

**APPROVED MINUTES
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, SEPTEMBER 24, 2019 – 5:00 PM**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for September 24, 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.

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; David Murphy, City Administrator/Clerk-Treasurer; and Jason Stordahl, Public Works Director.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present.

1. Consider Approving the Sale & Development of Coulee View Lots on Block 1 North of 13th Street SE – Paul Gorte

Mr. Gorte explained Mr. Robertson has asked to build twin homes and a three-plex on the Coulee View lots the City still owns, the Council will need to decide if they are willing to sell these lots, and if so the process will continue through the planning commission. He added to allow time for Mr. Robertson to start this year the advertising for the public hearing will need to be done to keep the process moving forward. Council President Olstad asked if there were any questions.

Council Vice-President Grassel asked if the three-plex would look like the other structures that are built or currently being built. Mr. Robertson said they were and how the location of the garages has changed so there are no issues with the power, water, or sewer. Mayor Gander said it looks like a good fit for this area and he looks forward to seeing these lots being developed. Council member DeMers said he was in favor of this project and asked if they would be requiring fill from the City. Mr. Robertson said he did not think so because it will be a walk out basement. Mr. Gorte said the City has made 1,000 cubic yards available for Water's Edge and 5,000 cubic yards for the Coulee View lots. Discussion followed about when the repairs will be made to 14th Avenue SE where the road was dug up for connections and how there will be repairs made to the sidewalk. There were no other questions.

This item will be voted on during the special session following the work session.

2. Introduction to the Greater Grand Forks American Indian Parent Committee – Representatives from the Committee

Ms. Suraya Driscoll introduced herself and explained how the public school receives funding from the State to serve the American Indian students. She stated this required having a parent committee to help make decisions, how they have been a small group, and they have now joined with the Grand Forks committee forming the greater Grand Forks advisory group. She introduced members of the group attending the meeting. Dr. Donald Warne introduced himself, gave a brief history of his background, and stated how he has been a resident with children in the East Grand Forks school district for over a year. He told the Council there was going to be an Indigenous People's Day on Monday, October 14th in Grand Forks at the Fire Hall Theater starting at 5:30pm. He added they wanted to make sure the Council had been invited so there is connectivity on both sides of the river.

Dr. Warne explained he is Lakota from South Dakota but had family ties to the Dakota from this area. He stated colonization came from the east meeting the Dakota people first and if they had come from the west this area could be known as North Lakota instead of North Dakota. He continued saying this is his homeland and where he feels he belongs. He explained the Grand Forks region was a gathering point in the summer where the rivers meeting and he tries to picture the area with 1,000 tepees and 10,000 people. He then asked if anyone knew what Minnesota meant. He explained it is from Dakota language, minni is water, sotah is cloudy or smoky, and during this time of year on all of the waterways look like clouds rising off the water. He ended by saying they wanted to introduce themselves and extend the invite for celebrating Indigenous People's day on October 14th at 5:30pm at the Fire Hall Theater where they will have indigenous scholars, artists, musicians, and the event is kid friendly. The Council thanked them for coming to the meeting.

3. Review of 19AJ1 6th Ave NE Improvement Bid Results – Steve Emery

Mr. Emery informed the Council the bids were opened for this project on Friday, September 13th, four bids were received, and the apparent lowest bidder is Paras Contracting from Fargo. He stated that Paras has completed projects in the City over the last few years and have had good experiences with them. He continued saying the lowest bid did come in 5% higher than the estimate, he was conservative with the estimate numbers, but the first two bids had only \$1,900 of a difference so he feels they received good competitive bids.

Mr. Emery said last week he met with property owners including A&L Potato, Northland Woodworking, MGI Grain who will be sending the information down to the corporate office, and he sent information to Mr. Halvorson about the potential assessments. He added everyone who he had spoken to seemed to be in favor of the project. He explained he had been pushing to get the utility work to be completed this fall, he heard concerns about the deadline for that utility work, so he changed the deadline to next year and required reinforcement of those areas. He said that since they have time his recommendation is to move forward with a final improvement hearing before awarding the bid so this was more informational. There were no questions.

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

4. Request for Local Support for Signal & ADA Improvements – Steve Emery

Mr. Emery told the Council he had been contacted by MNDOT about potential signal replacement and

ADA improvements at the intersection of Highway 220 and 14th Street NE. He explained that since 14th Street NE was a part of the local system they are asking the City to pay for half of the signal replacement. He stated they were estimating the cost would be \$300,000 so the City's portion would be about \$150,000. He said they are also looking at making some pedestrian improvements, which they would pay for 100%. He added they are looking for a resolution from the City stating the City would be willing to pay for half of the cost of the traffic signal replacement. He asked if there were any questions and reminded the Council this project was not scheduled until 2022 so there was time to budget for this or to utilize State Aid dollars.

Council member Helms asked if they were only going to be changing the traffic lights and nothing else. Mr. Emery said it was only lights. Ms. Ellis said this was the only thing planned at this intersection from the Highway 220 Corridor Study. Mr. Emery said they still plan on the bump outs at the intersection of 17th. Council member Helms said there were people on the committee that expressed their concerns about the bump outs and how even now it can be difficult to make that turn. Mr. Emery said once MNDOT starts developing plans they will keep the City informed. Discussion followed about who ran the corridor study and who from MNDOT had attended council meetings. There were no other questions.

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

5. Request to Declare Surplus Vehicles & Bicycles – Michael Hedlund

Chief Hedlund said this was for the second auction of the year and this time they have the list of bikes ready to go. He stated there were going to be 18 vehicles and some from other departments, which will go up for sale once approved following the council meeting. There were no questions.

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

6. Consider Revision & Adoption of Greenway User Rules & Regulations – Michael Hedlund

Chief Hedlund said this affects a number of departments and reminded the Council about 15 years ago the Council adopted these rules. He stated he would like to have the City adopt these as ordinances, clearly state what is and is not allowed, and make clear what the penalties would be. Council President Olstad asked how they would like to move forward with this. Mayor Gander suggested Mr. Galstad review this. Mr. Galstad said he did not remember why the City did not adopt this as an ordinance; he would like to review the Grand Forks ordinance, and bring something back for the Council to review. Council President Olstad said this is needed for enforcement and something the Council needs to look into. Chief Hedlund said this is coming up because of a young man who recently drove onto the greenway, they are reserving the right to site him, and he is arranging to pay for the damages that he caused.

Mayor Gander said he is in the greenway a fair amount, there are sections that are heavily used by motorized four wheelers, and they will have to decide how to handle that. Mr. Galstad said he does remember part of the reason for not adopting this as an ordinance was because of discussions on getting close to the river to fish and the rules do not allow motorized vehicles so this will become an enforcement issue. He asked for direction from the Council on what they would like to see regarding this issue. Chief Hedlund stated the rules do not allow motorized vehicles but do not provide clear penalties for violations. Council President Olstad asked what the argument would be for when people want to drive to an area to fish. Chief Hedlund said some areas could allow motorized vehicles such as the LaFave area, but if they have to go up and over the levee leaving room for them to cause damage to the levee and it should not be

allowed. He added the ordinance would help the police department with enforcement.

Mr. Murphy stated he would like the help from Mr. Galstad, there can be areas of the greenway that do not need to be accessed by motorized vehicle, there are some areas like along River Road and by the docks where motorized vehicles would be allowed and allow people to fish. He added that personally him and his son hike to certain fishing spots so they should be able to drive up to some and have to hike to others because there are more urban areas and areas that are more rural. Mayor Gander asked if there should be access to UTVs in certain areas but this would not be open to the entire greenway. Mr. Galstad said this would not be allowed in the state park. Council member Riopelle said there would be some that take it to the next level. Council President Olstad commented on the issues down by the South Point Elementary school. Discussion followed about where does someone draw the line, would people stay on the designated system, the system would need to be kept up by a volunteer organization, which is not something that is in place, and there have not been that many UTV permits issued. Council President Olstad stated Mr. Murphy would work with Mr. Galstad and bring something back for the Council to consider.

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

7. Consider Amendment to Agreement with Northern Valley Machine – Paul Gorte

Mr. Gorte said a few years ago Northern Valley expanded their operation the City provided them \$100,000 in tax credits over a five-year period. He stated how it was thought they would be able to apply \$20,000 each year but the Department of Revenue said they would not be able to receive both tax credits and the disparity credits at the same time. He explained to meet and fulfill the promise that was made the City would need to provide an additional \$45,000 in tax credits, which are currently available.

Council member Vetter asked if the City did this last year. Mr. Gorte said it had been done for the hotel. Council member Vetter stated he was against it then as well because they have received the \$100,000 so he will vote against this as well. Council member Riopelle said it was a two-part agreement and if they used the \$100,000 in three years instead of five, they still received the \$100,000. Mr. Gorte commented when this agreement was done it was based on the understanding the programs worked differently than what the City was told by the Department of Revenue so an adjustment had to be made. Mayor Gander asked if they did not receive the full benefit of what was promised. Mr. Gorte stated they have used approximately \$84,000 of tax credits and an additional \$45,000 would be needed. He added they have now made changes with how programs are offered and this was the last agreement done under the previous understanding.

Council President Olstad said this would go to the council meeting for consideration. Mr. Gorte said there would also be a public hearing. Council member Johnson asked how many employees they have. Mr. Gorte said they have 71 employees, they have grown by six full time positions, and they are required to keep 65 employees on staff. There were no other questions.

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

8. Special Assessment Policy Update – David Murphy

Mr. Murphy said it was asked to request the special assessment policy from Warren, Minnesota during the last time this item was discussed and that had been included in the packet. He explained their policy

is straight forward; they assess 100% of new construction, and assess 30% of the costs for reconstruction projects. He continued saying not much has changed for potential funding for these projects and he would take any questions or comments from the Council.

Mayor Gander said they were going to work on timelines for street replacement, work on plans and specifications, let bids, prepare the assessment roll, hold the final hearing, allow time for the appeals period, and possibly move forward with the project. Mr. Galstad said it would be a 90-day period for this process. Mayor Gander asked if there would be an issue with the 90 days and awarding a bid. Mr. Emery said bids are usually good for 60 days and said any appeals would have to be presented during the final assessment hearing. Mr. Galstad reviewed the appeal process, how it requires filing a notice for the hearing, and then filing the information with the court. Mayor Gander suggested revising the policy by taking a portion of the cost, making them a citywide cost, and bringing it forward for a vote. He continued saying there seems to be a consensus to vote any changes down and if so, they could try to work on paving some of the streets based on the current policy.

Mr. Emery said the absolute minimum to be assessed according to State law is 20%. Mr. Murphy asked if the Council wanted to see a certain percentage or if the person making the motion would say what amount it would be. Mr. Emery said they have looked at 11th Avenue NE and the area of 20th Street NW and 5th Avenue NW for possible reconstruction and reviewed assessment rolls with the different percentages. Mayor Gander stated some comments were made by Council that no one was asking for this policy to be changed but he would like to move forward with a plan in place so streets are addressed when they reach the end of their life span instead of going past their life span without being reconstructed. He suggested the City take on either 30% or 40% of the costs for these projects or he would be fine if they left the policy the way it is. Mr. Galstad reminded the Council they will want to wait until after the appeals period ends and if there is an objection they will need to decide if they will move forward with the project.

Council President Olstad asked if the City was responsible for 30% what those costs would be. Council Vice-President Grassel said the city percentage would also have to be set and not differ from project to project. Mayor Gander said they would not start 20 projects at the same time rather they would cap the total amount they would be willing to pay for projects. Council President Olstad asked how much of the levy would need to be set aside for this each year. Discussion followed about needing to determine what amount would be the max amount for the year, how that could cause a large increase in property taxes to cover these projects, and what the payback period would be for these projects for both the City and the residents. Mr. Murphy explained his previous experience where the City he was working at paid 70% of the projects and how that affected the levy so the payments would be spread out over a period of time. He stated once the amount was a part of the levy the funds were used for projects every year. Mayor Gander said he would want to do one project at a time and pay it off before moving forward with another project. Council President Olstad said if this is levied the City would be paying interest too if it is paid for over seven years and they need to determine how this would also affect residents. Discussion followed about how the project could be paid in full, but wait the seven years before starting another project.

Mr. Emery said they would be looking at a 15 or 20 year assessment because they will look at all of the utilities as well as the demolition of the street. He said to make it affordable for the residents they will have to make it longer time frame. Mayor Gander said they could consider the life of the asset and a reconstruction should last at least 20 years so he is good with an assessment of 15 to 20 years. Discussion followed about even if it is 100% assessed the City would still need to bond for this project to pay for it, if there are going to be issues when projects need to be completed due to timelines, and how the Council may not be able to wait for 20 years to complete projects. Mr. Murphy asked if the Council wanted to set

the number or have it blank in the motion. Council member Johnson asked why this was brought forward. Mayor Gander said there have been issues with the City had to pay \$100,000 from other projects because it failed the special benefits test. After more discussion Mr. Murphy said he would bring this forward with the City covering 40% of the cost.

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

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER HELMS, TO ADJOURN THE SEPTEMBER 24, 2019 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:57 P.M.

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

Voting Nay: None.

David Murphy, City Administrator/Clerk-Treasurer