

**APPROVED MINUTES
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, AUGUST 13, 2019 – 5:00 PM**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for August 13, 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(5:01pm), 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; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Reid Huttunen, Parks and Recreation Superintendent; Gary Larson, Fire Chief; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present.

1. Request to File Plans & Specifications for 19AJ1 6th Ave NE Improvements – Steve Emery

Mr. Emery told the Council the preliminary plans were available for this project. He explained he had included a proposed budget, set a bid date for September 13th, and stated plan was to try to complete some work yet this fall. He asked to have the bid information be considered at the council meeting to keep this project moving forward. He added once the bids are opened they could try to get waivers from the property owners affected. Mr. Galstad said it could be possible to try to get waivers signed. Mr. Emery said they would try to work on that once the bids are received and tabulated. There were no questions.

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

2. Request for Direction on On-Sale Liquor Licenses – Megan Nelson

Ms. Nelson stated in recent weeks the Administration Office had been contacted by a couple businesses that were interested in possibly having interest in more than one on-sale liquor license. She explained that the current city ordinance does not allow a person to have direct or indirect interest in more than one license. She stated State statute does not allow a person to have interest in more than one off-sale license in a municipality, they cannot have interest in an on-sale license and be a manufacturer, wholesaler, or importer but it does not restrict a person having interest in more than one on-sale liquor license. She told the Council that if there is not an issue with making the change staff could start working on making the amendment to the ordinance and start working with the businesses. Ms. Nelson said there was an interested party at the meeting and asked if they wanted to add anything.

Mr. Moore informed the Council of his plans of adding a restaurant area in the three-plex, they like to stay ahead of trends in their industry, and he asked if they would be required to have two licenses. Mr. Galstad explained that requirement was coming from the State, it may have something to do with the layout of the mall along with the separation of the theater complexes, and the State would be regulating that. Ms. Nelson said they could reach out the inspector for some clarification. Mr. Moore said they would be reaching out and asked the Council if there were any other questions. Ms. Nelson reminded the Council would she would still need clarification regarding if they would allow someone to have interest in more than one on-sale license because of this situation but also of the other request being two different businesses.

Council member DeMers asked if there would be a separate corporation set up for this. Mr. Moore said they would not set up a separate company. Council member DeMers asked what the purpose was behind this restriction. Mr. Galstad said it was set by the City Council, the previous ordinance allowed a no more than a 10% interest in a second location, and he is not sure the history of why it was set up this way. Council member DeMers said it was important to find out why it was this way before moving forward. Ms. Nelson informed the Council the League of Minnesota Cities model ordinance had the same wording in their model.

Council member DeMers asked to look into what the benefit of this was and asked if this would not allow a brewer to sell. Ms. Nelson explained it was separate license, they could obtain a brewery license, and with that a tap room license allowing them to sell their product. She added it was the same for the distillery license. Mayor Gander said step one is to clarify if two licenses would be required and the ordinance could mirror the State statute for on-sale licenses. Council President Olstad said they need to decide if they want to allow interest in more than one license. Discussion followed about how the city does have seven licenses because restaurants and the service clubs do not count against the seven licenses the city could issue. Council member Vetter commented patrons would not be able to walk through the hallway with drinks between the two theater areas. Ms. Nelson asked the Council if they would be interested in allowing a person to have interest in more than one on-sale license. She said if so they could start on the amendment process. Council Vice-President Grassel said he would not have an issue if they follow all of the rules.

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

3. Update on 2020 Elections – Megan Nelson

Ms. Nelson informed the Council there will be three elections in 2020 which includes a presidential primary on March 3rd. She explained presidential primary is different because there will be a ballot for each of the different parties so people will have to ask for which ballot they would like. She reminded the Council during the last election the City was an absentee voting location and had direct balloting seven days before the election. She explained she had talked with the county and the City would not be required to have direct balloting for the presidential primary, which would save a couple thousand dollars. She asked if this was something the Council would support and asked if there were any questions.

Council member Riopelle asked what her preference would be. Ms. Nelson said she would like to be an absentee location but not have the direct balloting for the presidential primary. Council member DeMers said direct balloting has been available for one election cycle, there may be low turnout, but it is a benefit and a growing trend. He said things have been kept consistent when it comes to elections, which is important, there are costs associated with this, and he would like to keep things consistent. Ms. Nelson

commented how well things went during the 2018 election cycle and they will get the word out the city will be an absentee location again.

4. Request to Fix Roofline at VFW Arena – Reid Huttunen

Mr. Huttunen reminded the Council of the damage to the roof during a 2017 windstorm, that the weight of the snow this past year ripped the rubber roofing, and caused leaking inside the building. He said he has had a few businesses look at this to come up with a way to fix these issues. He explained the fix would include extending the roofline with a seamless metal roof that would slope from the main roof onto the addition. He stated he had another business on the roof for a second opinion and they agreed that this would be the best option other than replacing the entire roof.

Council President Olstad asked if there were going to be any other costs associated with this project. Mr. Huttunen said none that he could foresee. Discussion followed about how the roof would not extend all of way to the edge of the roof over the addiaion, what is currently on the roof of the addition, and how it is a nearly flat roof. Council member DeMers asked if there was any warranty for this work. Mr. Huttunen said he could ask. Council member Vetter asked if the rubber roof was installed correctly in 2017, it should not be tearing, and it should be covered by warranty. Mr. Huttunen said he had talked about it with the company that day and asked if it would be replaced with different rubber roofing but they said the best way to move forward was with the proposed fix. Council Vice-President Grassel reminded the Council they had to extend the roof at the Civic Center because of similar issues.

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

5. Review of Parks & Recreation Policies & Procedures – Reid Huttunen

Mr. Huttunen told the Council the Park and Recreation Department has been working on updates to policies they would like to have in place for the fall and winter seasons. He stated how they have started meeting with the different groups to determine how they will be adhering to the new SafeSport policies that are being given by the governing bodies like USA Hockey. He explained SafeSport was created and designed by the US Olympic Committee, all programs are discussing how they will be following this program, and the first step for the City would be to adopt local policies that follow the templates from the SafeSport program. He said Minnesota Hockey would like a response stating the City will be adhering to the policies as they are written and they want a list of names for people that will be working within the program.

Mr. Huttunen informed the Council that the City is different from everyone else because the programs are run through the city and not a private entity. He told the Council he is waiting to hear back from Minnesota Hockey about who they would want listed as the directors. He reviewed how all people involved will need to be certified, all will need a background check done which will no longer be paid for by Minnesota Hockey, and there will need to be more discussion on how to move forward to comply with this program. Discussion followed about who might be the coordinator, how people involved will need to go through a certification process, all background checks are conducted through SafeSport, and how a panel will need to be formed with one person conducting the fact finding.

Mr. Galstad stated the biggest concern he had when reviewing this information is the hearing that would need to be held because it would be similar to a trial and someone on the panel would almost need a legal background. Council member Riopelle asked if he was volunteering. Mr. Galstad said he could possibly

help other cities or organizations. Mr. Huttunen said this process is complicated and it is different for each program. Council member DeMers asked what happens when it is criminal. Mr. Galstad stated it would be taken over at that point. Discussion followed about how everyone is a mandatory reporter, child protection services could get involved, and the City has to adhere to the programs or the City will not be able to participate in any of the programs.

Council Vice-President Grassel said again this is a unique situation with the City being in charge of the programs. Discussion followed about how the school will also be following SafeSport but it will be handled by the Minnesota State High School League. Mr. Galstad said the first thing that needs to be decided is if they will follow these new regulations or not play. Mayor Gander asked who might serve on the local tribunal. Mr. Huttunen said he was looking for feedback from the Council on that. More discussion followed about time frames and when things need to be in place, how staff is asked often why it is running these programs, and everyone who is involved from the bus driver to the greeter at an event would need to go through this process. Council member DeMers said the risk is no different, just who has the liability, and the City should continue running the programs.

Mr. Huttunen said part b of this is reviewing policies. He explained how some organizations help dictate who is able to participate in the different programs, it involves a waiver process, and the City has not had a consistent answer for participation in other recreational programs. He stated how the proposed policy explains who is able to participate because the recreation programs are heavily subsidized by the community. Discussion followed about different scenarios that might happen and how this policy would address them, how there is a waiver process that would need to be signed off by all parties involved, and this will allow for consistency and give an explanation of why someone may not be able to participate.

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

6. Review & Discussion of Potential Assessment/City Projects & Sales Tax Projects – Steve Emery & Jason Stordahl

Mr. Emery stated the budget process has started and staff has put together a list of potential projects. He explained the list is broken down into three different areas being assessment projects, city projects, and possible sales tax projects. He reviewed the list of possible projects, the range of potential costs of a quiet zone, how the City needs to make a good faith effort to make ADA improvements, and how the City will be receiving federal funds again in 2022 and the round-a-bout is currently listed as that project. He added if the City would be moving forward with a round-a-bout they will need to get started on that soon because of the property acquisition and utility relocation or the Council could change it back to street improvements to 10th Street NE so the Council will need to determine how they would like to move forward soon. He continued with the list of potential projects for a sales tax and the list of projects that had recently been approved by the State.

Ms. Nelson commented how it had been asked if there were any restrictions of amounts or on the amount of time. She explained staff received information from the League of Minnesota Cities on how the State Legislature is still looking at this on a case-by-case basis, there are no time limits, and the sales tax projects that were recently approved did not have to follow the new regulations that went into effect on August 1st. Mr. Emery said this was for informational purposes and asked if anything needed to be added to the list. Council member Vetter asked to have a bridge added to the list. Council President Olstad asked if any of the costs were included from the jurisdictional transfer or the updating of the streetlights. Mr. Emery said they were not but the costs from the transfer would be reimbursed by the State or the City would be given

a lump sum. He added he is expecting answers to the Council's questions in the next week regarding the jurisdictional transfer.

Council President Olstad asked if there were any questions about the information presented. Mayor Gander said the Council would need to consider changes to the street replacement policy and if a change is made what it might look like. He asked them to be ready to discuss this at the next work session. Ms. Nelson reminded the Council the first deadline for sales tax is to submit a resolution to the State by January 31st and asked when they would like to see this information again. Council President Olstad asked if we have to wait a year. Ms. Nelson said the City would not be able to start collecting for a year from when the first sales tax ends but it does not prevent the City from taking the steps to get everything in place. Ms. Anderson added that sales tax information could only be voted on at a general election and no longer at a special election. Discussion followed about how to determine the amount to propose for the sales tax, how the City might want to lump some projects together, these projects need to have regional significance, and the City will need to talk with legislators to see what is needed for approval.

Council President Olstad asked when the Council would like to review sales tax. Ms. Nelson asked if they would like to wait until they have the facility study back from JLG. Mr. Huttunen said there might be information available in late September. Council President Olstad said to wait until the report is available. Mayor Gander said it is important that first the Council will try to fund projects through the normal channels since a sales tax is additional taxation. He said he was asked if they knew what a sunset was, coming back for another sales tax is not sitting well with some residents, and again try to fund some of these items through the usual channels. He added they will have difficulty with the arena situation, it will more than likely meet the threshold, but the Council needs to be strategic and give the people a break.

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

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER GRASSEL, TO ADJOURN THE AUGUST 13, 2019 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:43 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer