
 <u>Contingency Review</u>	
Original Contingency	\$ 31,725.00
Change Order No. 1	\$ (27,841.15)
Pending Change Order No. 2	<u>\$ (14,492.96)</u>
Amount Exceeding Contingency	\$ 10,609.11
 <u>Design Contract</u>	
Total Costs to Date	\$ 84,596.80



Summary

Construction Costs	\$ 676,834.11
Design Costs	<u>\$ 84,596.80</u>
Total Costs	\$ 761,430.91

Please contact us if you have any questions. One final change order needs to be written to close out the contract.

Thank you,

Wayne G. Dietrich

Wayne G. Dietrich, AIA
for
EAPC Architects Engineers

WGD/cle

Request for Council Action

Date: December 8, 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: City Administrator David Murphy

RE: Resolution 15-12-XXX Supporting Local Government Aid Increase.

Background

LGA provides roughly 25% of the 10 million annual revenues the city receives each year. As you are aware, LGA has had a tumultuous recent history with un-allotments and freezes. LGA will be a focus point for the Coalition of Greater Minnesota Cities in its lobbying efforts for the 2016 Legislative Session.

The CGMC is asking all member cities to pass this resolution supporting an increase of 45.5 million for the 2017 payable year. CGMC feels the time is right for this request due to the budget surplus the State is currently enjoying.

Budget Impact

Any LGA increases will help ease the property tax burden in East Grand Forks.

Action Required

Discussion and Direction.

Sample LGA Resolution for Greater MN Cities

City of _____

State of Minnesota

Resolution in Support of Increasing Local Government Aid in the 2016 Legislative Session

WHEREAS, Local Government Aid (LGA) is a critical need for our city and

WHEREAS, LGA provides funding to restrain property taxes on homeowners and businesses and

WHEREAS, LGA provides for basic services such as public safety, infrastructure and fire protection and

WHEREAS the legislature and state agencies have imposed unfunded mandates upon local cities, including increased pension requirements, expensive wastewater infrastructure costs, among other mandates and

WHEREAS an LGA increase would help the city of _____ do the following {INSERT LOCAL EXAMPLE OF IMPACT OF LGA INCREASE ON YOUR CITY e.g specific service or staffing needs, levy flat or decrease?}

WHEREAS, no Omnibus Tax Bill was passed by the 2015 legislature, thus freezing the LGA appropriation;

THEREFORE, BE IT RESOLVED that the City of _____ supports an increase in the base appropriation for Local Government Aid of \$45.5 million effective for aid payable in 2017 and urges adoption of this proposal by the House and Senate.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the following: the legislators representing the city of _____, Speaker of the House Rep. Kurt Daudt, Senate Majority Leader Sen. Tom Bakk, House Tax Chair Rep. Greg Davids, Senate Tax Chair Sen. Rod Skoe, and Governor Mark Dayton.

Adopted: _____

Attest: _____

Request for Council Action

Date: December 8, 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: City Administrator David Murphy

RE: Voluntary Assessment to Fund Environmental Program.

Background

The Coalition of Greater Minnesota Cities (CGMC) is requesting all member cities to participate in funding a lawsuit against the United States Environmental Protection Agency regarding riverine standards.

I have included the brief sent by CGMC announcing the program request and the letter provided by CGMC explaining the rationale for the lawsuit.

Budget Impact

The assessment program would be a pass through funded through a suggested assessment of \$1 per wastewater hookup.

Action Required

Discussion and Direction.

Membership approves voluntary assessment to fund environmental program

Cities with wastewater facilities are facing rising costs associated with meeting Minnesota's increasingly strict water quality standards, many of which do little to improve water quality yet are extremely expensive to implement. To address this challenge, CGMC members approved a voluntary assessment to pay for a new CGMC wastewater legal and regulatory program at the membership meeting Nov. 13 in Alexandria. More information about the rationale behind this enhanced environmental program is available [here](#).

This week, a letter was mailed to all CGMC city managers and mayors requesting that their cities participate in the voluntary assessment. The recommended assessment is \$1 per wastewater hookup. For example, a city that has 1,200 commercial and residential wastewater hookups would contribute \$1,200. Because this is a voluntary assessment, a city could choose to contribute more, or less, than that amount.

Cities that wish to participate in the voluntary assessment could either pay now or pledge to pay by June 1, 2016. The money raised will go toward the CGMC environmental program in 2016. We hope that many of our cities will participate in this effort to bring sound science and reasonable requirements to wastewater regulation.

If you have any questions about the CGMC environmental program or the voluntary assessment, please contact Tim Flaherty at 651-225-8840 or tpflaherty@flaherty-hood.com.

State awards \$11M in broadband grants, but more investment needed

At the Blandin Foundation's Broadband Conference on Nov. 20, the Minnesota Department of Employment and Economic Development (DEED) announced that \$11 million in grants to improve broadband access had been awarded to 15 projects in Greater Minnesota. The money will connect 3,222 households, 786 businesses and nearly 90 community institutions. More information on the grant



Dedicated to a Strong Greater Minnesota

Rationale for CGMC/MESERB challenge to MPCA's water quality standards for rivers and streams

The CGMC Board voted Oct. 23, 2015 to authorize Flaherty and Hood and Hall and Associates to initiate and prosecute the following two legal actions:

1. A state rulemaking petition to amend or repeal the state's new water quality rules related to rivers and streams, and
2. A federal lawsuit against the U.S. Environmental Protection Agency challenging its approval of the MPCA's riverine standards

The Board took this action because parts of the new MPCA riverine standards are not based on sound science and evidence of this was not considered in the state's original rulemaking.

Below is the rationale for the action taken by the CGMC and the Minnesota Environmental Science and Review Board (MESERB):

1. Federal lawsuit against the EPA challenging its approval of the MPCA's riverine standards

This legal action involves a lawsuit against the United States Environmental Protection Agency (EPA) for acting contrary to the requirements of section 303(c) of the federal Clean Water Act and regulations promulgated thereunder when it approved MPCA's riverine standards. Under the section 303(c) of the Clean Water Act, the EPA is required to review and to approve or disapprove state-adopted water quality standards, such as MPCA's riverine standards. State standards are required to be based on a "sound scientific rationale" and "sound scientific information" (40 C.F.R. 131.11(a) and (b)), and "appropriate technical and scientific data and analyses" (40 C.F.R. 131.5(a)(4)).

The EPA approved Minnesota's riverine standards on January 23, 2015. However, just four months earlier, the EPA responded to Freedom of Information Act requests (EPA FOIA responses) indicating that it had no documents or records in its possession demonstrating either that dissolved oxygen (DO) flux, *per se*, should be considered indicative of use impairment in a river or stream, or that using the five-day biochemical oxygen demand (BOD₅) test as a nutrient response criterion was scientifically defensible, both of which are features of the MPCA's riverine standards that were challenged by MESERB throughout the MPCA's rulemaking and then in the declaratory judgment action in the Court of Appeals.

A federal lawsuit against the EPA would be premised on the fact that the EPA acted arbitrarily and unreasonably in approving Minnesota's riverine standards after admitting that it did not

possess any information showing (1) the BOD₅ test is a valid nutrient impairment indicator, or (2) that DO flux causes aquatic life impairments just four months earlier. This argument is bolstered by the publication of a memorandum from Andrew Eaton, of the Joint Editorial Board of the *Standard Methods for the Examination of Water and Wastewater*, the creator of the BOD₅ test, dated November 19, 2014 (the Standard Methods memorandum), which confirmed that the BOD₅ test, relied upon by the MPCA as a response criterion for its new riverine standards, is not “an appropriate measure of nutrient pollution nor is it a valid predictor of nutrient impacts.”

The existence of the EPA’s FOIA responses and the Standard Methods memorandum make a federal case against the EPA strong and easy for a federal judge to understand. In short, how could the EPA have approved Minnesota’s riverine standards when it admitted that it had no information demonstrating that key aspects of these standards were scientifically defensible, and when the creator of one of the tests utilized by MPCA to detect nutrient impairments had indicated that it should not be used in such a manner?

2. State administrative petition to amend or repeal MPCA’s riverine standards

This legal action involves filing a petition the MPCA to amend or repeal its riverine standards on the basis of new evidence, which would likely allow for an appeal of a denial of such petition to proceed to the Minnesota Court of Appeals as a matter of right under a writ of certiorari. *See* Minn. Stat. § 606.06 (“(a) writ of certiorari for review of an administrative decision pursuant to chapter 14 is a matter of right.”)

Minn. Stat. § 14.091 authorizes a city or sanitary district to petition for the amendment or repeal of a rule or specific portion of a rule (such as MPCA’s riverine standards) if it can demonstrate that “one of the following has become available since the adoption of the rule in question:

- (1) significant new evidence relating to the need for or reasonableness of the rule; or
- (2) less costly or intrusive methods of achieving the purpose of the rule.”

In this case, significant new evidence exists relating to the reasonableness of the MPCA’s riverine standards in the form of both the EPA FOIA responses and the Standard Methods memorandum referenced above. The fact that the Minnesota Court of Appeals previously refused to allow either of these documents into the appellate record in the prior declaratory judgment action would also help a filing city or sanitary district to demonstrate that these documents constitute new evidence and present a distinct legal issue separate from the previous declaratory judgment action. As would be the case in a federal lawsuit against the EPA, a petition to amend or repeal the MPCA’s riverine standards under Minn. Stat. § 14.091 would present a clean, easy to understand case that would be focused on the compelling post-rulemaking evidence that the BOD₅ test is not a valid nutrient impairment indicator and that DO flux does not cause aquatic life impairments.

Request for Council Action

Date: 12/4/15

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: David Murphy, City Administrator

RE: Special Election Deadlines

To hold a special election the City will need to complete the following:

1 – Adopt a resolution stating the date of the Election, title of the question, and the question that will be on the ballot at the **December 15th Council Meeting**. The County would be notified on **December 16th** for an election to take place on **February 29, 2016**.

2 – Procedures for a special mail ballot will be posted a minimum of six weeks before the election or no later than January 18, 2016.

3 – Ballots will be mailed out no earlier than 46 days or later than 14 days before the special election.

4 – The special election question will have to be published a minimum of two weeks before the election along with a sample ballot. This information will be available for inspection at the Administration Office.

5 – A ballot board will be appointed to work as election judges to examine envelopes and mark them accepted or rejected and follow the processes for both accepted and rejected envelopes.

If the special election were to be cancelled the City would have to notify the County a minimum of 74 days prior to the Election Day so no later than December 17th.

Included is what a sample ballot should look like which is from the MN Secretary of State's site.

Sample Title: Implementation of a City Sales Tax

Sample Question: Would you support the implementation of a ½ cent sales tax for 10 years to pay for the pool renovation project and if approved the construction of two splash parks?

Megan Nelson

From: David Murphy
Sent: Friday, December 04, 2015 12:51 PM
To: Megan Nelson
Subject: FW: Special Election Ballot

From: O'Reilly, Quinn [<mailto:qoreilly@lmc.org>]
Sent: Friday, December 04, 2015 12:50 PM
To: David Murphy
Subject: Special Election Ballot

David,

Thank you for your question. You asked: **We are going to have an election to ask voters to approve a sales tax for a pool and splash park, and are looking for sample ballots that we can copy and use for our election.**

Unfortunately, the League does not have any sample ballots on this issue. I also see we have emailed previously on this issue, where I expressed my concern that the city was required to hold this election at a general election. It is my understanding that the city has sought legal advice from its city attorney, who has advised that the city may proceed utilizing a special election.

While the League lacks any sample ballots, we do have several resources that will likely prove helpful to you. First, I would encourage you to take a look at our memo on Special Elections, available here: <http://lmc.org/media/document/1/cityspecialelections.pdf?inline=true>. This memo includes important information on notice requirements, procedures, and other requirements necessary for a special election. Second, the Secretary of State's website includes example ballots, available here: <http://www.sos.state.mn.us/index.aspx?page=227>. While none of the examples will be suitable to copy and paste, they do provide important information on the legal requirements for crafting the ballot.

You may consider reaching out to other cities to see if they have any sample ballots they have utilized in the past, which may prove useful. However, because special election ballot questions are often incredibly factually specific, I am not sure ballots from other cities will be terribly helpful. Your city attorney will be able to provide necessary assistance in drafting a ballot for the special election.

Thank you for contacting the League of Minnesota Cities. Please let me know if there is anything else I can do.

Sincerely,

Quinn O'Reilly | Staff Attorney
Tel: (651) 281-1271
qoreilly@lmc.org | www.lmc.org
League of Minnesota Cities
145 University Ave. West | St. Paul, MN 55103

Connecting & Innovating since 1913

Please note, this information is not legal advice and is not a substitute for competent legal guidance. Consult your attorney concerning specific legal situations.

M.R. 8250.1810, Subp. 3: "...At the top of a ballot containing questions only, the words "SPECIAL ELECTION BALLOT" shall be printed..."

OFFICIAL BALLOT

SPECIAL ELECTION BALLOT

CITY ELECTION BALLOT

Judge _____

Judge _____

CITY OF _____ (OPTIONAL)

OCTOBER __, 2015

M.R. 8250.1810, Subp. 3: "...The name of the jurisdiction preparing the ballot may be added within the heading in no smaller than 8-point type. The date of the election must be printed within the heading in no smaller than 8-point type..."

INSTRUCTIONS TO VOTERS:

To vote, completely fill in the oval(s) next to your choice(s) like this: ●

M.R. 8250.1810, Subp. 3: "...When a county, municipal, school district, or hospital district election is held other than in conjunction with a federal or state office, the applicable words... "CITY ELECTION BALLOT,"...shall be printed..."

CITY QUESTIONS

To vote for a question, fill in the oval next to the word "YES" on that question. To vote against a question, fill in the oval next to the word "NO" on that question.

CITY QUESTION 3

THE QUESTION TITLE MUST CONSIST OF TEN OR FEWER WORDS

When two or more questions from the same jurisdiction appear on a ballot, the questions must be numbered. All other formatting rules apply, however, you do not need to repeat the instructions.

M.S. §275.60: "(a) Notwithstanding any general or special law or any charter provisions, but subject to section 126C.17, subdivision 9, any question submitted to the voters by any local governmental subdivision at a general or special election after June 8, 1995, authorizing a property tax levy or tax rate increase, including the issuance of debt obligations payable in whole or in part from property taxes, must include on the ballot the following notice in boldface type: "BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE."

CITY QUESTION 1

THE QUESTION TITLE MUST CONSIST OF TEN OR FEWER WORDS

The body of the question is printed here in upper and lower case letters, as large as possible, but in no case smaller than 10 point type. The title goes above in the shaded box, and must also be in no smaller than 10 point type. "YES" and "NO" must be placed directly below and no smaller than 10 point and bold.

YES

NO

BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE

The maximum amount of increased levy as a percentage of market value is _____ %

The amount that will be raised by the new referendum tax rate in the first year it is to be levied is \$ _____.

M.R. 8250.1810, subp. 10: "...When more than one question is on the ballot for a given jurisdiction, each ballot question must be designated by a number and must be preceded by the words... "CITY QUESTION,"... and the number assigned to the question in uppercase letters in as large as practicable but no smaller than 10-point bold face type..."

CITY QUESTION 2

THE QUESTION TITLE MUST CONSIST OF TEN OR FEWER WORDS

The body of the question is printed here in upper and lower case letters, as large as possible, but in no case smaller than 10 point type. The title goes above in the shaded box, and must also be in no smaller than 10 point type. "YES" and "NO" must be placed directly below and no smaller than 10 point and bold.

YES

NO

Precinct Name

M.R. 8250.1810, subp. 1: "...Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. If multiple ballots styles are to be used in the same precinct for precincts split by school districts, each ballot style must include the precinct name and applicable school district number..."

M.S. §275.61, Subd. 1: "...The ballot shall state the maximum amount of the increased levy as a percentage of market value and the amount that will be raised by the new referendum tax rate in the first year it is to be levied...this subdivision does not apply to tax levies for the payment of debt obligations that are approved by the voters after June 30, 2008."

Example

RESOLUTION 15 - 12 – 133

A RESOLUTION APPROVING 2015 TAX LEVY, COLLECTABLE IN 2016

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

WHEREAS, the state of Minnesota may impose tax levy limitations on cities; and

WHEREAS, the state legislature allows for special levies, including levies for natural disasters, unallotted LGA payments, bonded indebtedness, and increases in employer contributions to PERA; and

WHEREAS, the **total levy** will increase by approximately 25% from the 2015 level of \$3,072,287 and

WHEREAS, The 2016 Local Government Aid expected is \$2,514,148; and

BE IT RESOLVED, By the City Council of the City of East Grand Forks, Minnesota, that the proposed property tax levy collectible in year 2015 is hereby approved:

General Operations	\$ 3,647,068
Certificates of Indebtedness	117,600
Improvement Bonds of 2004/2012	21,704
PERA-Employer Share Increase	<u>50,915</u>
TOTAL LEVY	\$ 3,837,287

BE IT FURTHER RESOLVED, that the Administrator/Clerk-Treasurer can certify the tax levy as one levy without provisions for special levies to the County Auditor of Polk County.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: December 8, 2015

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 8th, day of December, 2015.

Mayor

RESOLUTION NO. 15 - 12 – 134

A RESOLUTION TO ADOPT 2016 BUDGET AND TO AUTHORIZE SPECIFIC FINANCIAL RELATED ACTIVITIES

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

WHEREAS, The 2016 Budget has been completed and determined; and

WHEREAS, The budget is the fiscal blue print for the entire year where the City Council has considered and incorporated all foreseeable spending plans for 2016; and

WHEREAS, The city through sound fiscal policy establishes that current revenues will be used to finance current expenditures and regularly occurring capital expenditures; and

WHEREAS, The City Council shall by resolution set forth the total for each budgeted fund as per Section 6.06 of the City Charter, with the exception of bond, construction and special assessment funds; now therefore

BE IT RESOLVED, By the East Grand Forks City Council that the budgeted expenditures, excluding depreciation, for each fund during the 2016 calendar fiscal year shall be as follows:

SECTION 1. Appropriation Authorization

General Fund:		
Current		
General Government	\$ 1,065,001	
Public Safety	3,910,458	
Public Works - Streets	1,451,791	
Parks and Recreation	1,491,970	
Community Development	60,000	
EDA	186,613	
Library	536,127	
Senior Center	119,403	
Other Expenditures	264,500	
Capital Outlay		
General Government	0	
Public Safety	61,000	
Public Works - Streets	250,000	
Parks and Recreation	28,234	
Other Expenditures	66,639	
Other Financing Uses (Transfers)	172,337	
Total General Fund		\$9,664,073

SECTION 2. Transfers

- A) To Transit from General Fund - \$102,178
- B) To Debt Service and Capital Projects Funds from General Fund - \$54,704
- C) To Cemetery from General Fund - \$15,455

BE IT FURTHER RESOLVED, that budgetary guidance and fiscal management provisions set forth in prior annual budget setting resolutions continue to be in effect.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: December 8, 2015

Attest:

City Administrator/Clerk-Treasurer

President of the Council

I hereby approve the foregoing resolution this 8th day of December, 2015.

Mayor