

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, OCTOBER 18, 2016 – 5:00 PM**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for October 18, 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, Henry Tweten, and Marc DeMers.

Karla Anderson, Finance Director; Dan Boyce, Water & Light Manager; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Charlotte Helgeson, Library Director; Reid Huttunen, Parks and Recreation Superintendent; Gary Larson, Fire Chief; David Murphy, City Administrator/Clerk-Treasurer; Keith Mykleseth, Water & Light Manager; Megan Nelson, Executive Assistant; and Jason Stordahl, Public Works Director.

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.”

Representative Kiel told the Council that she was running for a 4th term in the legislature. She commented how she along with the City was disappointed with the bills that hadn't passed and how much work had gone into them. She reviewed some of the issues that were taking place with MNSURE and that she was hopeful to still get the tax and bonding bills passed since there was talk about a possible special session again. She then reviewed the items that were approved such as getting more money into education without requiring mandates as well as work with MNSCU which includes Northland that helps benefit high school students. She stated that if any of the Council has questions or concerns they can contact her and she thanked them for their time.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of October 4, 2016.

2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of October 11, 2016.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE ITEMS ONE (1) AND TWO (2).

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

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

3. Public Hearing regarding the special assessments for 2016 Assessment Job No. 2 – Paving and Sidewalk Construction in the Riverview 10th Addition for a total assessment of \$344,176.11.

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

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

Mr. Emery stated that this was the final hearing for the concrete paving and sidewalk construction that was done in the Riverview 10th Addition. He reviewed the costs and that they were payable in a 20 year time frame if not prepaid before they were assessed. He said he would be able to answer any questions.

Mr. Seth Perdew, 114 Riverview Lane SE, said he had two concerns and asked who inspected the project because it was not completed. He stated the cuts were made in the concrete but never sealed which could have long term affects. Mr. Emery stated that they are aware of that, that they had inspected the project, it is something the contractor will be completing but there has been too much water to do so at this point. Mr. Perdew stated that his neighbor’s sump pump drain has been spraying water so that is something they may also need to check on. He continued saying that he would like to talk about the sidewalk policy. He explained how the sidewalk stops in the middle of nowhere and doesn’t serve a purpose. He stated how it seems ridiculous there isn’t sidewalk on 20th and that the sidewalks in the Riverview 10th addition are not currently ADA compliant. He asked the Council to review the sidewalk policy. Mr. Emery stated how they heard some of these same comments during the improvement hearing and it would be his recommendation that if residents would like sidewalks to bring in a petition for the Council to consider.

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

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

Voting Nay: None.
Absent: Buckalew.

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.

4. Consider adopting Resolution No. 16-10-98 filing the assessment roll and setting the final hearing for 2016 Assessment Job No. 1 – Street Improvements for November 15, 2016.
5. Consider adopting Resolution No. 16-10-99 approving the summary of the City Administrator’s performance evaluation.
6. Consider approving the lease agreement between the City of East Grand Forks and Butler Machine for the lease of a motor grader for \$2,370 per month plus \$75 per hour for the 2016-2017 winter season.
7. Consider adopting Resolution No. 16-10-100 approving the promotion of Ms. Terry Knudson to Human Resource Generalist, place her on Grade 14 Step 5, and retroactively compensate her from January 1, 2016 at Grade 14 Step 5.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE ITEMS FOUR (4) THROUGH SEVEN (7).

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

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

8. Regular minutes of the Water, Lights, Power, and Building Commission for September 15, 2016.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

9. Consider adopting Resolution No. 16-10-101 adopting assessment roll #337 for 2016 Assessment Job No. 2 – Paving and Sidewalk Construction – Riverview 10th Addition for a total assessment of \$344,176.11.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 16-10-101 ADOPTING ASSESSMENT ROLL #337 FOR 2016 ASSESSMENT JOB NO. 2 – PAVING AND SIDEWALK CONSTRUCTION – RIVERVIEW 10TH ADDITION FOR A TOTAL ASSESSMENT OF \$344,176.11.

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

10. Consider approving the change order for 2 inch digital sensor and valve at the swimming pool for a cost of \$3,507.00 and sending the bill to EAPC for payment.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE THE CHANGE ORDER FOR 2 INCH DIGITAL SENSOR AND VALVE AT THE SWIMMING POOL FOR A COST OF \$3,507.00 AND SENDING THE BILL TO EAPC FOR PAYMENT.

Council member Tweten stated that the City ended up with the finest swimming pool, it is unfair to say the engineers need to pay for this, they have done an outstanding job, and that he will vote no on this. Council member DeMers commented that the Council paid for the services of a consulting engineer, that the City shouldn't have to pay for something twice, and that the Council has done this in the past. Council Vice-President Grassel stated he agrees the City has the nicest swimming pool and that he also agrees the City has gone through numerous change orders on this project. He said he was in agreement with sending the engineers the bill.

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

11. Consider approving the placement of a loading zone sign with no parking during the hours of 8:30am-10:00am and 2:00pm-4:30pm to be placed on a 2nd St NW.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE THE PLACEMENT OF A LOADING ZONE SIGN WITH NO PARKING DURING THE HOURS OF 8:30AM-10:00AM AND 2:00PM-4:30PM TO BE PLACED ON A 2ND ST NW.

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

12. Consider adopting Resolution No. 16-10-102 approving the denial of the variance application for the property located at 606 21st St NW.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO ADOPT RESOLUTION NO. 16-10-102 APPROVING THE DENIAL OF THE VARIANCE APPLICATION FOR THE PROPERTY LOCATED AT 606 21ST ST NW.

Council member Vetter stated that he had met with Mr. Roger Scheving and that he didn't have a chance to address Planning and Zoning. He said it was his stance that this item should go back to Planning and

Zoning so the issues can be addressed there and then have it brought back to the Council to vote on. Ms. Ellis informed the Council that notices were sent out pursuant to statute which means it was sent to the property owner because they were the ones listed on the application. She stated that Mr. Roger Scheving is not the property owner or listed on the permit. She added that this item could be brought back to the Planning Commission or that he could address the Council at the meeting. Discussion followed about the time frame and the appeal process if this was denied.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO REFER THIS ITEM BACK TO THE PLANNING COMMISSION.

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

Voting Nay: Tweten.

Absent: Buckalew.

13. Consider adopting Resolution No. 16-10-103 amending the 2045 Land Use Plan and approving the change from commercial designation to residential designation for 3.6 acres of Pesch property north of Greenway Boulevard and west of Bygland Road.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 16-10-103 AMENDING THE 2045 LAND USE PLAN AND APPROVING THE CHANGE FROM COMMERCIAL DESIGNATION TO RESIDENTIAL DESIGNATION FOR 3.6 ACRES OF PESCH PROPERTY NORTH OF GREENWAY BOULEVARD AND WEST OF BYGLAND ROAD.

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

Voting Nay: None.

Absent: Buckalew.

14. Consider adopting Resolution No. 16-10-104 approving the rezone of the Pesch property from C-2 or Highway Commercial to PUD or Planned Unit Development.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 16-10-104 APPROVING THE REZONE OF THE PESCH PROPERTY FROM C-2 OR HIGHWAY COMMERCIAL TO PUD OR PLANNED UNIT DEVELOPMENT.

Ms. Ellis asked if there were any questions. There were none.

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

Voting Nay: None.

15. Consider approving the Final Plat of Emerson Estates Addition along with the following conditions of submitting a digital file to the planning office, minor text changes on the plat, access control line along Greenway Boulevard with the exception of the shared driveway to the north Lots 7 and 8 and Block 2 Lot 1 on the south side of Greenway Boulevard, and a possible easement for a storm water

line to retention area and utilities.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE THE FINAL PLAT OF EMERSON ESTATES ADDITION ALONG WITH THE FOLLOWING CONDITIONS OF SUBMITTING A DIGITAL FILE TO THE PLANNING OFFICE, MINOR TEXT CHANGES ON THE PLAT, ACCESS CONTROL LINE ALONG GREENWAY BOULEVARD WITH THE EXCEPTION OF THE SHARED DRIVEWAY TO THE NORTH LOTS 7 AND 8 AND BLOCK 2 LOT 1 ON THE SOUTH SIDE OF GREENWAY BOULEVARD, AND A POSSIBLE EASEMENT FOR A STORM WATER LINE TO RETENTION AREA AND UTILITIES.

Ms. Ellis informed the Council that the retentions ponds would be constructed by the contractor but then turned over to the City and that there are ongoing discussions regarding utilities. Discussion followed about if and where easements would be located and concerns about additional access onto Greenway Boulevard. Ms. Ellis explained that the access would be located more than 120 feet from the intersection, that it would be common access for some of the properties, and having a commercial use at this location would have more traffic than twin homes. Council member Pokrzywinski asked if this conforms to City standards. Ms. Ellis said it did. Discussion followed about the possibility of a round-a-bout put in at this location, if there would be issues with the access points with a round-a-bout, and because of the locations of the right-of-ways it is difficult to develop this area. Council member Pokrzywinski asked if the Planning Commission recommended the approval. Ms. Ellis said they did.

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

Voting Nay: DeMers.

Absent: Buckalew.

16. Consider approving the Emerson Estates PUD Concept Development Plan along with the following conditions of listing the minimum setback requirements for possible buildings, fences, accessory structures, show architectural elevations wanted and list minimum square footage requirements for twinhomes, statement that restrictive covenants or townhome association rules will be placed on the development should be listed in the Notes portion of the development data, and show development data for any landscaping, sheds, screening, and/or fences on the PUD plan.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE EMERSON ESTATES PUD CONCEPT DEVELOPMENT PLAN ALONG WITH THE FOLLOWING CONDITIONS OF LISTING THE MINIMUM SETBACK REQUIREMENTS FOR POSSIBLE BUILDINGS, FENCES, ACCESSORY STRUCTURES, SHOW ARCHITECTURAL ELEVATIONS WANTED AND LIST MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR TWINHOMES, STATEMENT THAT RESTRICTIVE COVENANTS OR TOWNHOME ASSOCIATION RULES WILL BE PLACED ON THE DEVELOPMENT SHOULD BE LISTED IN THE NOTES PORTION OF THE DEVELOPMENT DATA, AND SHOW DEVELOPMENT DATA FOR ANY LANDSCAPING, SHEDS, SCREENING, AND/OR FENCES ON THE PUD PLAN.

Ms. Ellis stated that since this has been handed in there are things that can be removed listing minimum setback requirements for possible buildings, fences, accessory structures, show architectural elevations

wanted and list minimum square footage requirements for twinhomes because they are now included. She added that if there are restrictive covenants that they will be noted and if they want any trees planted, sheds, screening, and/or fences it needs to be in before the plat is approved. She stated the City can't enforce restrictive covenants but if it is listed in a PUD Plan it can be enforced and to be changed they have to request to amend the PUD. She added they could follow the city ordinance but if something special required to include it on the PUD plan. Council President Olstad asked Council members DeMers and Tweten if they were okay amending the motion to what Ms. Ellis had stated. They both said yes.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE EMERSON ESTATES PUD CONCEPT DEVELOPMENT PLAN ALONG WITH THE FOLLOWING STATEMENT THAT IF RESTRICTIVE CONVENANTS OR TOWNHOME ASSOCIATION RULES WILL BE PLACED ON THE DEVELOPMENT SHOULD BE LISTED IN THE NOTES PORTION OF THE DEVELOPMENT DATA, AND SHOW DEVELOPMENT DATA FOR ANY LANDSCAPING, SHEDS, SCREENING, AND/OR FENCES ON THE PUD PLAN.

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

Voting Nay: None.

Absent: Buckalew.

CLAIMS:

17. Consider adopting Resolution No. 16-10-105 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 25174 for a total of \$1,021.15 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. 16-10-105 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 25174 FOR A TOTAL OF \$1,021.15 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None.

Absent: Buckalew.

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

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

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

Voting Nay: None.
Absent: Buckalew.

COUNCIL/STAFF REPORTS:

Council Member Tweten informed the Council that he had an article from Time Magazine regarding big challenges with infrastructure that he would like to share with the Council.

Mr. Murphy thanked Ms. Jewett for her time as a reporter covering the City.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADJOURN THE OCTOBER 18, 2016 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:53 P.M.

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

David Murphy, City Administrator/Clerk-Treasurer