

**APPROVED MINUTES
OF THE CITY
COUNCIL SPECIAL MEETING
CITY OF EAST GRAND FORKS
FRIDAY, MAY 29, 2020 – 5:00 PM**

CALL TO ORDER:

The Special Meeting of the East Grand Forks City Council for Friday, May 29, 2020 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, and Marc DeMers.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present.

1. Mayoral Declaration of Amended Local Public Health Emergency

Mayor Gander said there was going to be a continuation of the declaration of the local emergency to help businesses to meet what is necessary for the outdoor seating of restaurants. He stated this would allow them to start on Monday when the executive order allows for it to begin. He added he would answer any questions.

A MOTION WAS MADE BY COUNCIL MEMBER GRASSEL, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE THE AMENDED LOCAL PUBLIC HEALTH EMERGENCY.

Council member Vetter asked if the declaration is not approved could they still approve the use sidewalks and other measures for the restaurants and bars. Mr. Galstad said there were a couple ways this was being done around the State, one way is by a local emergency, and it was possible moving forward with a resolution. He continued saying the local emergency was still in place, other cities have done this under their local emergency, and depending upon the resolution it can give staff the ability to approve the applications. He stated these applications would be provided to the Administration Office and recommendations would be coming back to City Council. He added nothing was available on MNDOT right-of-way, the Governor should be signing an executive order allowing outdoor seating in MNDOT right-of-way, and Mr. Emery provided maps of the right-of-way areas. He suggested handling the issue for businesses that were going to use the MNDOT right-of-way or have a resolution stated on the record.

Council member Vetter said he was concerned, he wants to do as much as they can for the bars and restaurants so he will go along with this, but the Council needs to look at and consider ending the emergency declaration and they need to start moving forward and get things moving again. He added he will vote for this tonight but in the next couple weeks the Council will need to consider if the emergency declaration should be continued or not.

Council member DeMers said he is thinking the same as Council member Vetter; this could be brought back to a meeting to discuss what the benefits are of the emergency declaration, and what the path forward would be. He added he will be willing to do this and is concerned about the declaration as well. Council member Helms asked if building permits will be required and how one business has already started adding on. Mr. Murphy said currently that was not permitted and one will be required. He stated that is being addressed. Ms. Ellis said the discussion has started about getting the permit and they like it when people ask and get the permit before a project is started. Council member Helms said he just wanted to make sure and people are being safe and smart about this.

Mayor Gander thanked everyone for going along with this, there has been discussion on parklets, and because it is a matter of public safety, there will not be any rush to put them on the city street. He explained this would go through a process over the coming weeks and months. Council President Olstad said Council member Helms was referring to a canopy on their building. Mayor Gander stated he understood but they were also talking about safety so the Council will make sure it will be done safely. Council President Olstad asked if they needed to vote on the declaration. Ms. Nelson stated the resolution ratifies the declaration.

2. Consider adopting Resolution No. 20-05-35 assisting in the accommodations for businesses to open under the Governor's Executive Order while they follow guidelines and ratifying the Mayor's amended local emergency.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER RIOPELLE, TO ADOPT RESOLUTION NO. 20-05-35 ASSISTING IN THE ACCOMMODATIONS FOR BUSINESSES TO OPEN UNDER THE GOVERNOR'S EXECUTIVE ORDER WHILE THEY FOLLOW GUIDELINES AND RATIFYING THE MAYOR'S AMENDED LOCAL EMERGENCY.

Council member DeMers asked if this includes any sunset provisions, if they will be done when the local emergency is done, and he is reluctantly allowing this because this is the only way the Governor is allowing them to do business. He added he does not want parklets all over the city because it could be accepted as the new normal like when the local emergency went into place. He commented his fear is they are put in and not removed. Council President Olstad said the parklets are not included and this has to do with sidewalks. Council member DeMers said both are important to him and he does not want to see these areas become privatized indefinitely. Mr. Galstad said this was a temporary issue and this would end when the emergency order ends or MNDOT has a date in November that this would end. He added the Council should also consider the MNDOT resolution and right-of-way permit for Demers Avenue. He commented without that they are only considering city right-of-ways so without addressing the MNDOT resolution Up North would not be able to put out seating on either sidewalk on Monday.

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

Voting Nay: None.

Absent: Johnson.

Council President Olstad asked if the MNDOT resolution was supposed to be amended into the agenda. Mr. Galstad stated he had not received the information until about 3pm that afternoon and since it is a special meeting dealing with these items, it would be appropriate for the Council to act upon this. He explained the resolution that was provided was a template from MNDOT that should be used by cities.

He added the City will be required to use their permit, the permit would be included with the resolution, and maps were provided by Widseth showing the areas that could potential be used for outdoor seating. He asked the Council to consider adopting the resolution or it could be done later.

Council member DeMers thanked Mr. Galstad for the work done on this and asked about the portion where it states it would be the City's cost to remove and restore things to the way they were before. He asked if they are making sure MNDOT does not have to handle this. Mr. Galstad explained MNDOT was not issuing any permits to businesses, they are only issuing a permit to the City, and the City would be issuing permits to the individual businesses. He added if there were costs to removing things out of the right-of-way it would be up to the individual businesses to remove items. He commented how nothing permanent is being allowed so there should be any real expense and MNDOT is making sure the right-of ways are cleared by November. Council member DeMers asked about the maintenance portion and if that is for the entire area or just the permitted areas. Mr. Galstad said it was for the cleaning and removal of anything in the permitted area, not maintaining the entire area.

A MOTION WAS MADE BY COUNCIL MEMBER DEMERS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE THE TEMPORARY OUTDOOR DINING PERMIT RESOLUTION.

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

Voting Nay: None.

Absent: Johnson and Olstad.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER DEMERS, TO ADJOURN THE MAY 29, 2020 SPECIAL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:28 P.M.

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

Voting Nay: None.

Absent: Johnson and Olstad.

David Murphy, City Administrator/Clerk-Treasurer