

**AGENDA
OF THE SPECIAL MEETING
CITY OF EAST GRAND FORKS
TUESDAY, MAY 24, 2016 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

SCHEDULED PUBLIC HEARINGS:

1. Public Hearing regarding the splitting of Lot 6 Block 1 in the Coulee View Addition.

NEW BUSINESS:

2. Consider approval of the Replat of Lots 5, 6, and 7 Block 1 Coulee View Addition.
3. Consider approving the following On-sale Weekday & Sunday Liquor Licenses Applicant Renewals:
 - a. Whitey's located at 121 Demers Ave East Grand Forks, MN 56721
 - b. Little Bangkok located at 415 2nd St NW Suite 1 East Grand Forks, MN 56721
 - c. Mamma Maria's located at 211 Demers Ave Suite 16 East Grand Forks, MN 56721

ADJOURN:

PLEASE SEE NEXT PAGE FOR WORK SESSION AGENDA

**AGENDA
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, MAY 24, 2016 – Following the Special Meeting**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

- 1. Request to Pave Parking Lot – Paul Gorte**
- 2. Request to Implement Broadcasting of City Meetings – Corey Thompson**
- 3. Request to Enter into Pop Contract – Mark Dragich**
- 4. Request to Purchase Mobile Data Computers – Mike Hedlund**
- 5. Request to Review Rental Registration & Inspection Practices – Nancy Ellis**
- 6. Request for Approval of Special Use Permit – Nancy Ellis**
- 7. Request to Approve the Update to the Transit Title VI Plan & LEP Plan – Nancy Ellis**
- 8. Other**

ADJOURN:

Upcoming Meetings

Regular Council Meeting – Tuesday, June 7, 2016 – Council Chambers

Work Session – Tuesday, June 14, 2016 – Training Room

Regular Council Meeting – Tuesday, June 21, 2016 – Council Chambers

Work Session – Tuesday, June 28, 2016 – Training Room

Request for Council Action

Date: May 24th, 2016

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: Final Approval of the Replat of Lots 5, 6, and 7 Block 1 Coulee View Addition

BACKGROUND AND SUPPORTING DOCUMENTATION OF REQUEST:

The replat increases the square footage and lot width of Lots 5 and 7, Block 1 Coulee View Addition, which is currently owned by the City of East Grand Forks. The Lot 6 will be split evenly and added to the respective north and south lots, thus creating two larger lots. Easements and Right-Of-Way will stay the same.

GENERAL INFORMATION

APPLICANTS/PROPERTY OWNERS: Kyle and Ashley McMahon, Virginia Stauss-applicants and the City of East Grand Forks-property owner.

REQUESTED ACTION: Applicant is requesting final approval of the replat of Lots 5, 6 and 7, Block 1 of Coulee View Addition.

SITE ZONING/LAND USE: R-1 is the current zoning

SURROUNDING ZONING/LAND USE:

North: R-1 zoning, Single Family homes

West: R-1 zoning, Single Family homes

South: R-1 zoning, Single Family homes

East: UER zoning, vacant lot for sale

COMMENTS:

Kyle and Ashley McMahon have purchased Lot 5 of the Coulee View Addition to build a single family home and Virginia Stauss has purchased Lot 5 to also build a single family home. This replat is changing the side lot lines between Lots 5 and 7, by adding half of Lot 6 to the north Lot 7 and half of Lot 6 to the south Lot 7. Both Lots 5 and 7 will increase in width and square footage. Lot 6 will no longer be in existence. All remaining lots will still meet the lot requirements for single-family lots in the R-1 district, which has a minimum lot width of 65 feet and a minimum square footage of 8,400 square feet.

STAFF RECOMMENDATION:

Staff recommends approving the final plat of Lots 5, 6, and 7 Block 1 Coulee View Addition with the following conditions:

- 1) Submit a digital file to the planning office.
- 2) Pay fee to Polk County for recording

Encl.



**Minnesota Department of Public Safety
Alcohol and Gambling Enforcement**

445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

SM #3

RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the \$20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code ONSS License Period Ending 6/30/2016 ID# 35165

ISSUING AUTHORITY East Grand Fks

Licensee Name Timothy Bjerck Inc.

Trade Name Whitey's

City, State, Zip Code 121 DeMers Ave
East Grand Fks MN 56721

Business Phone 2187731831

License Fees: **Off Sale** **On Sale** \$3,800.00 **Sunday** \$200.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. \$100,000 in cash or securities or \$100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than \$25,000 at on sale, or \$50,000 at off sale).

Licensee Signature Tim Bjerck DOB [REDACTED] SS# [REDACTED] Date 5/13/16
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature _____ Date _____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature _____ Date _____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature _____ Date _____
Signature certifies licensee or associates have been checked for any state/local liquor law violations (criminal/civil) during the past five years. Report violations on back, then sign here.



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

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651-201-7500

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License Code ONSS License Period Ending 6/30/2016 ID# 43213

ISSUING AUTHORITY East Grand Fks

Licensee Name Inthanon LLC

Trade Name Little Bangkok

City, State, Zip Code 415 2nd St NW/Suite 1

East Grand Fks MN 56721

Business Phone 2183991122

License Fees: Off Sale \$0.00 On Sale \$3,800.00 Sunday \$200.00

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Licensee Signature Dow Storey DOB [REDACTED] [REDACTED] Date 4/28/16
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature _____ Date _____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature _____ Date _____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature _____ Date _____
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License Code ONSS License Period Ending 6/30/2016 ID# 26865

ISSUING AUTHORITY East Grand Fks

Licensee Name MM Restaurant Group Inc.

Trade Name Mamma Maria's Italian Rest

City, State, Zip Code 211 DeMers Ave Ste 16

East Grand Fks MN 56721

Business Phone 2187732225

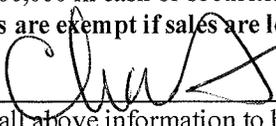
License Fees: **Off Sale** **On Sale** \$3,800.00 **Sunday** \$200.00

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Licensee Signature  DOB [REDACTED] SS# [REDACTED] Date 5-19-16
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Request for Council Action

Date: May 24, 2016

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: Pave Downtown Parking Lot

The parking lot east of and next to the VFW is unpaved. To better serve existing and anticipated businesses in that part of downtown it is important to provide paved parking, which has the additional benefit of reducing dust. Several businesses in the area will benefit from the improvement.

The Engineer's cost estimate will be provided at the meeting. The source of funds is the remaining TIF funds. The paving of a municipal parking lot is an appropriate use of TIF funds.

Recommendation: Allow WSN to prepare plans and specifications.

Request for Council Action

Date: 5-24-2016

To: East Grand Forks City Council

Cc: File

From: Corey Thompson, Technology Manager

RE: Implement Broadcasting of City Meetings and Activities

Consider authorizing expenditures to obtain and install equipment to allow audio and video broadcasting and recording of City meetings from the City Council chambers and City Hall training room, and authorization to begin broadcasting public meetings and other events. Estimated equipment acquisition and installation cost is \$24,845, funding source to be the \$25,000 Knight Foundation grant accepted by the Council earlier in 2016.

Background:

A desire to provide citizen engagement using multimedia has been expressed by many. Upon discussion, it was determined building systems to deliver live and archived (or on-demand) audio and video content using Internet delivery, including social media and mobile, along with scheduled live and repeat broadcasts on the City cable TV channel will help fulfill the desire. In addition to public meetings, it is the intent to work with other City departments such as the Campbell Library, Parks and Recreation and Emergency Management to make use of the resources to enhance their service to the public.

Project Overview:

Capture video of meetings by installing high definition video cameras:

- Installation of three remotely and programmatically operated pan-tilt-zoom (PTZ) cameras in the City Council chambers. Two towards the rear of room pointing at council desk, one in front for covering speaker podium and audience.
- Installing two remotely and programmatically operated PTZ cameras in the training room at opposite corners to give full room coverage.

Improve audio capture by replacing audio mixers in City Council chambers and training room with ones that can be remote controlled and have advanced digital signal processing (DSP) to provide clear, consistent sound.

Integration of video processing and playout server running software video and audio switching. This device will switch between cameras, overlay graphics, run scheduled programs for linear streams, command PTZ cameras.

Incorporation of storage servers to store recorded events for archive and playback.

Implementation of transcoding and streaming appliances to provide adaptive rate internet delivery of programming.

Provide SDI or ASI feed from playout server for cable TV integration

Most installation labor will be internal.

Proposed Schedule:

Upon approval, equipment acquisition and installation will begin in July and continue through September. Test broadcasts will begin in the fall and continue through December. During this time, not only will technical bugs be worked out, but also work on documenting best camera angles, graphics and styling standards, automation programming, and development of standard operating procedures for staff training. Public broadcasts are expected to start at the beginning at 2017.

Recommendation:

Approve expenditures for initial implementation of broadcast equipment up to the Knight Foundation grant amount and authorize broadcasting of public meetings.

Request for Council Action

Date: Thursday, May 19, 2016

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: Mark Dragich
Parks and Recreation

RE: Bottling / Pop Contract

As of April 30, 2016 the current contract with Coca Cola expired. In March, both Coca Cola and Pepsi were contacted to submit bids for both a five year and ten year contract. Coca Cola submitted the attached bid information. Pepsi did not submit a bid.

Coca Cola's bid includes both a five year and ten year option with same contract terms.

Recommendation: Sign a ten year contract with Coca Cola. Use \$25,000.00 upfront funding and the \$2000.00 per year funds toward paying off current VFW Zamboni balance and remaining funds toward the purchase of a new Zamboni. We are currently paying on two Zamboni's – VFW through 2018 and Civic Center through 2021.

Enclosure: Coca Cola Bid

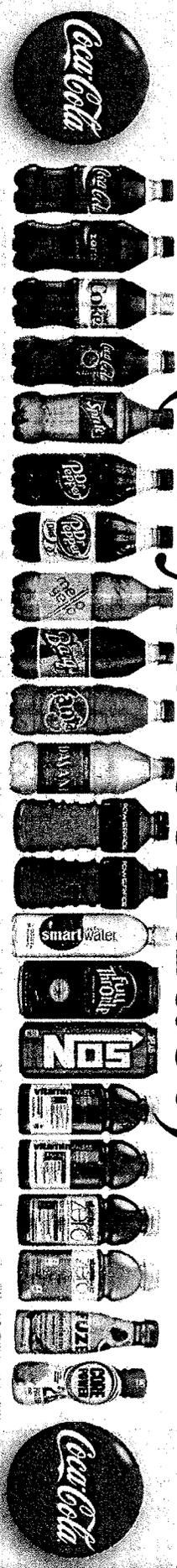
\$25,000 upfront
funding

+ \$2,000 per year

Total payment

\$45,000.00

(10 year contract)



PRICING

20 oz PET Sparkling (Coke, Diet Coke, etc.)	\$24.00/1.00 per bottle
20 oz Dasani	\$16.00/.66 per bottle
PowerAde	\$24.00/1.00 per bottle
Minute Maid Juice	\$26.00/\$1.08 per bottle
Full Service Vending	\$1.75 vend rate and 20% commission

\$12,500 upfront funding

+ \$2,000 per year

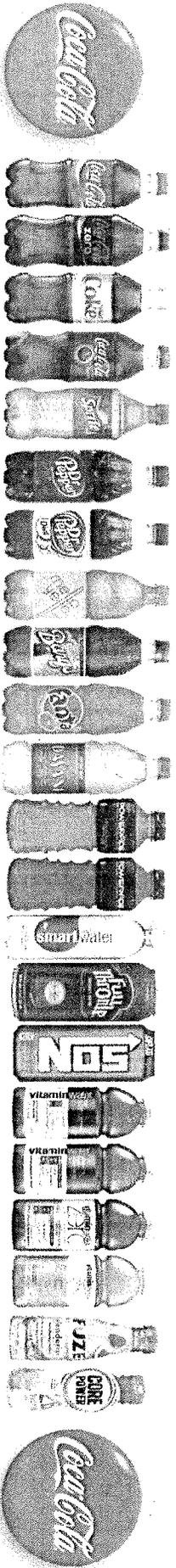
= \$22,500

(5 year contract)

PRICING

20 oz PET Sparkling (Coke, Diet Coke, etc.)	\$24.00/1.00 per bottle
20 oz Dasani	\$16.00/.66 per bottle
PowerAde	\$24.00/1.00 per bottle
Minute Maid Juice	\$26.00/1.08 per bottle
Full Service Vending	\$1.75 vend rate and 20% commission

Prices will be subject to a 3% increase for contract year



Request for Council Action

Date: 04/21/2016 – Updated May 19, 2016

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

Cc: File

From: Michael S. Hedlund – Chief of Police

RE: Request to Approve the Purchase of Mobile Data Computers

Background: The East Grand Forks Police Department is requesting permission to purchase five (5) Mobile Data Computers for use in our squad cars. The East Grand Forks City Council approved \$20,000.00 for this purchase in the 2016 budget. This is a planned equipment update/replacement. The EGFPD formed an internal committee to research various in-car computer options and, with input from the city IT department, determined that replacing our existing Panasonic Toughbooks with updated Toughbooks was our best option. Kris Kovar from Water & Light IT requested quotes from several vendors and received responses from three vendors as detailed below:

1. PCM – Tiger Direct Business = \$19,729.35
2. Ingram Technologies = \$18,700.00
3. Bizco = \$18,100.00

***Per City Council request the EGFPD and East Grand Forks IT personnel did additional research and came up with what we believe is a viable alternative to the Panasonic Toughbook. The Dell Latitude 14 Rugged is a semi-rugged computer that matches most specifications of the fully rugged Toughbooks at a significantly reduced price (\$9,210.45 for five computers) as compared to the Toughbooks (\$18,100.00). This price does not include shipping and we may also have to update some of our mounts but should still be significantly below the previous bids.

Recommendations: ~~That the East Grand Forks City Council approve the purchase of five (5) Panasonic Toughbook computers from Bizco for the total price of \$18,100.00 per their quote dated March 25, 2016.~~

That the East Grand Forks City Council approve the purchase of five (5) Dell Latitude 14 Rugged computers for use in the EGFPD squad cars.

Enclosures: ~~Quotes from PCM, Ingram and Bizco~~
Price summary for the Dell Latitude 14 Rugged – this price does not include shipping.



Print Summary



Latitude 14 Rugged

Starting Price \$2,588.70
 Instant Savings \$746.61

Subtotal \$1,842.09

As low as \$56.00 /month^

[Dell Business Credit | Apply](#)

[Discount Details](#)

[Ships in 8 - 10 Business Days](#)

My Selections [All Options](#)

- Latitude 14 Rugged

Date	5/5/2016 9:07:14 AM Central Standard Time			
Catalog Number	4 Retail 04			
Evalue Code	CUL14RW7P			
Catalog Number / Description	Product Code	Qty	SKU	Id
Processor: 4th gen Intel® Core™ i5-4310U Processor (2.0GHz, 3M cache) (no security hardware)	54310N	1	[338-BFPT]	146
Operating System: Windows 7 Professional English, French, Spanish 64bit (Includes Windows 10 Pro License)	DW10P7M	1	[619-AIKP]	11
Microsoft Application Software: No Productivity Software	NOPSW	1	[630-AARX]	1002
Dell Data Protection Solutions: No DDPE Encryption Software	NODDPE	1	[954-3465]	156
Security Software: No Anti-Virus Software	NOANVIR	1	[650-AACW]	1014
Operating System Recovery Options: Recovery media not included	NOME81	1	[620-AAWD]	200013
Latitude 14 Rugged (5404): Latitude 14 Rugged	5404T	1	[210-ADEK]	1
Memory: 8GB (1x8GB) 1600MHz DDR3L Memory	8G1D6	1	[370-AAER]	3
Keyboard: Sealed Internal RGB Backlit English Keyboard	KBENG	1	[580-ABYR]	4
Video Card: UMA Video Card	UMA	1	[490-BCGN]	6
Hard Drive: 500GB 5400RPM SATA Hard Drive	500S3Y	1	[400-AAYY]	8
Documentation/Disks:	17			

Safety/Environment and Regulatory Guide (English/French Multi-language)	EFDOC	1	[340-AGIK]	21
Wireless: Dell Wireless 1707 1x1 Single Band 802.11bgn + Bluetooth 4.0 LE	1707BC	1	[555-BBRU]	19
PowerCord: US Power Cord	USE5	1	[537-BBBD]	20
Intel Rapid Technology and Smart Connect: No Intel Responsive	NONE	1	[409-BBCF]	707
LCD: 14.0 HD (1366x768) High brightness display with Camera & Microphone	NTCM	1	[391-BBTO]	760
Primary Battery: 6-cell (65Wh) Lithium Ion battery with ExpressCharge™	6CJ	1	[451-BBOK]	112
E-Star: EnergyStar 6.0	ESTAR	1	[387-BBJD]	122
Power Supply: 65W AC Adapter, 3-pin	65WE5	1	[492-BBEM]	1015
Transportation from ODM to region: Standard Shipment	STND	1	[800-BBGF]	200080
CD ROM/DVD ROM: Optical Drive not selected	NOODD	1	[325-BBKI]	16
Docking Stations: No Docking Station	NONE	1	[452-BBSE]	271
Systems Management: No Out-of-Band Systems Management	NOVPRO	1	[631-AALD]	49
Wireless Driver: Software for Dell Wireless 1707	S1707	1	[555-BCDU]	7
Expansion Slot: No PCMCIA Card or ExpressCard Reader	NOEXPC	1	[540-BBLW]	13
Mobile Broadband: Qualcomm Gobi™ 4G LTE Wireless Card (Dell Wireless™ DW5808E for Verizon)	D5808V8	1	[556-BBHL]	114
Camera Software: Software for Integrated Camera	SCW7	1	[319-BBBH]	25
Optical Software: PowerDVD Software not included	NOPDVD	1	[429-AAGQ]	597
TAA: No TAA	NOTAA	1	[340-ACQQ]	97
FGA Module: No FGA	NOFGA	1	[817-BBBB]	572
Dell Backup & Recovery: No Dell Backup & Recovery Manager	NODBRM	1	[637-AAAM]	200076
Processor Branding: Intel® Core™ i5 Processor Label	I5INTEL	1	[389-BCCI]	749
Dedicated GPS: No Dedicated GPS	NOGPS	1	[340-ACQQ]	1409
Getting Started Guide: English Getting Started Guide	TSHEN	1	[340-AMHI]	60
Non-Microsoft Application Software: Additional Software for Win 8.1 Downgrade	WIN7DG	1	[340-AATY][340-ADFZ][422-0007][640-BBEU][640-BBLW][640-BBOD][658-BBNF][658-	1003

		BBVM]		
Packaging: Ship Material, Shuttle, Mix Model	MIXMDL	1	[328-BBYL]	465
Regulatory Label: Regulatory Label	REGLBL	1	[389-BFFE]	676
Serial I/O Port: No Additional Serial Ports	NOIO	1	[590-TEUJ]	698
Docking Station Connector: Dock Connector and Triple RF Passthru	POGO	1	[590-TEUH]	115
Stylus: No Stylus	NONE	1	[461-AABV]	583
Dell Threat Protection and Endpoint Security Suite: No Dell Data Protection Endpoint Security Suite Software	NODDP	1	[634-BENZ]	593
Hardware Support Services: 3 Year Ltd Hware Warranty: Mail-in; Customer supplies box, Dell pays shipping	3MI	1	[997-6988][997-6989]	29
Complete Care: 3 Year Accidental Damage Service	ACDAM3	1	[973-9199][988-7689]	33
Business Essentials: Dell 90W Auto/Air Charger with Power Cord	331-8146	1	[331-8146]	6672



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Products

Offers subject to change. Taxes, shipping, handling and other fees apply. U.S. Dell Small Business new purchases only. LIMIT 5 DISCOUNTED OR PROMOTIONAL ITEMS PER CUSTOMER. LIMIT 5 VOSTRO OR INSPIRON UNITS PER CUSTOMER. Dell reserves right to cancel orders arising from pricing or other errors.

*Dell Business Credit: OFFER VARIES BY CREDITWORTHINESS AS DETERMINED BY LENDER. Offered by WebBank to Small and Medium Business customers with approved credit. Taxes, shipping and other charges are extra and vary. Minimum monthly payments are the greater of \$15 or 2.5% of account balance.

snFG08

Request for Council Action

Date: May 24th, 2016

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: Rental registration/inspections

GENERAL INFORMATION:

A number of years ago, a rental inspection ordinance was written and a fee was charged to register and complete the inspections of rental units. The Ordinance requires either the Building Official or Fire Marshall/Chief to complete the inspections of apartments/rentals every two years. For safety and liability purposes, we have had two people (together) complete the inspections. It can either be two fireman, two inspectors or a combination of the two departments. The inspections review each apartment/unit in all registered buildings for any fire code/egress violations (we cannot review nuisance, garbage, animal control, etc.) on a two year cycle. In order to complete the inspections and spend the time administratively setting these up and notifying landlords, we charge \$15 per unit.

At this time, we are spending more than what we are collecting in fees. We are also receiving complaints that the tenants are receiving too many inspections; as some units are inspected by housing, the landlord, the management company, and our State Housing Authority. As well, we are receiving complaints from property owners that they do not charge an annual fee and are inspected and given a Certificate of Occupancy every 5 years. We do know that over half of the apartments are being inspected by another entity during the course of the year.

RECOMMENDATION:

The Fire Department and Building Inspections staff are asking for direction on how to proceed:

- 1) Continue with the rental inspections as is,
- 2) Change the ordinance and charge a business or rental registration fee per building to do common area inspections and inspections by request
- 3) Move toward the Grand Forks rental policy and inspect rental units/buildings every 5 years
- 4) Other options?

COST of ENFORCING RENTAL REGISTRATION ORDINANCE

We currently have 1150 known rental units within the City of East Grand Forks. Our Rental Registration Ordinance requires a yearly registration of \$15.00 per unit and an inspection of each unit every other year (every two years). Here is the revenue we receive and the costs associated with enforcing the Rental Registration Ordinance.

REVENUE:

- 1) Potential revenue for all units: 1150 units X \$15 = **\$17,250**
- 2) 2016 Revenue to date: **\$15,330**

COSTS:

- 1) Postage: **\$116.13** for letters send to rental owners
- 2) Workload of Admin Asst: Spreadsheet (3hrs); Generate letters/bills (16hrs); questions and rebilling (5 hrs); generating permits (18 hours); if necessary, scheduling (10hrs+) = ~52 hrs X \$18.97 = **~\$1000**
- 3) Inspection costs per year: (1150 units/every other year = 575 units per year). Must have 1 Fire Dept and 1 from Building Inspections.
575 annual inspections at 20 min/unit = ~192 hours OR 575 annual inspections at 30 min/unit = ~287 hours
- 4) 192 hours X \$75/hr for InDepth = **\$14,400** OR 287 hours X \$75/hr = **\$21,525 (If they inspect 60% to 75% = \$9000 to \$16,144)**
- 5) 192 hrs or 287 hrs X Fire Dept wages for joining InDepth = ?

*****Not beneficial for the Building Inspections to enforce and conduct inspections. It is either a WASH or costs the Dept.

Request for Council Action

Date: May 24, 2016

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: Approve the Special Use Permit (SUP) and Lease for the Verizon Wireless cell tower proposal on city property

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval of the Special Use Permit subject to the conditions listed in the city code and with the following additional condition:

- 1) A lease must be negotiated and granted before the SUP permit is issued and mailed to Verizon.

GENERAL INFORMATION:

APPLICANTS/PROPERTY OWNERS: Verizon Wireless, Applicant and City of East Grand Forks, property owners

REQUESTED ACTION: Applicant is requesting approval of a Special Use Permit for a cell tower and equipment shelter between the quonset and the VFW Arena at O'Leary Park.

SITE ZONING/LAND USE: R-1 is the current zoning,

SURROUNDING ZONING/LAND USE:

North: Flood Control Project and Greenway

West: R-1 zoning, South Fire Station

South: R-1 zoning, part of O'Leary Park and single family homes

East: R-1 zoning, single family homes

GENERAL COMMENTS:

As you recall, we had received a request from Verizon Wireless in October of 2014 to place a monopole cell tower in the south end of East Grand Forks. They were looking to construct a monopole cell tower and equipment shelter on City property near the VFW arena (DNR shed). A sketch plan of the location is available on file. Verizon had proposed to erect a 65' cellular tower with an 11.5' X 29.5' equipment shelter near the shed/fire station. They stated that this facility would fill a void in wireless services caused by a lack of capacity to handle the increasing data usage of Verizon customers. At a past Council meeting, it was determined that the tower was not allowed at the site because of zoning requirements (not allowed in residential) and they were going to look near the Public Works facility (zoned Industrial).

Verizon did look at this public works site; but since this discussion, our zoning ordinance has been amended to allow for monopole towers within park or institutional property in residential districts. They have prepared propagation studies for each site (Public Works site and VFW site) and have decided that the VFW site is the best site to provide optimal coverage. I will have these propagation studies available for your review at the work session.

Verizon is now asking you to decide if you are willing to allow them to construct a monopole tower at the VFW site instead of the Public Works site. Verizon staff will be at the Planning Commission meeting to answer any questions you may have regarding the studies or locations. The Planning Commission also has the ability to request that the City hire an independent cell tower consultant, at Verizon's expense, to review the studies and ask questions on the City's behalf. If you decide to forward an approval recommendation to the City Council, the City Council must also approve and lease the property to Verizon. Lease paperwork and lease payment negotiations must begin before the SUP permit is issued.

SPECIAL USE PERMIT PROCESS:

Within City Code is a section that lists "Criteria For Granting Special Use Permits". This section states that the applicant must show that standards and criteria in Chapter 10 will be satisfied. These standards and criteria shall include both general requirements for all special uses and, insofar as practicable, requirements specific to each designated special use. In granting a special use permit, the city council shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the planning commission and city council shall make the following findings where applicable:

1. The use will not create an excessive burden on public facilities and utilities, which serve or are proposed to serve the area.
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent land uses so that there will be no deterrence to the use or development of adjacent land and uses.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
4. The use is consistent with the purposes of Chapter 10, and the purposes of the zoning district in which the applicant intends to locate the proposed use.
5. The use is not in conflict with the East Grand Forks Land Use Plan.
6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

In permitting a new special use permit or alteration upon review of an existing special use permit, the planning commission may recommend, and the city council may impose, in addition to these standards and requirements expressly specified by this Chapter, additional conditions which the planning commission or city council considers necessary to protect the interests of the surrounding area or the City as a whole.

SITE PLAN COMMENTS:

In addition to the Special Use Permit requirements, there are Wireless Communications Towers and Antennae regulations within the Zoning Ordinance. The following regulations deal with this type of tower:

- 1) Wireless communication antennas shall not exceed thirty (30) feet above the maximum building height as per zoning district regulations. The R-1 zoning district has a maximum height requirement of 35 feet above grade, and therefore, the maximum height the tower can be is 65 feet. *It meets this requirement.*
- 2) Wireless communication antenna and /or tower design shall utilize colors and materials that effectively reduce their visual impact. *This will be silver in color. Not sure if this is the color the City would want.*
- 3) A landscaped bufferyard of not less than 15 feet in depth shall be placed around the entire perimeter of the wireless communication facility being utilized for commercial purposes. *A landscaping plan with listed plantings must be submitted for review.*
- 4) The tower and equipment shelter must have sufficient structural capacity to accommodate 3 users. *Need this information confirmed by Verizon Wireless with an affidavit that the tower will be made available to future users when technically possible.*
- 5) Prior to receiving a permit, all applicable licenses, including FCC and FAA licenses needed to construct the tower at the proposed site, shall be submitted to the Community Development Office.
- 6) A feasibility report must be submitted as to why this is a good location, meets requirements, cannot be placed in another location.

Request for Council Action

Date: May 24th, 2016

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, Transit Manager

RE: Approve the 2016 Update to the Transit Title VI Plan and LEP Plan

RECOMMENDATION:

Staff recommends approval of the proposed Title VI Plan

BACKGROUND:

In accordance with Title VI of the Civil Rights Act of 1964, recipients of federal financial assistance must not discriminate in the level and quality of transportation services and transit-related benefits on the basis of race, color, or national origin. Special emphasis is placed on persons with Limited English Proficiency (LEP), as different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. The City of East Grand Forks and Cities Area Transit (CAT) are required to submit a Title VI and LEP Plan to the Federal Transit Administration (FTA) every three years. Staff recommends approval of the 2016 Update of the CAT Title VI & LEP Plan, subject to FTA review and approval.

ANALYSIS & FINDINGS OF FACT:

Recipients of FTA funding must include the following in their Title VI Plan:

1. **Title VI notice to the public and list of locations where the notice is posted**
CAT posts a notice that indicates compliance with Title VI and informs the public of their protections against discrimination at the City Bus Garage, Metro Transit Center, Grand Forks City Hall, UND Memorial Union, East Grand Forks City Hall, Northland Community & Technical College, and on-board all transit vehicles. The notice instructs persons who believe they have been discriminated against to contact CAT or the FTA. The notice also instructs persons needing language assistance to contact CAT.

2. **Notice to the public regarding Title VI discrimination complaint procedures**
CAT provides instructions on how to file a Title VI discrimination complaint on its website. CAT provides a Title VI complaint form, which must be filed within 180 calendar days of the alleged occurrence. Complainants may also file Title VI complaints with the FTA.
3. **List of any public transportation-related Title VI investigations, complaints, or lawsuits**
CAT has not had any transportation-related Title VI investigations, complaints, or lawsuits filed since the last plan submission.
4. **Public participation plan and outreach efforts**
CAT has a Mobility Manager to perform outreach activities for public transit users, including monthly bus familiarization trainings for new Americans. CAT has also entered in to a Memorandum of Understanding with the Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO) to follow the MPO's Public Participation Plan for transit fare and service changes.
5. **Limited English Proficiency Plan**
According to the U.S. Census Bureau, about 2.29% of the total population (1,279 persons) in Grand Forks, ND and East Grand Forks, MN are considered limited English proficient (LEP). This is a 29% increase from 989 LEP persons in 2010.

CAT assesses the frequency with which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. Contact with LEP persons has increased in recent years as many new Americans are utilizing CAT's public transportation services.

The Grand Forks community resettles about 90 refugees per year, most of whom speak Nepalese or Somali. CAT's public transportation services are very important to the new American community, as they rely heavily on public transit during their first year in the community. Through New American Services and Global Friends Coalition representatives who serve on the Human Services Coordinated Transportation Committee, CAT has learned a great deal about the importance of reliable transportation to and from English language classes for new Americans.

New American Services and other groups, such as Global Friends Coalition, provide bus skills training and teach new Americans how to purchase a bus pass, pay their fare, request a transfer on-board a CAT bus, etc. CAT's Mobility Manager also provides bus familiarization training once per month with the help of New American Services interpreters. The training goes over how to follow the bus map and schedule, hours of operation, fare payment, and more. This is also an opportunity to address issues that drivers encounter with LEP persons on the bus, such as understanding the rules for fare payment and the bike and bus program.

CAT continues to work closely with New American Services and Global Friends Coalition to assist LEP persons. Additional outreach measures that CAT is considering for the future

include translation of vital documents and on-vehicle announcements in to Nepalese and/or Somali and partnering with the University of North Dakota Multicultural Student Services and Northland Community & Technical College to provide bus familiarization training.

SUPPORTING MATERIALS:

Cities Area Transit Title VI Plan (2016 Update) in on file at the Planning/Transit Office

RESOLUTION NO. 16 – 06 - XX

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

WHEREAS, In accordance with Title VI of the Civil Rights Act of 1964, recipients of federal financial assistance must not discriminate in the level and quality of transportation services and transit-related benefits on the basis of race, color, or national origin; and,

WHEREAS, Special emphasis is placed on persons with Limited English Proficiency (LEP), as different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination; and,

WHEREAS, Both the City of East Grand Forks and Cities Area Transit (CAT) are required to submit a Title VI and LEP Plan to the Federal Transit Administration (FTA) every three years; and,

WHEREAS, Recipients of FTA funding must include the following in their Title VI Plan: 1) Title VI notice to the public and list of locations where the notice is posted; 2) Notice to the public regarding Title VI discrimination complaint procedures; 3) List of any public transportation-related Title VI investigations, complaints, or lawsuits; 4) Public participation plan and outreach efforts; and 5) Limited English Proficiency Plan;

NOW THEREFORE, BE IT RESOLVED that the City of East Grand Forks does hereby approves the 2016 Update of the CAT Title VI & LEP Plan, subject to FTA review and approval.

Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed.

Passed: June 7, 2016

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 7th of June, 2016.

Mayor