

**APPROVED MINUTES
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, APRIL 9, 2019 – 5:00 PM**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for April 9, 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 Vice-President Chad Grassel, Council Members Clarence Vetter, Dale Helms, 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; 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 A QUORUM:

The Council President Determined a Quorum was present.

1. Consider Change Order No. 4 – Wastewater Interconnect Project – Steve Emery

Mr. Emery explained they were trying to finalize this project out and get some of these items taken care of. He stated the biggest item was the exhaust fan, there was communication system, and some of those items should have been included in the original bid. He added that they were couple things that were added like an additional electric outlet and sampler unit and something that was unknown was the amount of boring needed around the gas lines which created the need for more top soil. He reviewed how rocks were added into the equalization basin to help filter out debris and 45 feet of additional sanitary line was needed. He stated the total amount of the change order is \$63,317.29, which left \$12,783 in the contingency fund.

Council President Olstad asked if this was going against the loan or the grant. Mr. Emery said they were using up the grant first, there was approximately \$1.2 million left in the grant, and they still have not requested the full amount of the loan but the decommissioning project is still in progress. Ms. Anderson reminded the Council they had approved the time extension for the loan at the last meeting. Council member Helms commented how change orders are a thorn in his side. He asked why these were not approved before they were done. Mr. Emery said there are somethings, such as the request for the exhaust fan, that were approved before it got done but there are times when a project cannot be stopped so they are done and asked for later. Mr. Murphy said if it is under a certain amount it could be approved by a department head or himself but the more expensive items need to be approved by the Council.

Council member Helms asked about the 5% mark up. Mr. Emery said it was an allowable market up when subcontractors are involved in the process of a change order and it is standard in the contracts that are

used by cities. Mayor Gander stated when a project is completed within the total amount of contingency it is a good project.

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

2. Update on Regional Market Capture Committee – Paul Gorte

Mr. Gorte informed the Council that he had met with Mr. Murphy, Mr. Wilfarht, and Mayor Gander regarding an effort the Chamber is making about the retail situation that is happening in East Grand Forks and Grand Forks. He explained they want to look into seeing what is needed to fill spaces, properties that could be used for retail, and gather information to help determine shortcomings that can be addressed. He stated the EDA Board has approved this \$10,000 expenditure, which would be for \$5,000 over two years and will be coming from the EDA budget. He added this would affect the City as a whole.

Mayor Gander said there has been changes in the use of a retail space, how they can be retooled, and the use can change. He said that if they understand these trends it could help them find something to move into these spaces that will last. Discussion followed about how retail is changing and this information will help. Council member DeMers asked who was going to have access to this data. Discussion followed about how most of this information will be available to the public and how the City may want to look at locations differently regarding how they could be used. Mr. Wilfarht told the Council East Grand Forks is 15 years ahead of most communities when it comes to entertainment, how the downtown area generates lots of traffic, and this area is thriving. Council member DeMers stated how they should try to determine what people are looking for or coming to the community to do.

3. Consider Proposed Special Use Vehicle Ordinance – Ron Galstad

Mr. Galstad stated there was not a consensus from the Council on what to eliminate so they can review the proposed ordinance and decide on how to move forward. He asked for questions, comments, or concerns and added how anything can be done with this ordinance. Mayor Gander asked Mr. Galstad to mention some of the points on this for the media. Mr. Galstad said there were concerns over ATVs on the streets, commercially used ATVs are allowed, and if there is no ordinance, ATVs are not allowed on city streets. He continued saying how UTVs are different from ATVs but they were all lumped together in State statutes. He told the Council they would need to make a decision on what they would like to allow on the roads.

Mayor Gander asked if they could avoid a redundant license or permitting process and if there was a way to license a golf cart. Mr. Galstad stated golf carts were not street legal, there could be a permitting process but they were not licensed by the State. Council member Riopelle said there should be a fee to cover the cost of staff's time. Discussion followed about checking with other cities on what they charge for fees on these types of permits. Council President Olstad stated the Council should determine what they would like to look at first and then decide what should be included. Discussion followed about the classification of toolcats, if this ordinance should just be for UTVs, safety requirements needed to be included, and how the proposed road restrictions would not allow people to enter into East Grand Forks other than by the Point Bridge.

Council member Helms said he agreed UTVs should not be allowed on Highways 2 or 220 but they should be allowed on Demers Ave. He added that golf carts were meant to be driven on the golf course, not the roads, but the Council might want to consider an exception allowing them to drive to the golf course. He

also asked to change it so UTVs could be used year round. Council member DeMers commented that he didn't mind the additional items that were included in the proposed ordinance. Mr. Galstad said he was trying to be as inclusive as possible. Discussion followed about if this ordinance was close to the Grand Forks ordinance, how training time for the police officers should be considered so they know what to look for, and how the Council might want to consider a three year permit.

Council Vice-President Grassel said UTVS should have enclosures and windows. Council member Johnson said motorcycles aren't required to have those items and the driver only needs to wear eye protection. Mayor Gander commented how these UTVs are safer than motorcycles because of the roll cage they have built in. Council President Olstad asked again, what they would like to consider in this ordinance. Discussion followed about if the ordinance should only address UTVs, how ATVS could still be used for snow removal, how they might limit this ordinance to UTVS to start, and to consider trying to mirror the Grand Forks ordinance if possible. Council member Helms stated it needed to be clear UTVs would not be allowed in the greenway. Council President Olstad asked to get a list of fees from neighboring cities. Mayor Gander said if they could to try to mirror the Grand Forks ordinance so things were to be consistent between the two cities. Council President Olstad asked Mr. Powers if he had any comments. Mr. Powers said based on the discussion it seems they are on the right track. More discussion followed about how UTVs are prohibited from being on State Highways. Council member Vetter asked if they could even cross State roads because they would be very limited. Mr. Galstad stated he would look into that further. Council member Riopelle said they could cross at a designated crossing. Mr. Galstad said he will double check on the road restrictions.

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

OTHER:

Mr. Murphy reminded the Council about the joint council meeting with the Grand Forks City Council that would be taking place on Wednesday, April 10th starting at 5:30pm at the Grand Forks City Hall. He commented they should expect a full house and the Mayors would be establishing the rules to keep the meeting productive.

Mayor Gander thanked staff for the timely flood updates and on a great job they were doing. He then reviewed the update that stated there was water on the Point Bridge approach, the crest of 48 feet was expected on Friday, and the water may stay at high for a week or so before it will start to go back down. He explained crews would be putting up some of the closures even though the water will not be close to them because all of the closures will all need to be certified.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER JOHNSON, TO ADJOURN THE APRIL 9, 2019 COUNCIL WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:54 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer