

**APPROVED
MINUTES
OF THE
EAST GRAND FORKS
CITY COUNCIL
Tuesday, April 21, 2009 – 5:00 PM**

CALL TO ORDER:

The Regular Meeting of the East Grand Forks City Council for April 21, 2009 was called to order by Council President Dick Grassel at 5:02 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 Dick Grassel, Council Vice President Henry Tweten, Council Member Marc Demers, Craig Buckalew, Wayne Gregoire, Mike Pokrzywinski, and Greg Leigh.

STAFF PRESENT:

Scott Huizenga, City Administrator; Michelle French, Executive Assistant; Ron Galstad, City Attorney; Greg Boppre, City Engineer; Dave Aker, Parks & Rec Superintendent; Nancy Ellis, Planning & Zoning; Earl Haugen, Planning & Zoning; Charlotte Helgeson, Library Director; John Wachter, Public Works Superintendent; and Dan Boyce, Water & Light 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 of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of April 7, 2009.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE “REGULAR MEETING” FOR THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL OF APRIL 7, 2009.

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Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.
Voting Nay: None.

2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of April 14, 2009.

A MOTION WAS MADE BY COUNCIL MEMBER GREGOIRE, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE THE “WORK SESSION” FOR THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL OF APRIL 14, 2009.

Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.
Voting Nay: None.

SCHEDULED BID LETTINGS:

3. Consider approving the request to award the bid for sand and gravel to K&K Trucking, Inc for a total bid price of gravel of \$7.20 per ton and sand of \$7.15 per ton.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE REQUEST TO AWARD THE BID FOR SAND AND GRAVEL TO K&K TRUCKING, INC FOR A TOTAL BID PRICE OF GRAVEL OF \$7.20 PER TON AND SAND OF \$7.15 PER TON.

Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.
Voting Nay: None.

SCHEDULED PUBLIC HEARINGS:

4. Public Hearing for “2009 Assessment Job No. 3 - Paving” – Peabody 1st Addition/Greenway 1st Addition.

Mr. Boppre gave a brief history on the project and stated that he received a petition and did a report of feasibility. Mr. Boppre went through the costs and stated that the assessment would be for 15 years at 6.5% interest. Mr. Neil, Attorney to represent Mr. Peabody, stated that he had several objections on how the assessments were calculated. Mr. Boppre went through the City policy. Council President Grassel announced that on February 22, 2008, Mr. Peabody agreed to the project for 2009. Mr. Neil asked the City Council to postpone the public hearing for two weeks to prepare. Council Member Leigh stated that the economy hasn't really changed and the City Council should postpone the hearing for two weeks. Council Member DeMers asked Mr. Neil, “Who should pay the assessment if you disagree with the policy?” Mr. Boppre stated that the city can proceed with the project or scratch the project until the policy is changed, you cannot defer assessments. Mr. Peabody informed City Council that the issue is how you assess 13th.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO CLOSE THE PUBLIC HEARING FOR “2009 ASSESSMENT JOB NO. 3 - PAVING” – PEABODY 1ST ADDITION/GREENWAY 1ST ADDITION.

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Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.
Voting Nay: None.

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 chose.

5. Consider approving the request to a Special Event for a motorcycle run beginning at 8:00 a.m. and ending at 5:00 p.m. on June 6, 2009 with a rain date June 13, 2009.
6. Consider approving the application for a temporary on-sale liquor license for Sacred Heart Catholic Community for April 25, 2009 to be held at Sacred Heart School, 200 3rd St. NW, East Grand Forks, MN 56721.
7. Consider approving the application for the Byrne JAG Grant where the East Grand Forks Police Department has been designated to receive \$12,231.00.
8. Consider approving the Board & Commission appointment of Greg Leigh to the Grand Forks/East Grand Forks Metropolitan Planning Organization for a two year term beginning 1/1/09 through 12/31/11.
9. Consider adopting Resolution No. 09-04-29 a resolution approving of the issuance of solid waste disposal revenue refunding bonds (American Crystal Sugar Company Project) series 2009.
10. Consider adopting Resolution No. 09-04-30 a resolution declaring that the City of East Grand Forks act as the legal sponsor for an application for the FY 2009/2010 funding to the State of Minnesota Department of Natural Resources for the trail maintenance of snowmobile trails managed by the Red River Snowmobile Club.
11. Consider adopting Resolution No. 09-04-31 a resolution for final approval of the 2009 River Forks Downtown Plan Update to the Comprehensive Plan.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE CONSENT MOTIONS NUMBER FIVE (5) THROUGH ELEVEN (11) AS SUBMITTED.

Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.
Voting Nay: None.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:
NONE.

COMMUNICATIONS: NONE.

OLD BUSINESS:

12. Consider approving the Waste Management Contract amendment for residential automated collection.

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER POKRZYWINSKI, TO APPROVE THE WASTE MANAGEMENT CONTRACT AMENDMENT FOR RESIDENTIAL AUTOMATED COLLECTION.

Voting Aye: Leigh Pokrzywinski, DeMers, Buckalew, and Gregoire.

Voting Nay: Grassel and Tweten.

NEW BUSINESS:

13. Consider approving the request to provide residents with an option on the garbage container size as follows: 35 gallon container at \$11.75 and a 64 gallon container at \$14.75 per month with the choice of a recycling container of 35 gallon, 64 gallon, or 96 gallon to be included in the above price effective July 1, 2009 if time allows.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO APPROVE THE REQUEST TO PROVIDE RESIDENTS WITH AN OPTION ON THE GARBAGE CONTAINER SIZE AS FOLLOWS: 35 GALLON CONTAINER AT \$11.75 AND A 64 GALLON CONTAINER AT \$14.75 PER MONTH WITH THE CHOICE OF A RECYCLING CONTAINER OF 35 GALLON, 64 GALLON, OR 96 GALLON TO BE INCLUDED IN THE ABOVE PRICE EFFECTIVE JULY 1, 2009 IF TIME ALLOWS.

Mayor Stauss stated that he just wanted to make it fair to all residents; this is a way for the user to pay more.

Voting Aye: Leigh Pokrzywinski, DeMers, Buckalew, and Gregoire.

Voting Nay: Grassel and Tweten.

14. Consider approving the request to prepare plans and specifications, file plans and specifications, get authorization to advertise and set bid date for "2009 Assessment Job No. 3 - Paving" – Peabody 1st Addition/Greenway 1st Addition.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE REQUEST TO PREPARE PLANS AND SPECIFICATIONS, FILE PLANS AND SPECIFICATIONS, GET AUTHORIZATION TO ADVERTISE AND SET BID DATE FOR "2009 ASSESSMENT JOB NO. 3 - PAVING" – PEABODY 1ST ADDITION/GREENWAY 1ST ADDITION.

Council Member Leigh would like to give Mr. Neil two weeks, however, we may have the same discussion but it would give him time to prepare. Council Vice President Tweten moved the question.

Voting Aye: Pokrzywinski, DeMers, Grassel, Tweten, and Gregoire.

Voting Nay: Leigh and Buckalew.

15. Consider approving the 5th Ave. NW project as follows: Remove 5th Ave. NW as the 2010 sub-target project and add 23rd St NW as the 2010 sub-target project due to financial concerns; consideration of 5th Ave. NW as the 2014 sub-target project; and change the 2011 TE project with the 2013 TE project, due to the 5th Ave. NW project.

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Mr. Huizenga asked that this item be tabled. Mr. Haugen stated that he received information and stated that if 5th Ave. NW is removed, it will no longer be eligible for HPP funding. Council Member Buckalew suggested tabling this item to keep the option open. Council Member Pokrzywinski stated that the Council needs to decide if 5th Ave. NW will be a project that the City would like to do.

CLAIMS:

16. Consider adopting Resolution No. 09-04-32 a Resolution authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check number 2837 for a total of \$864.59 whereas Council Member Buckalew is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 09-04-32 A RESOLUTION AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBER 2837 FOR A TOTAL OF \$864.59 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.
Voting Nay: None.

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

Acme Electric Companies	Plastic Edge Protector, Wrenches	\$120.64
American Legion Post 157	Dinner For Flood Work	\$187.11
Ameripride Linen & Apparel Services	Towels/Mats/Mops	\$147.49
Anderson Jeff	Jump Drives	\$21.34
Axtman Nathan	Downpayment Assistance Program	\$7,500.00
Bobcat of Grand Forks	Bobcat Attachments	\$905.25
Border States Electric Supply	Bulbs	\$39.24
Brady Martz & Associates	Audit Services	\$12,000.00
Brite-Way Window Cleaning	March Service RW Mall	\$45.00
C&R Laundry & Cleaners	Laundry	\$500.33
Canon Financial Services	Copier Lease	\$166.58
Clear Channel Communications	Advertising KSNR-FM KQHT-FM	\$580.00
CNA Surety	MN Utility Permit	\$100.00
Cole Papers Inc	Pull Towels	\$24.99
Dakota TV & Appliance	Parts For Refrigerator	\$39.33
Diamond Cleaning Supply	Degreaser	\$58.47
Dragich Mark	Mileage Reimb - Baseball Meeting	\$69.93
Eagle Electric	Supply & Install Ballasts	\$1,514.53
East Side Travel Plaza	Propane - Flood	\$25.26
Emphasys Computer Solutions	June 09 Software Agreement	\$541.91
Exponent	Campground Improvements	\$242.73
Fastenal Company	USS F/W 1 1/4 Z	\$30.22
Fidelity National Property & Casualty	CH FLOOD Coverage	\$931.00

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Floan Sanders	Lot 4 & 6 Block 1 Griggs Addition	\$775.13
G&K Services	Mats	\$33.23
Galstad Jensen & Olson PA	Prof Services	\$16,404.11
GF City Utility Billing	Landfill March 09	\$11,676.20
GF Fire Equipment	Fire Boots & misc items	\$9,400.74
GF Herald	Subscription	\$188.00
Grand Forks Taxi Company	March 09 Dial A Ride	\$1,962.06
Greg Stortroen & Karlynn Slominski	Deferred Loan Repayment Agreement	\$5,000.00
Hajicek Rod	Meal Reimb	\$8.25
Hardware Hank	Maint Supplies	\$864.59
Heartland Paper	Microfiber Cloths, Restroom Supplies	\$276.06
Holiday Credit Office	Police Dept/Fire Dept/ Sunshine Terrace	\$48.05
Home of Economy	Sump Pump Kit/Switch	\$713.59
Interstate Power Systems	Electric Water Pump Motor Parts	\$2,947.82
Josh Jones	Music Editing	\$60.00
Kellermeyer Building Service	Monthly Services - March 09 - CH	\$3,088.50
League of MN Cities	Workers Comp 2nd Installment	\$35,022.00
Lithia Payment Processing	Inv Parts #548 #545	\$31.70
Lynne Gladwin	Meal/Lodging/Mileage Reimb	\$221.66
Mankie Jon	Ice Show Supplies	\$185.23
Menards	Maint Supplies	\$117.84
Metropolitan Planning Organization	Planning Hours March 09	\$3,882.87
Midcontinent Communications	Sr Cent/ST Cable/Broadcast Month	\$3,229.13
Mike's Pizza	Planning Meeting - Ellis	\$26.87
Minnesota City/County Management Assoc	MCMA Membership Dues/Huizenga	\$83.00
Mitch Yoney Snow Removal	Snow Removal 12.25 Hours	\$796.25
MN Chamber of Commerce	Day At The Capitol - J. Richter	\$60.00
MN Dept of Labor & Industry	Boiler Registration	\$20.00
MN Management & Budget		\$29.00
MN Municipal Utilities Assoc	Safety Mgmt 2nd Qtr 2009	\$3,512.50
Newman Signs	Street Signs/April Sign Rental	\$2,544.64
Northern Lights Figure Skating	Share Of Gate Money From Skate Show	\$903.25
O'Reilly Auto Parts	Inv Parts #545	\$42.45
Opp Construction	Yearly Sprinkler Service Agreement	\$225.00
Orchard Oil Company	35 lbs Grease	\$89.67
Otis Elevator Company	Replace Elevator Control Valve	\$4,500.00
Overhead Door Co	Overhead Door Repair	\$750.00
Party America Corp Offices	Show Supplies	\$201.48
Peak Performance	Cleaned Optics & Rollers	\$105.00
Polk County Auditor Treasurer	09 RE Taxes	\$127,752.64
Polk County Recorder	Recording Fees Nathan Axtman	\$46.00
Praxair Distribution	Finance Charge	\$1.00
Premium Waters Inc	Water Service	\$309.03
PS Door Services	Garage Door Flood Wall Bldg	\$61.20
Quill Corp	Binders/Hole Punch/Batteries	\$62.54
Qwest	Postage	\$8,601.15
Railroad Mgmt Co III	Water Pipeline Crossing Rent	\$90.75
Reed Business Information	Campground Improvements	\$472.32
Reliance Telephone System	Repair Phone System	\$192.00
Resharpit Inc	Blade Sharpening	\$100.00

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Rydell Chevrolet	Inv Parts #103	\$308.11
Sam's Club	Sam's Membership	\$105.00
Schmaltz Leonard	Boiler License Townsquare	\$20.00
Simonson Station Stores	Feb-March Car Washes	\$92.20
SimplexGrinnell	Photo Sensor/Sensor Base	\$423.96
Springsted	Compensation Study/Imp Option/Pay Runs	\$5,220.00
Tiger Direct.com	Computer	\$640.90
Tony Dorn Inc	Copies	\$175.45
Uniforms Unlimited	Uniforms	\$196.34
Valley Truck	Coil/Oil	\$76.72
Waste Mgmt	Monthly Service	\$9,254.76
Water & Light Department	Postage	\$1,498.21
Weber James	Station Supplies	\$21.66
Widseth Smith Nolting & Associates	TIF 1-2 Feb 09 - March 09	\$1,719.56
Willett Tricia	Downpayment Assistance Program	\$7,500.00
	Total	<u>\$300,758.72</u>

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

Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Stauss stated that he received a “thank you” for those who spoke to the Good Sam regarding the flood. He also informed City Council that the garbage was not an easy decision. He stated that this should have gone to a residential vote. He just wanted people to pay for what you use and the City will try to help those who are handicap.

Council Member DeMers announced that tabling does require a vote. He apologized for being out of town.

Council Member Buckalew applauded the Mayor for coming up with a solution since age was a factor. He stated that nobody on the City Council voted because of personal issues.

Council Vice President Tweten stated that he felt different regarding the garbage and that we forgot about the people. He stated that we have a high percentage of elderly and that his ward felt that the bag system worked just fine and he also thought that the City should have stayed in control rather than contracting with Waste Management.

Council Member Leigh stated that the majority who talked to him about the garbage were in favor. He announced that he was disappointed that the Council voted on the 11th Street project and felt that we could have waited two weeks.

Council Member Pokrzywinski congratulated everyone who was involved in the garbage and thanked Mr. Wachter for the ideas even if it’s a difficult issue. He stated that we do have other contracted firms doing work for the City.

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Council President Grassel stated that his ward favored the bag system. Mayor Stauss suggested that the City does need to enforce those who are dumping illegally.

Council President Grassel congratulated Public Works on the street cleaning. He reminded everyone of the Big Event on May 2nd.

Mr. Galstad met with property owners and retained right-of-ways on 17th. He stated that they will be meeting with the Stokes next week. He informed City Council that 23rd is almost complete on right-of-ways and he is now working on 14th.

Mr. Galstad addressed the public hearing. The City Council received a petition and the residents will have an opportunity on the assessment hearing. The City Council can have discussions on City policy. Mr. Boppre stated that they will be taking bids on May 19th and hearing on June 2nd.

Mr. Wachter announced that May 2nd is the hazardous waste and electronic drop off at the City Park Shop from 9 am to 3 pm. May 4-8 is spring cleanup week.

Mr. Aker announced that the annual Senior Citizen Meeting will be at noon and Council Vice President Tweten will be receiving an award.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER BUCKALEW, TO ADJOURN THE APRIL 21, 2009 REGULAR MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:34 P.M.

Voting Aye: Leigh Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, and Gregoire.

Voting Nay: None.

Scott Huizenga, City Administrator/Clerk-Treasurer