

**APPROVED MINUTES  
OF THE CITY  
COUNCIL WORK SESSION  
CITY OF EAST GRAND FORKS  
TUESDAY, JUNE 26, 2018 – 5:00 PM**

**CALL TO ORDER:**

*The Work Session of the East Grand Forks City Council for Tuesday, June 26, 2018 was called to order by Council President 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 Steve Gander, Council President Mark Olstad, Council Members Clarence Vetter, Mike Pokrzywinski, Tim Riopelle, Henry Tweten, and Marc DeMers.*

*Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Reid Huttunen, Parks and Recreation Superintendent; Gary Larson, Fire Chief; David Murphy, City Administrator/Clerk-Treasurer; Megan Nelson, City Clerk; Jason Stordahl, Public Works Director, and Luke Welle, City Intern.*

**DETERMINATION OF A QUORUM:**

*The Council President determined a quorum was present.*

**1. Request to Use Parking Lot – David Murphy/Dave Raymond**

Mr. Murphy said there was a representative from Sickies at the meeting to help answer any questions regarding this request. He explained they are asking to reserve a part of the parking lot for motorcycle parking for an event they would like to hold every Wednesday throughout the summer. He commented that this had been allowed in the past with a car show but that car show has now been moved to Grand Forks. He added the motorcycle event had already started so there is a little history for how things have been working and turned it over to Mr. Raymond.

Mr. Raymond said Sickies was hosting a Bike Night which was scheduled to run throughout the summer on Wednesday evenings. He stated some bikers were parking on the boardwalk area and to stop that from happening they were looking for permission to put up signs for temporary motorcycle parking starting at 4pm along Demers Avenue or possibly reserve spots in the parking lot on the other side of the flood wall. He commented how they need some place to park and that it was a big night for them. Mr. Murphy asked if there had been any issues with the bikers up on the sidewalk area. Mr. Raymond said the first night there was an issue with the bikes parking in front of Mike's Pizza and they were asked to have the bikes moved but there were no issues with the bikes parked up on Demers Avenue.

Council member DeMers asked if this was a show or something just for parking. Mr. Raymond said the radio station comes and hosts a night on the patio, bikers come on their bikes, have something to eat, and then go home. Council member DeMers said they weren't being put on display. Mr. Raymond said no. Council member DeMers said things had been done with the cars before so they should be able to do this

with the bikes. He asked if Whitey's had done something like this years ago, how it would look neat with all of the bikes parked in front of the business, and it would take up less parking if they were parked on along Demers. Mr. Raymond said it would be their preference to have them parked along Demers, they would make their own signs, and they would be putting them up around 4pm. Council member Tweten commented how Sickies promotes the area, other cities are trying to figure out how to get people down town, and this business is having a positive effect downtown.

Council member Riopelle asked if MNDOT given any more information for what is needed. Mr. Murphy said not at this point. Council President Olstad said it looked like the ordinance would have to be passed, they would need to complete the application for MNDOT each year, and each year it would have to be renewed with MNDOT. Mayor Gander said they could take a look at the street parking as well as the parking lot. Mr. Raymond said that would be good because they had 108 bikers show up at the last event and the idea is try to keep them together if they could. Mr. Galstad asked them to not allow bikers to park on the sidewalk or boardwalk because it could cause issues. Mr. Raymond said he will have someone out there to make sure they would not be parking on the sidewalk or boardwalk area.

This item will be referred to a City Council Meeting for action.

## **2. Consideration of RC Flyer Site Agreement – Tom Stennes**

Mr. Stennes reminded the Council they were asked to work with the city attorney on the agreement which they have a copy of and he is ready to take any questions from the Council regarding the agreement. Council member Tweten asked if this agreement takes care of their future needs. Mr. Stennes said he hopes so. Council member Tweten said they should want to build this in a way so it is an asset, not a liability. Mr. Stennes said that was correct. He explained how they were originally asking for a 500 foot area which is the development area and what they are asking for a 1700 foot area. He explained that would include an overfly safety area and how some of this space would be reserved because of possible future growth of the program.

Council member Tweten asked if this created any issues for the Air Force. Mr. Stennes said it did not and explained this location is out of the five mile range of the airport which then drops the requirement of some rules and regulations. He added the problem in North Dakota is there is a lot of restricted air space which has caused problems for working with model airplanes and drones. He said there is a section of unmanned aircraft space, the City is included in the space, and can take advantage of that space. He added how there may be some requests in the future based on some inquiries that have been made to this group but may be an opportunity for the City. Discussion followed about how this can grow with STEM, how they would like to encourage kids to fly, and the group will run the facility.

Council member DeMers asked if there was a possibility of putting up gates. Mr. Stennes explained because of the steep ditch they may only have to put a gate across the approach. Council member DeMers said the City should have access and to place the gate so the City still had access to the property. Mr. Stennes said they have been working very well with a gate and lock system with the City, the group, the police department, the border patrol, and Zavorals because of the construction project they were working on. Discussion followed about what might happen with the other side of the field, how there are other access points to this property, if air space restrictions need to be included in the agreement, and how the FAA does control the air space. Mr. Stennes explained there are already rules and regulations for the air space they have to follow while flying. Discussion followed about how the safety zone is to keep people safe, if the flyer goes past that space the insurance would cover any incidents, and if there are other people

in area the flyers are not allowed to fly above them as well as having to yield to larger planes so they need to land.

Mr. Galstad asked to add where the safety netting will be added into the site plan as well as the safety zone because it will be added to the agreement. Mr. Stennes said they will update the site plan, reminded everyone they follow the AMA guidelines for their set up, and said they were all welcome to take a look at their current site because the new site will be similar.

This item will be referred to a City Council Meeting for action.

### **3. Consideration of Bids for 2018 Assessment Job No 1 Street & Ped Improvements – Steve Emery**

Mr. Emery stated the bids were opened for the 2018 Assessment Job No. 1 for the street and pedestrian improvements on Monday, June 18<sup>th</sup>. He explained they received two bids and the apparent low bidder at this time is Opp Construction. He said the project costs came in about 15 percent over the engineer estimate he had prepared so he went back and reviewed the bids compared to his estimate and found that he may have been light on a few unit prices which may have contributed to the overage. He stated he gave a budget based on the proposed construction costs from Opp Construction. He explained the City will be receiving \$860,000 in federal subtarget dollars, there is approximately \$68,000 available in TRLF bond dollars, and that did leave about \$161,000 that still needed to be covered. He said there was some State Aid maintenance dollars were available that could cover this remaining about or State Aid allocation funds could be advanced from what would be received in 2019.

Mr. Emery stated the Office of Civil Rights was reviewing the bids to ensure they meet requirements and he is waiting to hear back from them. He said they did approve the on-the-job training requirements that had been submitted by Opp Construction and the only thing they are waiting on is making sure they meet the DBE goals or made a good faith effort to reach out to those contractors. He added they will need that approval before awarding the bid and asked if there were any questions.

Council member Pokrzywinski asked if they could prioritize the projects and cut some things out to bring the cost back to what had been budgeted. Mr. Emery said the project was bid as one project, not proposals, and if the Council wanted to do something like that the bids should be rejected. Mayor Gander commented that a concern before was if there were too many proposals the bids may come in higher. Mr. Emery said he had gotten direction from a council member to bid this as one project so at this point it is all awarded or rejected. He added that if it was rejected to not advertise again until December or January because there wouldn't be enough time to complete the project this year. He said there is an October completion date except for the Bygland Road/13<sup>th</sup> Street pedestrian improvements which has a completion date of August 15<sup>th</sup> so it was done before school.

Mayor Gander asked if after review of the bids if they do look reasonable or if it was rebid there is a possibility of getting a lower number. Mr. Emery said it was hard to know, he may have been a little low on his estimates, and he didn't think rebidding it would bring in a huge decrease. Council President Olstad asked if there were any other questions at this time. Mr. Emery said if they do receive approval from the Office of Civil Rights they can look at awarding it or consider rejecting the bids. Council member DeMers asked what the annual State Aid allotment each year. Mr. Emery said it was approximately \$680,000 each year, 25% of that goes into a maintenance fund, and 75% goes into the allocation fund. Mayor Gander asked if it was typically the federal dollars that bring in the extra requirements or if it was also the State

dollars. Mr. Emery said it was the federal dollars.

This item will be referred to a City Council Meeting for action.

#### **4. Report on Findings of Pay Plan Study – David Murphy/Tessa Melvin**

Mr. Murphy said Ms. Tessa Melvin was present from David Drown Associates (DDA) who was the company that was hired to complete the wage analysis study to see where the City is compared to other cities and surrounding area. He stated Ms. Melvin was going to present what her findings are, how some initial discussions had started about how to move forward, and what the potential costs would be. He added that they wanted to present this to the Council and once they have more information it will be brought before the Council. He then turned it over to Ms. Melvin,

Ms. Melvin explained she wanted to review their methodology that was used, what was done, the project results, and recommendations along with the implementation possibilities. She told the Council that David Drown Associates has been around for about 20 years working with governments with finances and in 2005 they were being asked to help with human resources. She said they are a little different because all of the associates were practitioners and worked in local or county government so they have an understanding of the different roles in local governments. She then reviewed her background and those that work with her in the human resource department at DDA.

Ms. Melvin continued explaining how a wage analysis was done on all of the positions in the city, how they completed a market analysis with comparable communities, and looked at benchmarked jobs. She reviewed how they look at positions, the education and experience needed, what is required by this position, and they also reviewed other compensation such as benefits, if they are on call, or anything else that could be included in the overall compensation for a position. She explained they evaluated the job descriptions that had been provided and were up to date.

Ms. Melvin said the benchmark communities used were because of similar size, geographic location, tax capacity, tax rate, and service levels because East Grand Forks provides services that other cities similar in size do not. Mr. Murphy commented that since East Grand Forks is connected to a larger city they did look at cities like this such as Hermantown, Baxter, and Waite Park that are in a similar situation. Ms. Melvin continued with the report explaining the graph of positions of the city and how they compare with the benchmark ranges. She said that most positions are right where they need to be, there are a few positions slightly under the mark, and how they does not account for tenure or service levels because the city does provide a higher service level than some other communities. She informed the Council Grand Forks was very cooperative with sharing information on positions and wages for each position and reviewed how East Grand Forks compares to them. She added how part of this is used in the pay equity report which is required to be completed every three years.

Ms. Melvin stated there are currently 11 employees, not just positions, that were being paid under what the market is paying that position. She explained it would cost approximately \$19,000 to increase those positions to at least the minimum of the current market and continued with option two which included a projection of a 2% increase to all employees, step increases to those that are eligible, and moved employees into the new system which would have about 20 employees above the pay range because of their tenure would cost around \$165,620. She said the next steps in the process would allow employees to review the information on where they are placed and if they disagree they could appeal it through the appeals process. She added how she didn't think there would be too many of these because the job

descriptions were updated prior to this study being completed. She said this will get sent out for review, any appeals would be sent to her, she would make a recommendation, and the Council will be able to make a decision. She said part of this process was working with the department heads to get information, set benchmark jobs, and take suggestions on what communities to keep things transparent as possible.

Mr. Murphy said at this point no action is needed from the Council, they wanted to present this information to the Council, and to get any questions answered at this point. He stated the next step was to give this information to the department heads, unions, and employees for review. He added they will determine the costs of the different options that could be considered and will bring that information back before the Council in July or August. Ms. Melvin said there may also be a hybrid option available as well. Council member DeMers said with option 1 there are 11 employees under but there are 20 employees above due to longevity and asked if this was a snapshot or if this was projected out over the next 10 years to see if they will catch up progressing through the steps. Ms. Melvin said they look at an adjusted tenure based on their current pay, additional steps available to them, and what they have found is there are 11 under the current market so they would never catch up but it is hard to tell based on changes with the cost of living and market changes. She added the minimum should be bumped up in these positions so they will be filled when there is an opening. Council member DeMers said if they are here awhile they will end up above the steps. Ms. Melvin clarified that the 20 employees are out of range because they are at the top of their pay scale so they will no longer receive steps and will only receive a cost of living increase.

Ms. Melvin stated that when the new pay structure is set they look at the market, some positions will be above because of the level of service that is being provided or because of the call volume they are handling, and they will also look at internal pay equity to help retain employees. Mr. Murphy asked for clarification in the two areas that are higher. Ms. Melvin stated the fire department and the library are higher than the market because a lot of communities do not have the library or the service level of the library that is in East Grand Forks so it is hard to benchmark. She added the fire department is not only handling calls in the city but there are many mutual aid calls in the surrounding communities which is part of it. Mr. Murphy said they will bring this forward again when action from the Council is needed.

This item will be referred to a future work session.

## **5. Request to Replace Windows at the Senior Center – Reid Huttunen**

Mr. Huttunen stated the Senior Center was scheduled to have all of the exterior windows replaced this year and there was \$14,000 budgeted for this project that was going to be coming out of the building maintenance fund. He explained to receive a high quality window the price was higher than expected. He reviewed the quotes received from Windows Plus for Infinity by Marvin Windows for a total of \$21,202.59 and the second was for Renewal by Anderson Windows from A&L Siding for a total of \$15,226.00. He explained the windows will be replaced by sliding windows because of a price difference and based on the style it will be easy to operate and clean. He stated the difference between the two windows is what the frame is made out of, the Anderson Windows have a wood and vinyl composite frame with a 20 year warranty, and the Marvin Windows have a fiberglass frame that has a limited lifetime warranty. He commented both are quality windows and frames but the Marvin Window frame will stand up a little longer.

Mr. Huttunen added the Senior Center Board reviewed this, asked if it could be split in two years, there are funds available for the Marvin Windows, and there is a savings from the painting project at the VFW Arena. He recommended moving forward with the replacing the windows at the Senior Center with the

Infinity by Marvin Windows from Window's Plus and asked for questions. Council member Tweten said he has the same windows, it is an energy saving window, and he supports this. Council member Riopelle said he is on the Senior Center Board and pushed for the Marvin Windows because he replaced everyone window with these windows, after 16 years they were still great windows, they did a great job installing, and for the difference in price it would be worth it. Mr. Huttunen said the Grand Forks Senior Center has these windows, they were installed five to seven years ago, and looking at them they do not look that old.

This item will be referred to a City Council Meeting for action.

## **6. Update on Tobacco Assessment from Polk County Public Health – Mike Hedlund**

Chief Hedlund introduced Ms. Bethany Satrom from Polk County Public Health and how they were going to be sharing information about recent tobacco compliance and underage tobacco use. Ms. Satrom informed the Council a new tobacco survey results show that youth tobacco use is on the increase for the first time in 17 years which is alarming to people who work in prevention and the main reason for this is because of e-cigarettes. She explained that in the 2016 Minnesota survey 23% of Polk County 11<sup>th</sup> graders reported using e-cigarettes which was the first time this question was asked. She reported 18% of high school e-cigarette users get these from e-cigarette stores and most said they had started using cigarettes by the age of 13. She continued reviewing the information which shows students use regular tobacco products along with e-cigarettes.

Ms. Satrom stated that youth tobacco use is on the rise, there is no safe level of nicotine for a youth adolescent brain because it is still developing, and tobacco can often be referred to as a gateway drug because it can lead to other substances. She referred to the materials that were handed out and how cities need to update ordinances to include e-cigarettes. Ms. Satrom stated the school resource officer is noticing e-cigarette use is up and passed around examples of what they can look like. She added how these devices are vaped and youth don't realized or consider that vaping is smoking or consider it as nicotine use.

Chief Hedlund informed the Council that a tobacco compliance check had been completed utilizing a grant program which covered the costs of the compliance check but since it was an educational grant no fines were issued. He stated that three places failed and those that failed were given information on what needed to change. He added that tobacco compliance checks will be conducted each year and the license fee will be reviewed to see if the costs are covered. Ms. Satrom asked the Council to review the current ordinance, follow best practices, and to review the current indoor air policy to include e-cigarettes. She asked if there were any questions. Council member Pokrzywinski asked if they had gone to the County board with this and if there is going to be a County-wide ordinance. Ms. Satrom said they gave the same presentation to the County board and they are currently reviewing their ordinance to make sure it is up to date and the fees are where they need to be. Mayor Gander asked if there is much information on second hand vape. Ms. Satrom said there is evidence showing it is harmful but it is still so new there isn't much data out yet and the e-vape liquid has only been regulated since 2014.

## **7. Discussion on Penalties for City Licenses – Tim Riopelle**

Council member Riopelle said there is some frustration from staff because of license renewals coming in late and in this particular case he is referring to liquor licensing. He stated he would like to see the Council put some backbone into this process so staff can set a date, paperwork will be required in its entirety, and if it is not received there will be a penalty or late fee for businesses. He added that they shouldn't have to be amending the agendas and holding special sessions because people aren't turning in their paperwork

on time. He compared this to driving with an expired license and if pulled over a person would receive a ticket for driving with an expired license. He commented that he thinks something needs to be done, he is willing to work with staff on all city licenses, and find a way to make it so renewals are turned in on time instead of having staff track down the information. He asked if the Council wanted to have something like this done. Council President Olstad asked if the current codes would allow for a late fee to be charged. Mr. Galstad said he believes the code would have to be modified to allow something like that. Discussion followed about how the Council would be within their right to make that change and how the penalty could be a percentage of the license fee.

Council member Tweten said he would support this, there are many things going on, and this creates a nuisance for staff and the Council. He added the city attorney should check to see what other cities are doing and that a license is a privilege. Council President Olstad said when looking at licenses to review and see what else might need to be done. Mr. Galstad commented that staff had started looking at revising the ordinances and fee structures, this would be a good time to look everything over, and how there has been some opposition on registering of all businesses in the city just to there is some information about how is operating businesses in the city. Mr. Murphy added he would speak with the department heads as well to see if there is anything they think should be included in the ordinance. Council member Pokrzywinski said it was a reasonable thing to do and asked to make sure all of the businesses that require licenses will be receiving a heads up a late fee may be implemented. Ms. Nelson said once something was in place she could send out the information and send it out with the renewal information for the 2019 licenses. Council member Pokrzywinski asked to have it made prominent so they know what is going on. He added not to make exceptions, it's their responsibility, and if they shirk that responsibility there will be consequences.

This item will be brought back to a future work session.

#### **OTHER:**

Council member Tweten stated that as many of the Council and department heads as possible should attend the ground breaking ceremony for the Sacred Heart expansion.

Council President Olstad commented that the following Tuesday is July 3<sup>rd</sup>, normally there hasn't been a meeting, and asked if everyone is okay with moving the meeting to the following Tuesday. The consensus was to move the meeting from July 3<sup>rd</sup> to July 10<sup>th</sup>.

#### **ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER POKRZYWINSKI, SECONDED BY COUNCIL MEMBER RIOPELLE, TO ADJOURN THE JUNE 26, 2018 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:12 P.M.**

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

*Voting Nay: None.*

*Absent: Grassel.*

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David Murphy, City Administrator/Clerk-Treasurer