AGENDA
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, APRIL 23, 2019 – 5:00 PM

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

1. Discussion on Upcoming Updates to Intersections along US. Business Highway 2 – Matt Upgren

2. Discussion on Special Assessment Policy – David Murphy

3. Review of Proposed UTV Ordinance – Ron Galstad

4. Consider Approving the Hire of Parks and Recreation Specialist – Reid Huttunen

ADJOURN:

Upcoming Meetings
Regular Council Meeting – Tuesday, May 7, 2019 – 5:00 PM – Council Chambers
Work Session – Tuesday, May 14, 2019 – 5:00 PM – Training Room
Regular Council Meeting – Tuesday, May 21, 2019 – 5:00 PM – Council Chambers
Work Session – Tuesday, May 28, 2019 – 5:00 PM – Training Room

Individuals with disabilities, language barriers or other needs who plan to attend the meeting and will need special accommodations should contact Nancy Ellis, ADA Coordinator at (218)-773-2208. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements. Also, materials can be provided in alternative formats for people with disabilities or with limited English proficiency (LEP) by contacting the ADA Coordinator (218)-773-2208 five (5) days prior to the meeting.
Hello all,

I'm writing today on behalf of MnDOT's District 2. We are currently looking at completing a signal replacement project in East Grand Forks in 2023 at the following intersections:

- Intersection of US 2 (Business) and 2nd Street
- Intersection of US 2 (Business) and 4th Street
- Intersection of US 2 (Business) and 2nd Avenue

Work would include replacing the traffic signals and upgrading the ADA Pedestrian Ramps.

At the intersection of US 2B and 2nd Avenue, our traffic office is considering the installation of a roundabout (see picture of the intersection attached). No decisions have been made yet. In order to start the discussion and garner input from the City, I'd like to come out to the council meeting on May 7th to present this discussion to the council.

Ultimately, we are looking for the City's position on the matter. Does the City support a roundabout at that intersection? Does the City wish to continue using a signalized intersection?

Let me know if you think this plan will work on your end to put me on the agenda for the May 7th meeting.

Thanks,

Matt Upgren, PE  
Cooperative Agreement Project Manager  
District 2 Bemidji

Minnesota Department of Transportation  
3920 Highway 2 West  
Bemidji, MN 56601  
Phone: 218-407-0703
Request for Council Action

Date: April 23rd, 2019

To: East Grand Forks City Council Mayor Steve Gander, Council members Clarence Vetter, Dale Helms, Tim Riopelle, Tim Johnson, Mark Olstad, Chad Grassel, and Marc DeMers.

Cc: File

From: David Murphy, East Grand Forks City Administrator

RE: Special Assessment Policy Update

Background.

This issue has been brought before the Council and discussed in the past. The last time it was discussed staff was directed to review policies of other cities and bring back a recommendation. Staff developed an Action Plan which is the following:

1. Determine which streets will need to be reconstructed in the next 10 years.
2. Estimated costs to repair the identified streets.
3. Calculate amount needed from City to find differing percentages of homeowner/city cost splits.
4. Identify and review revenue sources to fund the City share.
5. Evaluate funding sources to determine likelihood of success.

Streets determined to be most in need of reconstruction.

11th Ave NE (from Hwy 2 to 10th St. NE)
20th St. NW (from 5th NW to 8th NW)
5th Ave. NW (from 20th St. NW to Garden Ct.)

Cost Breakdown

Widseth Smith and Nolting has calculated a cost estimate sheet for the reconstruction of the streets identified and is included with the packet. The cost estimate sheet estimates the amount the City would need to cover a 50% assessment, 40% assessment and 30% assessment for each project.
Potential Revenue Sources

The potential revenue sources available to the City to participate in a cost share are very limited. Minnesota does not have a “street district” option which allows a City to set up neighborhood type districts to draw funds for street repair.

Unfortunately there are only two viable options available to us.

1. Continue with current practice of 100% assessment to abutting property owners with associated risks.
2. Levy the taxpayers of the City as a whole for the City’s portion by one of two methods.
   A. A Capital Improvement Fund that is funded each budget year in anticipation of the cost share amounts for the projected projects.
   B. Bond for the City portion of the project at the time of the project and levy the City as a whole annually to pay the debt service.

Recommendation

My recommendation is to consider Method B of Option 2. This option will raise the levy of the overall City.
CITY OF EAST GRAND FORKS, MN
ASSESSMENT POLICY
Adopted December 6, 2011

Special assessment policy for determining benefits to be levied for improvement projects. Total project front foot costs multiplied times the property front footage will determine the assessments for all improvements except storm sewer. The front of a corner lot shall be based on the shorter of the two outside property lines.

1. For Water and Sanitary Sewer:
   A. Rectangular lots - The front footage will determine the assessment.
   
   B. Odd-shaped lots - The front and determined rear line footage will be added together and divided by 2 (two). To determine the location and footage of the rear line, follow the shortest side-yard lot line from the front property line to it’s termination point and extend it either to the right or left with a line that’s parallel or almost parallel to the front property line. Both side-yard lot lines shall never exceed 140 feet.

2. For Storm Sewer - The total square footage of the lot will be used to calculate the amount of benefit assessed, with the exception of river lots. On river lots the storm sewer benefit will be calculated in square footage to the extent that it does not drain into the river, except that it should never be less than 140 feet deep. The total project square footage will be multiplied by the determined lot square footage.

3. Curb, gutter, paving and soil cement - Assessment could consist of both front and end benefits or only one.
   A. Rectangular lots - Assessments will be based on front footage for both front and end benefits.
   
   B. Odd-shaped lots - The front and determined rear line footage will be added together and divided by 2 (two). To determine the location and footage of the rear line, follow the shortest side-yard lot line from the front property line to it’s termination point and extend it either to the right or left with a line that’s parallel or almost parallel to the front property line. Both side-yard lot lines shall never exceed 140 feet.
   
   C. Front benefit is calculated on the front footage of the lot.
   
   D. End benefit will be assessed halfway down the block from the side street based on the front footage.

The City of East Grand Forks is an Affirmative Action Equal Opportunity Employer.

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4. For State Aid Route Reconstruction – property owner will pay 30% of all applicable front and end benefit reconstruction based on the current criteria.

5. New Construction Property Owner will be assessed 100% of all new construction.
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA ADDING CODE CHAPTER SEVENTY-EIGHT (78) ENTITLED “UTILITY TASK VEHICLES”; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER TEN (10) AND SECTION 10.99 WHICH AMONG OTHER THINGS CONTAINS PENALTY PROVISIONS.

THE CITY COUNCIL OF EAST GRAND FORKS, MINNESOTA ORDAINS:

Section 1. That Chapter Seventy-eight of the City Code is hereby revised to read as follows

§ 78.01 UTILITY TASK VEHICLES

(A) (1) No person shall operate a UTV on the streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(2) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

(a) The name and address of the applicant.
(b) The nature of the applicant’s physical handicap, if any.
(c) Model name, make, and year and number of the UTV.
(d) Current driver’s license or reason for not having a current license.
(e) Other information as the city may require.

Upon investigation of the applicant the Chief of Police or his designee shall enter upon the application his or her recommendation for approval or disapproval. Should it be for disapproval he or she shall also enter on the application the reasons for disapproval. The application shall be returned to the City Administrator who shall present it to the City Council for its consideration at the next regularly scheduled meeting. If approved by the City Council a permit shall be issued by the City Clerk. The Council in its sole discretion and for any reasonable cause may refuse to grant any application.

(3) The permit fee shall be as set forth by resolution of Council may be amended from time to time. The fee schedule will be available in the City Administrator’s Office.

(4) Permits shall be granted for a period of three (3) years and may be renewed.

(5) No permit shall be granted or renewed unless the following conditions are met:

(a) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver’s license.
(b) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a utility task vehicle on the roadways designated.

(c) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for UTV. If a person cannot get insurance on the UTV, the state insurance plan offers coverage.

(d) The applicant has not had his or her driver’s license revoked as the result of criminal proceedings.

(e) If the applicant has provided a certificate as indicated in subsection (b) of this section then the applicant must have successfully passed a driving test to the satisfaction of the East Grand Forks Police Department.

(6) The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat. ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the utility task vehicle on the designated roadways.

§ 78.02 OPERATION RULES

(1) UTV are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.

(2) Prohibited areas of operation.

(a) Demers Avenue
(b) Gateway Drive (US Highway 2)
(c) Business Highway 2
(d) 17th Ave. North
(e) Highway 220
(f) Central Avenue

(3) It is unlawful to operate a UTV, except as otherwise provided by this article, within the City or East Grand Forks, as follows:

(a) It is unlawful to operate on the private property of another without permission.
(b) On public sidewalks, walkways or trails provided or used for pedestrian travel.
(c) On or across any publicly owned lands, including but not limited to dikes, levee, parks, school grounds, recreational areas and playgrounds, unless a permit has been obtained from the proper authorities, or unless such areas have been specifically designated for such use, nor shall UTV park on such areas unless a permit has been obtained from the proper public authorities.
(d) At any place under the influence of intoxicating liquor or controlled substances in violation of____________________
(e) In such a manner as to create or cause unnecessary engine noise or tire squeal, or that causes tires to spin or slide upon acceleration or stopping of said vehicle, or that cause the vehicle to unnecessarily turn abruptly or sway from side to side, or to operate said vehicle in such a careless, reckless or negligent manner as to endanger the person or property of another or to cause injury or damage thereto.

(f) In any cemetery

(g) On any golf course, with the exception of any vehicle authorized by the management of the golf course for business or event purposes.

(h) Unless equipped with a standard muffler or mufflers which are properly attached, and which will reduce noise of operation of such UTV to a noise level which shall not be a disturbance to residents or violate the city noise ordinance and no person shall use a muffler cut-out, by-pass or similar device.

(i) The provisions of this section shall not apply to the use of any UTV by or at the direction of a law enforcement agency.

(j) Without a valid policy of liability insurance in effect providing coverage for liability arising out of the operation of the ownership, maintenance or use of the UTV in an amount not less that required by still state law

(k) When operating the UTV upon any street, avenue, roadway, alley or otherwise designated route, such operation shall be at the right side of the street and as near to the curb or shoulder thereof as practicable under the circumstances and in the same direction as the direction of other motor vehicles traveling on the roadway.

(l) The operator of the UTV shall yield the right of way to all oncoming and crossing traffic which constitutes an immediate hazard;

(m) Drivers of a UTV must yield to pedestrians whether or not a crosswalk is at the point the pedestrian is crossing or about to cross the street, avenue, roadway or alley

(n) The driver of a UTV may cross any street or highway intersecting a designated roadway. When crossing the crossing must be made at approximately a ninety (90) degree angle to the direction of the roadway and at a place where there is no obstruction preventing a safe crossing.

(o) The number of occupants on the UTV may not exceed the design occupant load.

(p) It is unlawful to operate a UTV unless the Driver is at least 16 years of age with a valid Minnesota driver’s license or if at least 16 years of age and has a certificate signed by a physician that the applicant is able to safely operate a UTV on the roadways and has passed a road test to the satisfaction of the East Grand Forks Police Department.

(q) No persons shall operate a UTV faster than the posted speed limit.

(r) Every person operating a UTV under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. ch. 169, as it may be amended from time to time.

§ 78.03 HOURS OF OPERATION

(1) A UTV may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather conditions or at any time when there
is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

§ 78.04 EQUIPMENT REQUIRED

(1) UTV shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
(2) To operate before sunrise and after sunset must be equipped with original equipment headlights, taillights, and rear-facing brake lights.
(3) If the UTV is not equipped with a windshield the operator must wear protective eyewear.
(4) All other equipment to include but not limited to horn, speedometer, odometer, brakes, and seatbelts must be in good working order to ensure public safety.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DRIVER.** The person driving and having physical control over the utility task vehicle and being the licensee.

**UTILITY TASK VEHICLE. (UTV)** As defined by Minn. Stat. § 169.045, subd. 1 (3), a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less and has a total dry weight of 1,800 but less than 2,600 pounds.

(C) Authorized city staff may operate city owned equipment, UTV or other vehicles without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property including the greenway when conducting city business.

Passed by the City Council of ________, Minnesota this _____ day of Month, Year.

ATTEST:

______________________________________________  ______________________________
City Administrator, David Murphy                  Council President, Mark Olstad

I hereby approve the foregoing Ordinance this ____ days of ________________, 2019.

______________________________________________
Mayor, Steven Gander
Request for Council Action

Date: April 23, 2019

To: East Grand Forks City Council Mayor Steve Gander, Council members Clarence Vetter, Dale Helms, Tim Riopelle, Tim Johnson, Mark Olstad, Chad Grassel, and Marc DeMers.

Cc: File

From: Reid Huttunen, Parks & Recreation

RE: Request to approve hire of Parks & Recreation Specialist

Background:
The Parks & Recreation Dept. has concluded the interview process for the position of Parks & Recreation Specialist. We have made an offer to Mrs. Katie Boespflug, to begin employment on Wednesday, May 8th, upon approval from City Council.

Budget Impact:

Recommendation:
Please approve Mrs. Katie Boespflug as Parks & Recreation Specialist at a Grade 10/Step 1; an hourly rate of $19.31 per hour, to begin employment on Wednesday, May 8th.

Enclosure:
none