

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, NOVEMBER 17, 2015 - 5:00 P.M.**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for November 17, 2015 was called to order by Council President Mark Olstad at 5:00 P.M.

CALL OF ROLL:

On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Lynn Stauss, Council President Mark Olstad, Council Members Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Greg Boppre, 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 amended minutes from the “Regular Meeting for the East Grand Forks, Minnesota City Council of November 3, 2015.
2. Consider approving the minutes of the “Special Meeting” for the East Grand Forks, Minnesota City Council of November 10, 2015.
3. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of November 10, 2015.

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

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

Voting Nay: None.

Absent: Grassel.

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

4. Public Hearing on proposed 2016 Assessment Job No. 2 – Paving & Sidewalk Construction in Riverview 9th & 10th Additions.

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

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

Voting Nay: None.

Absent: Grassel.

Mr. Emery stated that this was the improvement hearing for the Riverview 9th and 10th Addition. He stated this area had been developed using a developer's agreement back in 2012 which required paving to be completed within three years. He explained the total estimated project cost was \$408,921.92 but the estimated amount to be assessed was \$395,621.60 because the removal of the aggregate would not be assessed and the estimated cost was approximately \$135 per foot. He continued explaining the sidewalk portion of the project, added if a sidewalk had been installed and was included on the assessment roll it could be removed, and based on the estimates it would cost approximately \$12.64 per foot. Mr. Emery informed everyone new construction assessments were typically assessed over a 20 year period and could either be paid in full or added to the tax roll. He then asked for questions.

Ms. Michelle Jensen stated she was not a resident but did help her son-in-law and daughter pick a lot in this development. She explained they had lived there since 2013 and at no time during the process of the reviewing of building plans or building the home were they told they would have to install a sidewalk. Mr. Jacob Bondy, 115 Riverview Lane SE, stated he had contacted three people and was told that only the interior lots were going to have sidewalks, that he had already put in his driveway, and asked when the sidewalk requirement changed. Mayor Stauss asked if they had been given a grade. Mr. Bondy stated explained he had the first house on the outer loop, that his neighbor had been told the same, and that he has an issue with having to now install a sidewalk. Discussion followed on why the resident wasn't given the property information, how he is very upset about the situation, and how staff will be looking into this and bring a report back to the Council.

Mr. Barry Traub, 126 Riverview Lane SE, stated that Ms. Ellis had been at his property regarding a fence, they had a discussion about sidewalks, and that she had stated there was not going to be sidewalks on the outside loop and nothing out to 20th. Ms. Ellis stated she said that there was not going to be sidewalks on 20th. Mr. Traub added there isn't any sidewalks on 19th or 20th. Ms. Ellis stated the sidewalk on 13th was completed with Safe Routes to School funding. Mr. Traub then asked to see if sidewalks could be added to 19th and 20th. Discussion followed about how until 2010 there wasn't a sidewalk ordinance, how currently the grades are not set in the policy but that is something that can be included in the guidelines for plats, and that previous councils did not feel comfortable setting requirements on heights for the foundation of homes, designs, or curb cuts. Council member

DeMers commented how this may need to be re-addressed.

Mr. Seth Perdew, 114 Riverview Lane SE, stated his concern is that the sidewalk leads to nowhere, that there isn't a sidewalk to the school, and if there is nothing on 20th or down 13th then why should this sidewalk be put in. He asked if this is what really needs to be focused on right now. He added that they are excited about the paving but since there are still many empty lots, many large trucks will be driving through and asked if this should be revisited in a year instead because he doesn't want the new road tore up within a year.

Council member Tweten commented that he had asked on numerous occasions to have the engineering fees listed separately, that the fees are not shown separately, and that the project should be not be moving forward at this time. Council member Buckalew explained the Council had to start somewhere with the sidewalks, it had not worked that way in the past, and that it is done for safety and to complete the neighborhood. Mr. Perdew asked if there was a long term plan to fix the other neighborhoods so they all have sidewalks. Mr. Traub stated that 17th, 18th, 19th, and 20th don't have sidewalks and the kids are walking on the streets in the morning so the point that Mr. Perdew was trying to make is that the kids will be walking from the sidewalk into the street. Council member Pokrzywinski stated that those streets were developed before the sidewalk ordinance was adopted and that it would be difficult to try and retroactively enforce the ordinance. He added there was finally a Council that was able to agree on the policy. Council member DeMers commented that he is glad to hear enthusiasm about sidewalks, that it will be a slow process, and that it needed to start somewhere. Discussion followed about Safe Routes to School funding and how the City could be eligible since there is now has a sidewalk ordinance in place. Ms. Ellis added that misinformation had been given and that both her and Mr. Emery will work to see what can be done.

Mr. Traub informed the Council that within the eight households in this development there are 21 kids under the age of 10 and how some have to walk on the street to get to school. Council member Pokrzywinski said for years the City built wide streets and didn't need sidewalks and that this Council is trying to change that. Mr. Emery stated he appreciated the comments; that sidewalks have really been pushed the last few years to accommodate pedestrian traffic, how the Council has been trying to address these needs, and it was good concerns were being brought forward.

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

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

Voting Nay: None.

Absent: Grassel.

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 adopting Resolution No. 15-11-124 appointing Josh Krostue to Equipment Operator at a salary of \$19.69 per hour.
6. Consider approving the Exempt Gambling Application for the Red River Valley Pheasants Forever to hold a raffle on March 26, 2016 at the Eagles Club located at 227 10th St NW East Grand Forks, MN 56721 and waive the 30-day waiting period.

7. Consider approving the Exempt Gambling Application for the Red River Valley Pheasants Forever to hold a raffle on May 21, 2016 at the Eagles Club located at 227 10th St NW East Grand Forks, MN 56721 and waive the 30-day waiting period.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE ITEMS FIVE (5) THROUGH SEVEN (7).

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

Voting Nay: None.

Absent: Grassel.

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

8. Regular meeting minutes of the Water, Light, Power, and Building Commission for October 15, 2015.
9. Regular meeting minutes of the Economic Development Authority Board for October 20, 2015.

COMMUNICATIONS:

10. Acknowledge the veto of the three year contract between the City of East Grand Forks and Widseth Smith Nolting for engineering services.

OLD BUSINESS:

11. Reconsider approving the agreement between the City of East Grand Forks and Widseth Smith Nolting for engineering services for a three year term.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND WIDSETH SMITH NOLTING FOR ENGINEERING SERVICES FOR A THREE YEAR TERM.

Council member Vetter stated the Council can't make this motion without having this brought forward by either Council member Tweten or himself. Mr. Murphy said the motion should read motion to override veto since the charter has the item come back to the next meeting. Council member Vetter said again that motion would have to come from Council member Tweten or himself. Mr. Galstad stated the charter automatically comes back for the Council to vote on to see if the veto can be overturned. He said it didn't have to be a reconsideration from those who voted no and if it does not get the extra vote it will automatically be defeated. Council President Olstad stated the motion should then be amended.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO CONSIDER OVERRIDING THE VETO OF THE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND WIDSETH SMITH NOLTING FOR ENGINEERING SERVICES FOR A THREE YEAR TERM.

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

Council President Olstad stated the motion failed.

12. Reconsider approving the agreement between the City of East Grand Forks and Widseth Smith Nolting for engineering services for a one year term.

A MOTION WAS MADE BY COUNCIL MEMBER BUCKALEW, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND WIDSETH SMITH NOLTING FOR ENGINEERING SERVICES FOR A ONE YEAR TERM.

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

NEW BUSINESS:

13. Consider adopting Resolution No. 15-11-125 approving the Bygland Road Study along with the recommendations and for consideration of this information into the Long Range Transportation Plan by future Council request.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT RESOLUTION NO. 15-11-125 APPROVING THE BYGLAND ROAD STUDY ALONG WITH THE RECOMMENDATIONS AND FOR CONSIDERATION OF THIS INFORMATION INTO THE LONG RANGE TRANSPORTATION PLAN BY FUTURE COUNCIL REQUEST.

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

14. Consider adopting Resolution No. 15-11-126 ordering improvements and preparation of plans and specifications for 2016 Assessment Job No. 2 – Paving & Sidewalk Construction – Riverview 9th & 10th Additions.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT RESOLUTION NO. 15-11-126 ORDERING IMPROVEMENTS AND PREPARATION OF PLANS AND SPECIFICATIONS FOR 2016 ASSESSMENT JOB NO. 2 – PAVING & SIDEWALK CONSTRUCTION – RIVERVIEW 9TH & 10TH ADDITIONS.

Council member Vetter asked if this should be tabled until Mr. Bondy's issues had been addressed. Council President Olstad asked how the Council would like to proceed. Council member DeMers commented that the issues should be worked out and it would not matter if the Council waited two

weeks to vote. Council member Buckalew stated this was just plans and specifications, not letting a contract. He asked how long it would take to get the plans and specifications prepared. Mr. Boppre explained they were hoping to have plans and specifications completed by January and bring back to the Council by February and added that should be enough time to have the sidewalk issue resolved. Council member DeMers commented how this would be the right time to address the issue. Council member Tweten stated this would lock them in, he disagrees with the conduct, and how the plans and specs may have to be done again.

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

15. Consider approving Ordinance No. 16, 4th Series establishing requirements and procedures relating to the granting of cable services franchises for use of public right-of-ways within the City of East Grand Forks (1st Reading).

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE ORDINANCE NO. 16, 4TH SERIES ESTABLISHING REQUIREMENTS AND PROCEDURES RELATING TO THE GRANTING OF CABLE SERVICES FRANCHISES FOR USE OF PUBLIC RIGHT-OF-WAYS WITHIN THE CITY OF EAST GRAND FORKS (1ST READING).

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

16. Consider approving the franchise agreement between the City of East Grand Forks and Midcontinent Communications.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE THE FRANCHISE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND MIDCONTINENT COMMUNICATIONS.

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

CLAIMS:

17. Consider adopting Resolution No. 15-11-127 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 22850 for a total of \$1,083.99 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT RESOLUTION NO. 15-11-127 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 22850 FOR A TOTAL OF \$1,083.99 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED

FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None.

Abstain: Buckalew.

Absent: Grassel.

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

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

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

Voting Nay: None.

Absent: Grassel.

COUNCIL/STAFF REPORTS:

Mayor Stauss commented that the lights are out on the dome, asked who was responsible for changing the lights, and asked administration staff to have them fixed. He also asked to have red and green lights installed for the holidays and white lights for the spring.

Council Member Pokrzywinski wanted to acknowledge Mr. Chip Shea who had just resigned from the EDA Board. He stated that he appreciates the time and dedication Mr. Shea had provided on the board, said that he would be missed, and that there is now an opening on the board so the mayor will need to make an appointment. Council member Pokrzywinski added that he had some ideas. Mayor Stauss commented about the company moving into Grand Forks and how the City should be doing everything in its power to keep business in the City. Council member Pokrzywinski commented how there are non-disclosure agreements when a business considers the City, that Ideal already had a building in Grand Forks and the long range plan could have been to move, and now the City has a space available for another business and they will get started on that.

Council Member Tweten stated that it was Mr. Shea who brought the new hotel to town and encouraged people to go take a look if they haven't already.

Mr. Murphy reminded the Council that both he and Council President Olstad attended the Coalition Conference and informed the Council that the legislative platform the Coalition is going to be focusing on this year is LGA.

Mr. Boppre thanked the Council and Mayor for the opportunity to serve the City of East Grand Forks and for a one year contract. He stated how the office had been a part of the community since 1956, that there had been four company names but what was important was the individuals in the office. He explained he had started in the office in 1984, had been a part of the community for 31 years, and that he had been the City Engineer for the last 15 years which he thanked the Council for. He stated that he manages 26 employees with just under half living in East Grand Forks, how they pay taxes here, and send their children to school here. He thanked the Council for the opportunity to work on projects, that projects are a team effort between the City and the engineering firm, and that all divisions at WSN have or will worked on the waste water projects which everyone will be proud of. He commented how

a State Legislator recently said at the bonding presentation that this project was a poster child project where two communities are working together and that the State should help them. He thanked the Council again for the one year contract.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER BUCKALEW, TO ADJOURN THE NOVEMBER 17, 2015 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:54 P.M.

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

Voting Nay: None.

Absent: Grassel.

David Murphy, City Administrator/Clerk-Treasurer