

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, JUNE 7, 2016 – 5:00 PM**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for June 7, 2016 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 Vice-President Chad Grassel, Council Members Clarence Vetter, Mike Pokrzywinski, Craig Buckalew, Henry Tweten, and Marc DeMers.

Mark Dragich, Interim Parks & Recreation Director; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; David Murphy, City Administrator/Clerk-Treasurer; Megan Nelson, Executive Assistant; Jason Stordahl, Public Works Director; and Corey Thompson, IT Manager.

DETERMINATION OF A 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.”

APPROVAL OF MINUTES:

1. Consider approving the minutes and summary of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of May 17, 2016.
2. Consider approving the minutes of the “Special Session” for the East Grand Forks, Minnesota City Council of May 24, 2016.
3. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of May 24, 2016.

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

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

Voting Nay: None.

SCHEDULED PUBLIC HEARINGS:

4. Administrative Hearing regarding the three day liquor license suspension for the VFW Post 3817.

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

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

Voting Nay: None.

Mr. Murphy stated there were representatives from the VFW to speak on the issue. Mr. Frank Ringstad came forward, stated he was the Chairman for the East Grand Forks VFW and that he lives at 1004 11th Ave SE. He explained that they were not in compliance since a bartender had served a minor, that they were not disputing that it happened, and that he would like to bring the Council up-to-date on what actions they have taken since then. He stated that a police officer came in and had an alcohol training session with all of the employees and that they wished they had done that after the first offense. He said they have never gotten to this point before and were concerned about upcoming events such as weddings which they do not want the suspension to interfere with. He asked if they were able to have input on when they would have to closed down. He added how they have already paid the \$500 fine and that he would leave it there for any questions the Council may have.

Mayor Stauss commented how the VFW has been in operation for over 70 years; that there have been very few violations and that he thinks these checks are like entrapment when bringing in someone underage. He said he would like to help the VFW, how most people plan a year in advance for a wedding reception, and how important the business is for the VFW. Council member Pokrzywinski asked if the ordinance addressed when the suspension is imposed. Mr. Galstad said the Council has the discretion on when the suspension would take place. He added the Council could work with them on a time frame as well as what days the suspension would be enforced. Council member Pokrzywinski asked if the three days had to be served consecutively. Mr. Galstad said he didn't believe the days would have to be served consecutively. Council member Pokrzywinski said he didn't want to be overly punitive and he objects to the term on entrapment. He added how this is enforcement of a very important issue.

Mr. Murphy said the ordinance just said three days and did not specify that they had to be consecutive days so the City could work with the VFW on when the suspension would take place. Mr. Ringstad commented how they also have the restaurant and gaming areas and asked if the suspension was only on the bar or on the entire business. Mr. Galstad stated the suspension would only be on alcohol and the other two areas could remain open during the suspension days.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO CLOSE THE ADMINISTRATIVE HEARING.

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

Voting Nay: None.

Mr. Ringstad apologized to the Council because they had to take time for this and that they will do everything on their end to make sure this doesn't happen again.

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 approving the Fireworks/Pyrotechnic Special Effects Permit for the Grand Forks Sertoma Club on July 4, 2016 beginning at approximately 10:30pm until 10:50pm.
6. Consider approving the Special Event Application for Sacred Heart for a 5K Color Run event for August 13, 2016 contingent upon approval from the MNDOT.
7. Consider approving the Temporary Liquor License Application for the Eagles Club 350 for an event at Hugo's #5 on June 16, 2016.
8. Consider approving the expenditures for broadcast equipment and authorize the broadcasting of public meetings.
9. Consider adopting Resolution No. 16-06-51 approving the update of the CAT Title VI & LEP Plan which is subject to FTA review and approval.
10. Consider approving the purchase of five Dell Latitude 14 Rugged computers for the Police Department squad cars for the amount of \$9,210.45.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE ITEMS FIVE (5) THROUGH TEN (10).

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

Voting Nay: None.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

11. Regular meeting minutes of the Water, Light, Power, and Building Commission for May 5, 2016 and May 19, 2016.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

12. Consider taking action in regards to the three day suspension of the VFW liquor license.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO ENFORCE A THREE DAY SUSPENSION ON THE VFW LIQUOR LICENSE.

Chief Hedlund said regarding the potential suspensions for both the VFW and Northdale Oil or Tesoro he would like Council to consider the RCA that he had submitted. He explained that both he and the Administration Office had been reworking the matrix regarding the alcohol compliance failures. He said it softens the punitiveness of the initial violations but also spreads out the time frame for when failures occur. He explained how no suspension jumping up to a three day suspension was overly punitive in his opinion and that a one day suspension was more appropriate. He stated that the Council had previously dismissed a three day suspension altogether. He added he was recommending a one day suspension for both businesses, that this would follow what was going to be recommended in the updated ordinance, and how the recommendation for updating the ordinance will be coming forward soon. He stated that he would also be working with them on when the suspension would be taking place and asked for questions.

Council member Vetter said he was willing to look at the ordinance and make changes to it. He asked Chief Hedlund if undercover officers are ever posted to try and catch those underage for drinking or trying to buy and prosecuting them. Chief Hedlund said they hadn't in recent years because it was usually done with grant funding only. He added he would be open to doing that, how he had been a part of that process when he was an officer in Grand Forks, that hopefully the businesses would be open to working with the police department, and at this time he is unaware of any grants available for this. He stated if Council approves the overtime they could do something like this.

Council Pokrzywinski asked if there were any arrests when the police worked undercover in establishments in Grand Forks. Chief Hedlund said it was rare for them not to make an arrest. Council Vice-President Grassel asked if the Council had the power to rescind the motion to a one day suspension. Mr. Galstad stated the Council could modify the motion and gave options for the Council to consider. Council member DeMers stated he concurs with the idea to work on the ordinance but didn't believe the Council should make a decision based on what the future ordinance may be. He added how the Council should be consistent and follow the ordinance which calls for a minimum of a three day suspension. Council President Olstad asked if there was any more discussion on the motion. Mr. Galstad said the Council could take it under advisement and then come back with a recommendation. He added that the Council could enforce a one day served suspension with two days suspended pending on compliance in a 12 month period which still follows the ordinance with a three day suspension.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER BUCKALEW, TO AMEND THE MOTION TO A THREE DAY SUSPENSION ON THE VFW LIQUOR LICENSE WITH ONE DAY SERVED AND TWO DAYS SUSPENDED CONTINGENT UPON NO OTHER OFFENSES FOR A PERIOD OF 12 MONTHS.

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

Voting Nay: DeMers, Vetter, and Pokrzywinski.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO ENFORCE A THREE DAY SUSPENSION ON THE VFW LIQUOR LICENSE WITH ONE DAY SERVED AND TWO DAYS SUSPENDED CONTINGENT UPON NO OTHER OFFENSES FOR A PERIOD OF 12 MONTHS.

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

Voting Nay: Vetter.

Mayor Stauss asked what the offenders who enter the establishments get charged. Mr. Galstad stated that in this case there isn't an offender since they are following the State statutes however a lot of times the establishments have called in a minor or confiscated the id used by a minor who can be picked up and prosecuted.

13. Consider taking action in regards to the three day suspension of the Northdale Oil liquor license.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ENFORCE A THREE DAY SUSPENSION ON THE NORTHDAL OIL LIQUOR LICENSE WITH ONE DAY SERVED AND TWO DAYS SUSPENDED CONTINGENT UPON NO OTHER OFFENSES FOR A PERIOD OF 12 MONTHS.

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

Voting Nay: None.

14. Consider approving the application for On-sale Weekday and Sunday Intoxicating Liquor License for JDM, LLC doing business as The Boardwalk to be located at 415 2nd St NW Suite 2 East Grand Forks, MN 56721.

Council President Olstad stated that the City Attorney requested having this item tabled due to not having ample time to provide the Council with a report of findings. He stated item 14 was to consider approving the application for On-sale Weekday and Sunday Intoxicating Liquor License for JDM, LLC doing business as The Boardwalk to be located at 415 2nd St NW Suite 2 East Grand Forks, MN 56721.

15. Consider adopting Resolution No. 16-06-56 authorizing the Police Department to enter into a grant agreement with the Minnesota Department of Public Safety for traffic safety projects.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT RESOLUTION NO. 16-06-56 AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR TRAFFIC SAFETY PROJECTS.

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

Voting Nay: None.

16. Consider approving the contract between the City of East Grand Forks and Coca Cola for the next 10 years which includes a total contract payment of \$50,000.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE CONTRACT BETWEEN THE CITY OF EAST GRAND FORKS AND COCA COLA FOR THE NEXT 10 YEARS WHICH INCLUDES A TOTAL CONTRACT PAYMENT OF \$50,000.

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

Voting Nay: None.

Mr. Gerard Neil asked to address the Council. Council President Olstad stated that the Chair did not recognize Mr. Neil.

17. Consider approving the lease agreement between the City of East Grand Forks and Verizon Wireless for the rental of city property.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND VERIZON WIRELESS FOR THE RENTAL OF CITY PROPERTY.

Mr. Galstad informed the Council that he had presented a draft of the agreement to Mr. Buell. He said there was discussion on the amount that was to be charged. Council President Olstad asked if the Council should even be taking action on this item. Mr. Galstad stated that if the agreement is in a form that the Council would like they could take action otherwise he suggested sending this back to a work session to discuss terms because the only objection they had was on the monthly amount. Council member DeMers said it was his opinion that if they aren't willing to move up the spot should be split for a second user. He added that there needs to be a utility easement included in this area for the storm sewer. Mr. Galstad stated he was referring to the terms of the lease agreement and he will ask for clarification on the map and survey to make sure they are accurate and in compliance with the requirements from the Army Corps of Engineers.

Council President Olstad stated that this item will be tabled until a further date.

18. Consider approving the Special Use Permit for Verizon Wireless subject to the conditions listed in the city code and those listed on the RCA.

Council President Olstad asked if this item also needed to be tabled. Ms. Ellis stated she would prefer for the Council to act on this item if they are still interested in having the tower placed in this area under the condition that the lease is signed by both parties. She added this was getting close to the 60 day time frame and if it goes over it would automatically be approved without the condition.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE THE SPECIAL USE PERMIT FOR VERIZON WIRELESS SUBJECT TO THE CONDITIONS LISTED IN THE CITY CODE AND THOSE LISTED ON THE RCA INCLUDING THE LEASE AGREEMENT BEING SIGNED BY BOTH PARTIES.

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

Voting Nay: None.

19. Consider adopting Resolution No. 16-06-52 accepting and awarding the 2016 Assessment Job No. 1 – Street & Bikepath Improvements to _____ for the amount of _____.

Mr. Emery informed the Council that bids had been opened and that they had received three bids which were made up of five proposals which the Council had the ability to award any combination of the five proposals. He reviewed what each proposal was, the engineer's estimate, and what the lowest bid was

for each proposal. He said the total engineer's estimate was 1.2 million dollars Strata overall had the lowest bid at \$1,042,000. He stated the information on the RCA explained what portions of the project would be assessed and what projects would be funded by the City, storm water, greenway, or State Aid funds. He also informed the Council that the prices per foot dropped for both the seal coat and mill and overlay portions of the project. He told the Council it was up to them on what to award and that they are recommending awarding all five proposals to Strata Corporation in the amount of \$1,042,350.75.

Council member DeMers asked if they were able to award proposals to different contractors. Mr. Emery said no and that the Council could award any proposals to the same contractor. Council member Vetter asked how long the driveway to the lift station was going to be. Mr. Emery stated it was about 200 feet long. Council member Buckalew asked if the seal coat will be the same product the City had received the year before. Mr. Emery said it would be and the same subcontractor that will be applying the seal coat so it would be.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT RESOLUTION NO. 16-06-52 ACCEPTING AND AWARDING ALL FIVE PROPOSALS FOR THE 2016 ASSESSMENT JOB NO. 1 – STREET & BIKEPATH IMPROVEMENTS TO STRATA FOR THE AMOUNT OF \$1,042,350.75.

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

Voting Nay: None.

20. Consider adopting Resolution No. 16-06-53 approving the issuance of solid waste disposal revenue bonds.

A MOTION WAS MADE BY COUNCIL MEMBER BUCKALEW, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT RESOLUTION NO. 16-06-53 APPROVING THE ISSUANCE OF SOLID WASTE DISPOSAL REVENUE BONDS.

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

Voting Nay: None.

21. Consider adopting Resolution No. 16-06-54 authorizing the transfers for budgeted year 2015.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADOPT RESOLUTION NO. 16-06-54 AUTHORIZING THE TRANSFERS FOR BUDGETED YEAR 2015.

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

Voting Nay: None.

CLAIMS:

22. Consider adopting Resolution No. 16-06-55 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 24223 for a total of \$1,653.11 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT RESOLUTION NO. 16-06-55 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 24223 FOR A TOTAL OF \$1,653.11 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None.

Abstain: Buckalew.

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

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

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Stauss commented that he was bewildered to how quickly an item was tabled and added that if someone is there to address the Council they should be heard.

Council Member DeMers asked to have better screens and mice in Council Chambers.

Mr. Murphy stated he was glad to be back after a week of vacation.

Mr. Dragich told the Council the pool was filled with water, they were hoping to be open on Friday, and that a grand re-opening was being planned in about a week or so once everything was up and operating smoothly.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE JUNE 7, 2016 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:43 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer