

**APPROVED MINUTES
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, AUGUST 21, 2018 – 5:00 PM**

CALL TO ORDER:

The Council Meeting of the East Grand Forks City Council for Tuesday, August 21, 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 Vice President Chad Grassel, Council Members Clarence Vetter, Mike Pokrzywinski, Tim Riopelle, Henry Tweten, and Marc DeMers.

Karla Anderson, Finance Director; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; 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; and Jason Stordahl, Public Works Director.

DETERMINATION OF QUORUM:

The Council President determined a quorum was present.

PLEDGE OF ALLEGIANCE:

SWEARING IN OF OFFICER LEROY FOLLOWED BY DEMONSTRATION:

Chief Hedlund stated he had a badge for Officer Leroy and handed it to Officer Hajicek who placed the badge onto Officer Leroy's collar. Officer Hajicek said on behalf of the police department he wanted to thank the entire council for their support. He explained the program was not easy, Officer Leroy is full of energy since he is so young, he is happy he is to be able to give back to the community he grew up in, and again he appreciates all of the support. He commented how training with Leroy was one of the hardest things he had ever done, that Leroy is from the Czech Republic, came to the United States when he was eight weeks old, and was trained with English. Officer Hajicek had the demonstration set up, explained Leroy was trained to find marijuana, cocaine, heroin, and methamphetamines, and then had Leroy complete the demonstration. He added both he and Leroy were going to be at the showcase on Thursday evening. Council member Tweten commented that he had seen an arrest done by the police department when the dog was used. He added how the legislature made a mistake by not addressing the drug situation, next time they need to get together on this, and the problem is a lot worse than people think. He said the police department was able to raise the funds and in short order for the dog so people in the community were concerned. Officer Hajicek stated they have very good support from the community. Mayor Gander thanked Officer Hajicek and Leroy.

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.” If you would like to address the City Council, please come up to the podium to do so.”

Mr. Dale Helms, 613 2nd Ave NE, said he was at the meeting on behalf of Heritage Foundation and to officially thank the City, the employees, and everyone who came out and gave them a hand on Sunday because was much appreciated. He commented how they were short on staff themselves, he clarified how there was some confusion on what days were going to be covered, and how they appreciated all of the help. He also thanked Mayor Gander for driving the tractor and leading the parade along with everything else that he helped out with over the weekend. He said again a big thank you to the City and staff for all of the help.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Council Meeting” for the East Grand Forks Minnesota City Council of August 7, 2018.
2. Consider approving the minute summary of the “Closed Council Meeting” for the East Grand Forks Minnesota City Council of August 7, 2018.

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

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Tweten, Olstad, Grassel, and DeMers.
Voting Nay: None.*

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS: 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 choose.

Council President informed the Council there was an addition of a 2001 Chevy Blazer to the list of vehicles to be declared as surplus and be sold at auction from the Public Works Department.

3. Consider declaring the listed vehicles and bicycles as surplus property and approve the request to sell the listed vehicles and bicycles at auction.
4. Consider approving the purchase of 4 new pumps from Minnesota Pump Works for a total amount of \$38,737 and declare the used pumps as surplus.
5. Consider approving the Business Membership Program to be added as an option at the Senior Citizen Center with revenues being used for maintenance at the Senior Center.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE ITEMS THREE (3) THROUGH FIVE (5).

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

Voting Nay: None.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, AND COMMISSIONS:

6. Regular meeting minutes of the Water, Light, Power, and Building Commission for August 2, 2018.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

7. Consider awarding the job for paving the east road by the Civic Center to Opp Construction for the amount of \$31,800.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO AWARD THE JOB FOR PAVING THE EAST ROAD BY THE CIVIC CENTER TO OPP CONSTRUCTION FOR THE AMOUNT OF \$31,800.

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

Voting Nay: None.

8. Consider approving the request to start a hiring register for an Administrative Assistant/Dispatcher/Jailer.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER DEMERS, TO APPROVE THE REQUEST TO START A HIRING REGISTER FOR AN ADMINISTRATIVE ASSISTANT/DISPATCHER/JAILER.

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

Voting Nay: None.

9. Consider approving the Memorandum of Understanding between the City of East Grand Forks and the Law Enforcement Labor Services which grants the Chief of Police the authority to delegate “Acting Sergeant” status and the associated decision making authority instead of it automatically going to the senior officer.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER TWETEN, TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF EAST GRAND FORKS AND THE LAW ENFORCEMENT LABOR SERVICES WHICH GRANTS THE CHIEF OF POLICE THE AUTHORITY TO DELEGATE “ACTING SERGEANT” STATUS AND THE ASSOCIATED DECISION MAKING AUTHORITY INSTEAD OF IT AUTOMATICALLY GOING TO THE SENIOR OFFICER.

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

Voting Nay: Vetter.

10. Consider approving the Bare Lot Purchase Agreement between the City of East Grand Forks and Sacred Heart for Parcel 83.00116.00 plus additional acreage for a total of \$6,000.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE THE BARE LOT PURCHASE AGREEMENT BETWEEN THE CITY OF EAST GRAND FORKS AND SACRED HEART FOR PARCEL 83.00116.00 PLUS ADDITIONAL ACREAGE FOR A TOTAL OF \$6,000.

Mr. Galstad told the Council he had talked with Sacred Heart and their attorney Mr. Stromsodt, he had brought up the potential of hazardous waste that could be unearthed, Sacred Heart expressed concerns about the possibility of lead paint being present, and based on that he recommended selling the property contingent upon Sacred Heart completing a Phase 1 Environmental study. He added that if it didn't come back clean then the property should not be sold because there is a potential of the clean-up costing more than the \$6,000 received for the sale of the lot. He commented how this may not be a popular opinion but it would protect the City if hazardous waste is found.

Mr. Murphy said it was clarified this property would be just used as staging for the current project and then would turn into a concrete or asphalt parking lot. Mr. Galstad informed the Council the agreement in front of them was the agreement he had drafted without any changes to it and asked if there were any other questions. Mr. Stromsodt said at this time Sacred Heart would really like to have something to move forward with and if there would be a version of the purchase agreement he can present and advise them on it would be beneficial. Council member DeMers said it had been mentioned there was a statute that addressed the hazardous materials and if they were able to find that statute. Mr. Galstad said that had been discussed and how he thinks is 115.02 that does establish responsibility parities and how that is determined. He stated it was his opinion this exceeds the responsibility the City would have pursuant to that statute and how the responsibility would fall on the property owner who owned the property at the time that the hazardous release was done but if that party cannot be found it could still fall on the City. He added how there is a concern about lead based paint that was used and if that was the case it would be the responsibility of the City which is why he recommended to have an environmental study done prior to the sale. Discussion followed about how a waiver for this purchase doesn't protect the City, if the City was responsible the City has to take care of the remediation which cannot be passed on to the next property owner, and the Council would have to make the decision on how they would like to move forward if something is found on this property.

Mr. Stromsodt asked who would be responsible for conducting the Phase 1 study. Mr. Galstad said it was his recommendation Sacred Heart would be responsible for that. Mr. Stromsodt said he would have to present this to his client to see how they would like to proceed. Council President Olstad asked if the current agreement was voted on, they have a Phase 1 study done, and nothing happens within 180 days if the agreement would become null and void. Mr. Galstad said that was what the agreement says. Council President Olstad stated there was nothing in the current agreement indicates the Phase 1 study or anything else that has been brought up. Mr. Galstad stated the issue was raised which is why he gave the recommendation to sell it contingent upon the Phase 1 study being completed. Discussion followed about how the current motion does not include anything about the Phase 1 study, if the current motion could be amended to include Mr. Galstad's recommendation, how the study could cost between \$3,000 and \$5,000 to complete, and if the Council was considering changes if they would consider any of the other changes requested by Mr. Stromsodt. Mr. Galstad reviewed how those changes included Sacred Heart hiring their own surveyor, a merger clause, and parking on the site not be considered hindrance to the easement. He said it would be considered a hindrance to the easement if there is something that needs to be relocated so

the repair to the asphalt or concrete would be the responsibility of Sacred Heart.

Council member Riopelle asked if this should be voted down or tabled until everything is addressed. Discussion followed about how to move forward and how Sacred Heart would like to move forward as soon as possible because they would like to use this space. Council President Olstad stated not all of the language is included in the agreement or the changes that were requested, the Council understands the urgency of Sacred Heart, but the Council would like to make sure they are doing things correctly for both parties involved. More discussion followed about passing this would allow for something to be brought back to Sacred Heart, how it would be up to the Council if the sale is as is or if they are willing to negotiate, and that it was recommended again to sell it contingent upon the environmental study being done. Council member DeMers asked if something was found due to railroad activity and if the City would be responsible for that. Mr. Galstad said he would have to look into that because the railroad has different rules that apply to them. Council President Olstad asked if the motion should be amended to include the need for a Phase 1 study. Mr. Murphy said if this was approved then Sacred Heart can come back with a counter offer if the Council is okay with adding in that language. Council member Tweten said he would amend the motion. Council member Riopelle said he would second the amended motion. Discussion followed about how the only thing added would be the Phase 1 requirement and anything regarding the staging area would not need to be included in the purchase agreement. Council member DeMers asked for clarification on the motion.

A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER RIOPELLE, TO AMEND THE MOTION BY ADDING THE SALE OF PARCEL 83.00116.00 PLUS ADDITIONAL ACREAGE IS CONTINGENT UPON A PHASE 1 ENVIRONMENTAL STUDY BEING COMPLETED AT THE EXPENSE OF SACRED HEART BEFORE THE PROPERTY CAN BE TRANSFERRED.

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

Voting Nay: DeMers.

11. Consider adopting Resolution No. 18-08-52 requesting the appointment and ratification of the members to the Charter Commission.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER DEMERS, TO ADOPT RESOLUTION NO. 18-08-52 REQUESTING THE APPOINTMENT AND RATIFICATION OF THE MEMBERS TO THE CHARTER COMMISSION.

Mr. Galstad informed the Council the documents had been revised to include Mr. Olstad on the commission. Council member DeMers asked that the time frame was to get this through the courts. Mr. Galstad stated he could submit this to the courts as soon as the documents were signed and how the judge may just sign off on this without having to hold a hearing.

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

Voting Nay: None.

CLAIMS:

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

and payroll.

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

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Gander reminded everyone that Heritage Days had taken place for the weekend and how he was able to drive the tractor pulling the trailer in the parade that had the American flags on it. He said how everyone at the parade were standing with their hands on their hearts as he drove by which was one of the most patriotic moving things he was able to experience. He thanked the Heritage Foundation to allow him that opportunity. He added the Heritage Foundation could let the Council know how to help in the future, making people aware of the events, they could always use more hot dishes in the hot dish contest, how this year was a success and they are hoping to have more and more people attend each year.

Mayor Gander informed everyone he attended an event at the Grand Forks Air Force Base where he was able to meet the Secretary of the Air Force, Ms. Heather Wilson. He stated he was told they need to strengthen the relationship with the Northland Community and Technical College because they want their airmen to receive advanced degrees while serving but also they need people trained in the Unmanned Aerial Vehicles because they are not able to get people trained fast enough in this field. He added there were two grinder awards he would like to give out. He stated that Mr. Albert Avila had already received a beautification award from the City but he was sitting in the community the other day and saw Mr. Avila now removes weeds that hang over the curbs. He asked what the City would look like if all of the trash and weeds were put back that Mr. Avila had cleaned up over the last 30 to 40 years and he probably wouldn't want to live here. He said the other person was Naomi Dunavan who recently achieved her goal of biking 24,901 miles which is the distance around the earth at the equator. He explained she started in 2010 and so many of these miles were done in the City and on the trail system. He added she is going to set a new goal and continue to bike so for traveling over 24,000 miles on a bicycle she will receive a grinder award.

Council Member Tweten stated how the Heritage Foundation did a great job with the parade and events over the weekend. He commented how they need more members and people should consider being member of the foundation. He added how he was impressed with the Mayor driving the tractor. He informed the Council how he has been very fortunate in his life, how he has been involved with the City since 1953, and as long as he is able he will help the City as best he can.

Chief Hedlund reminded everyone the City Showcase and ice cream social will be held on Thursday, August 23rd in the City Hall Parking Lot starting at 6pm.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE AUGUST 21, 2018 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:44 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer