

**APPROVED MINUTES
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, FEBRUARY 12, 2019 – 5:00 PM**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for February 12, 2019 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, Tim Riopelle, Tim Johnson, and Marc DeMers.

Karla Anderson, Finance 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; Reid Huttunen, Parks and Recreation Superintendent; David Murphy, City Administrator/Clerk-Treasurer; and Megan Nelson, City Clerk.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present.

1. Consider Requoting 2018 City Project No. 3 Parking Lot Improvements – Steve Emery

Mr. Emery said this project had been voted down, it had been requested by Mayor Gander to revisit the plans, and see if there was a way to reduce the costs of this project. He explained the project was reviewed to see what could be changed, the storm sewer was removed, the grade would be changed to allow gravity to drain the lot, there was a reduction of thickness to the bottom base, they removed the geo-grid fabric, and changed the epoxy paint to latex paint for additional savings. He continued saying there is an existing driveway that would need to be removed so the only access would be from the alley, the sidewalk would need to be repaired, and how those costs had been included in the last estimate. He stated the construction cost for this was \$12,664 and even if the parking lot doesn't move forward the Council should consider making these repairs. He reviewed the total costs of the parking lot were \$81,905 and it was an additional \$15,700 to include the driveway and sidewalk repair. He added the \$7,800 had been estimated for plans and specifications and \$4,500 of that had already been billed. He reminded the Council this project would be paid for from the TIF fund. He asked for a recommendation on how the Council would like to move forward.

Mayor Gander asked what the savings was from the first estimate compared to the second estimate. Mr. Emery said it was between \$10,000 to \$12,000 in savings. Mayor Gander said he would like to see this project move forward and determine a long-term plan for this lot since the Council has been reluctant in the past to sell this property. He commented how there hasn't been a proposal that fit well with this property and step one would be finding a commercial tenant committed to a long term contract for this space to ensure the main floor would be used as commercial space and not residential space. He stated the parking lot needs to be updated and the Council should come up with a parking plan. Council member

Riopelle asked if the Council would be able to recoup the \$130,000 in costs that would be put into the lot when it was sold. Mayor Gander said yes and it would present better with the project done. Council member Riopelle asked if they would charge for the use of the lot. Mayor Gander said yes and it would be with a parking plan for the downtown district. Council member Riopelle said that plan would have to be in place before voting on this project.

Council member DeMers asked what the total of TIF funds were. Ms. Anderson said there was \$656,000 in the one fund, \$272,000 available in the other fund, and there was approximately \$2,400 that was still being collected for a few more years from the Minnesota Heights. Discussion followed about how these funds can be used for infrastructure within the city but cannot be used on housing.

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

2. Consider Plan Review for Riverview 11th Addition – Nancy Ellis

Ms. Ellis told the Council there is a property for sale, it was two separate parcels, they just wanted to move the property line, and sell the parcels separately. She explained both lots had to meet the requirements for the residential zone, the one lot would need to allow for a home for fit on the property that currently only has a garage, and it would have to meet the setback requirements. She stated what they were proposing does allow for this. She asked if there were any questions or concerns. She added if there weren't any the public notification process would move forward.

Mayor Gander asked about the possibility of adding something for pedestrian traffic and if this would allow for it. Ms. Ellis said the issue was with the coulee and bridge and if there was consideration for a sidewalk, there was more space in the right-of-way on the south side of the road. She commented how it would be right next to the road and there are issues trying to keep those sidewalks clean when there is lots of snow and that was something the City was trying to get away from. Discussion followed about how this property had already been platted once, there were only two lots that were involved in this process, with the new property line the lot without a home could accommodate a home that was at least 1100 square feet, and this lot would be affected by the flood plain, which has unique requirements.

Council member DeMers asked if there would be an access issue on to 10th Street. Ms. Ellis said it was a local street so there isn't be an issue with access. Council member DeMers asked if there were garage rentals. Ms. Ellis explained garages can't be rented out, it would be considered a commercial use which was not allowed in a residential area, staff reviews rental spaces on a daily basis, and this is not a typical situation. Mr. Galstad stated they were told they needed to make sure both lots met city code requirements and they made the modification. Ms. Ellis added that these are already in two different lots so they could sell them separately without moving the property line. Mayor Gander added this didn't require a variance. Council President Olstad asked for more questions, there were none. He suggested they move this forward. Ms. Ellis told the Council a notice would be sent out so this will not be at the next meeting but at a future meeting.

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

3. Discussion on ATV, Snowmobile, and Special Use Vehicle Ordinances – Megan Nelson

Ms. Nelson reminded the Council a couple weeks prior there was a discussion on the ATV ordinance and during that discussion snowmobiles and golf carts were brought up. She said it had been asked to bring

all of these ordinances forward to be reviewed together. She stated it had been suggested turning the greenway policy into an ordinance to keep motorized vehicles out of the greenway and how there is already a provision in the snowmobile ordinance that prohibits snowmobiles from being in park areas, recreational areas, and on the flood control levees. She continued saying there had been discussion on items that would be required that would make something street legal. She stated there was a list included in the special use vehicle ordinance that include those items. She reviewed how a special use vehicle permit is required each year and costs \$10 per year. She asked for direction, if there needs to be changes, if things should be kept how they are, and once it is determined on what will be allowed staff will need to educate the community through public service announcements along with other ways. She commented how many of these public service announcements can be shown on the City's channel when it is up and running. She said they can also get information to the public using the local media, getting it up on the website, City Facebook page, and staff would take suggests from the Council on ways to get the information to the residents.

Council President Olstad asked what was required to get a permit. Chief Hedlund stated that as long as he had been with East Grand Forks no one had every applied for it. Ms. Nelson reviewed the requirements that were listed in the code. Discussion followed on what is required for registration and how the registration was good for one year with the State. Council member Riopelle asked if \$10 covered the costs. Mr. Murphy said it did not. Council member Riopelle asked if they should at least cover costs. Mr. Murphy said that was a policy decision with some cities setting the fee lower to make it more accessible or keeping it from being prohibitive and other cities decide to recoup costs. Council President Olstad asked what an average registration cost was for these units. Mr. Powers said it cost \$202 to register his 2015 vehicle but he had made quite a few changes to it since he had purchased it. Mayor Gander asked if that was a one or three year fee. Mr. Powers said it was a one-year fee. He suggested the Council include a 16-year minimum for the age of a driver, which was a State law for ATVs and UTVs. Mayor Gander asked if snowmobilers would allowed at a younger age if they have a snowmobile certificate. Mr. Galstad said that followed State law as well.

Mr. Galstad said if this is something the Council would like to do he would need the direction on what would be allowed and if there should be restrictions or if people will be allowed to drive all over. He said this is a policy decision from the Council. Chief Hedlund said the simpler the ordinance the easier it will be to enforce. Council member DeMers said he had thought about this quite a bit, thinking about enforcement issues and administrative issues, and trying to keep these ordinances up to date. He commented how many things have changed in the last 15 to 20 years with new technology, he would recommend using the State's permitting process for any motorized vehicle that is allowed on the road, and make restrictions when it comes to traffic and flow if they vehicle is not able to keep up with normal traffic. He added how there could be specifics for officers to use, to require a minimum age, and require liability insurance. He commented the process should be simplified. Discussion followed about how strict the Council wanted to be with this, how people could be bringing in units when visiting the State Recreation area, they may not know what is allowed and what isn't allowed, and how insurance is a State requirement.

Mr. Galstad said what was being discussed was recreational vehicles or off-road vehicles and not made to be running around town. He stated allowing these will just open things up for enforcement issues, he understands snowmobiles are allowed, but they are trying to get out of town instead of driving around town. Council President Olstad commented that there were many snowmobile tracks along River Road this winter. Mr. Powers said a simple solution could be the tires. He explained there are tires that can be put on these machines for street use and it states it on the side of the tire. Mayor Gander said the distinction

that keeps coming to mind is between the UTVs and ATVs and it is something that could be simple. He stated he didn't think they needed to treat the ATVs and the UTVs the same. Council President Olstad said there is a distinction between the two, he didn't think ATVs should be allowed, but he would consider allowing UTVs with safety features. Council member Johnson commented how they will have to be able to drive across the bridge or be required to trailer their units.

Council President Olstad asked what direction should be given to staff. Council member Riopelle said golf carts should stay on the golf course, no ATVs, and only UTVs if they are street legal. Mayor Gander said there would be a list of items required to make them street legal. Council member DeMers said there are many other things that people are putting motors in and this seems to be what people want. Council President Olstad asked what issues Grand Forks was having. Ms. Nelson said she had a contact in the Grand Forks Police Department to ask but the last time they spoke it seemed there weren't any issues. Mr. Powers commented how they are able to drive anywhere in Grand Forks but he tries to stay out of harms way. Mayor Gander said they need to be careful because they don't have to have a collision with a car. Council President Olstad asked if there was any other direction from the Council on these items. Mayor Gander suggested including either eye protection or a windshield.

Council member Vetter said he was not in favor of anything other than something similar to snowmobiles using the shortest route out of town. He commented he doesn't want to see ATVs, UTVs, or other things used as a mode of transportation around town. He added he understands if they are trying to get out of town but he doesn't want to see them around town. Ms. Nelson asked if they would like to leave the commercial use in place for ATVs. Mayor Gander said he thinks they should continue that. Chief Hedlund said there are a number of people that use ATVs for removing snow in driveways and on sidewalks. He asked if that was to be allowed or not. Mayor Gander said he thought that could be allowed especially when it is neighbors helping each other out.

This item will be referred to a future Work Session.

4. Request for Direction on Parcel 83.04249.00 – Megan Nelson

Ms. Nelson told the Council this property went tax forfeiture in 2017, there were special assessments on this property, and she reviewed the number of years left on each of the specials. She explained the City had received numerous calls on this lot, it was listed for \$10,000, but when they hear about the specials, they are no longer interested. She said they all have been told they could ask to see if the Council would be willing to work out some sort of deal on the specials, and none have wanted to until now. She stated she had been contacted by an interested buyer, his request was to waive all of the specials, he would purchase the lot, and then resell it to someone who would like to build a home on the property. She asked if they would consider making a deal on the specials or not.

Council member Vetter said he would be willing to entertain any reasonable offer and this was not a reasonable offer. Council member DeMers asked what the initial terms were for these specials. Ms. Nelson said they were all originally 20 year terms. Council member DeMers said they can't defer assessments and asked how they are not going down. Ms. Nelson said the payments haven't been received and how the first five specials on this property had 6.1% in interest, each special is tied to a different roll and could be tied to different bonds. Ms. Anderson said all of the rolls of specials on the south end have funds in them and it was only the rolls on the north end that they have transferred funds for but haven't needed to with the new housing.

Council member DeMers asked if there were any setback issues. Ms. Ellis said there wasn't. Council member Riopelle asked if they could split it. Ms. Ellis said they could split it but the one lot wouldn't allow for much more than a house on it so she doesn't see it selling as two different lots. Council member DeMers said he would entertain offers and nothing is not an offer. He commented how \$50,000 in specials isn't horrible for such a big lot. Council President Olstad asked if they were in agreement that they would entertain reasonable offers but the offer in front of them was not reasonable. The Council agreed the offer before them was not reasonable but they would entertain reasonable offers.

5. Review of Device Usage Policy – Liam Thrailkill

Mr. Thrailkill thanked the Council for allowing him to intern in East Grand Forks, so far things have been great, and he was looking forward to the coming months. He continued saying the device usage policy would be for the devices the Council should be receiving soon and how he had used usage policies from other cities when putting this together. He said it was in rough draft form and was looking for feedback on what the Council would like to see and how the beginning of the policy is something that had already been adopted by the City. He added that he had changed the language from tablet to device.

Mayor Gander said he was glad the devices can be used personally, it would be hard not too, and he was glad there was protections put in place. He asked if stronger wording could be used to try and prevent these devices from becoming infected. Council member DeMers asked if Mr. Thompson had a chance to comment on this. Mr. Thrailkill stated he had sent this to Mr. Thompson the day before and he is waiting for his response. Council member DeMers said to take Mr. Thompson recommendations because they will be beneficial. He suggested that this policy become the uniform policy for the entire city so the scope and focus is the same for all. Discussion followed about this should be for all city devices but social media may need to be allowed so staff can post on the city Facebook pages, city twitter accounts, or other ways that are used to communicate with residents.

This item will be brought back to a future Work Session.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE FEBRUARY 12, 2019 COUNCIL WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:08 P.M.

Voting Aye: Olstad, DeMers, Vetter, Riopelle, and Johnson.

Voting Nay: None.

Absent: Grassel and Helms.

David Murphy, City Administrator/Clerk-Treasurer