

**AGENDA
OF THE SPECIAL MEETING
CITY OF EAST GRAND FORKS
TUESDAY, SEPTEMBER 26, 2023 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

1. Consider adopting Resolution to 23-09-60 approving the hiring of Jeremy King as the Park and Recreation Superintendent.

ADJOURN:

**AGENDA
OF THE WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, SEPTEMBER 26, 2023 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

1. **Consider Approving Update to the East Grand Forks Fire Relief Association Bylaws – Andrew Robertson**
2. **Request for Approval to Paint Mural on Riverwalk Center Wall – Nancy Ellis & Jill Proctor**
3. **Discussion on Snow Removal along Bygland Road and 13th Street SE – Jeremy King**
4. **Economic Development/Tax Base Growth Strategy – Paul Gorte**
5. **Consider Ordinance Allowing Pedal Pubs – Ron Galstad**

ADJOURN:

Upcoming Meetings

Council Meeting - Tuesday, October 3, 2023 – Council Chambers – 5:00 PM
Work Session - Tuesday, October 10, 2023 – Training Room – 5:00 PM
Council Meeting – Tuesday, October 17, 2023 – Council Chambers – 5:00 PM
Work Session – Tuesday, October 24, 2023 – Training Room – 5:00 PM

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.

RESOLUTION NO. 23 – 09 - 60

Council Member _____, supported by Council Member _____, introduced the following resolution and moved its adoption:

WHEREAS, the City of East Grand Forks has an opening for position of “Park and Recreation Superintendent”, and

WHEREAS, a hiring process was completed with candidates being interviewed by the Civil Service Commission and interviewed by the City Council, and

WHEREAS, the recommendation is to hire Jeremy King as the Park and Recreation Superintendent, and

WHEREAS, Mr. King would be placed on the current Grade 20 Step 2 which is a yearly salary of \$84,668.13; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST GRAND FORKS, MINNESOTA:

1. Approves the hiring of Mr. Jeremy King as the Park and Recreation Superintendent and placed at Grade 20 Step 2 for a yearly salary of \$84,668.13.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: September 26, 2023

Attest:

City Administrator

President of Council

I hereby approve the foregoing resolution this 26th day of September, 2023.

Mayor

Request for Council Action

Date: 9/21/23

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: EGF Fire Relief Association

RE: Request for Approval of Updated Bylaws

The East Grand Forks Fire Relief Association went through the process of updating/revising their bylaws and they are requesting approval from the Council which is required by Minnesota Statute 424A.02 subd 10.

For this process, board members took a class and had help from Mr. Mike Stroeing to help with the revisions. Some of the key points include Article 3.13, 3.14, 9, 12.1, 12.3, 12.4, 13.1, and 16.

Included in the packet are the current bylaws and the revised or updated version they are requesting approval for.

Mr. Andrew Robertson and others board members will be at the meeting to discuss and answer questions.

Current Bylaws

Article 1 Membership

Section 1. Any regular active Firefighter of the East Grand Forks Fire Department and contracted townships, who is under 60 years of age, shall be eligible to apply for membership in this association.

Section 2. Written application, accompanied by an application fee of \$10.00 may be made at any regular or special meeting of the board of trustees, and then laid over for one month for consideration. During this time, the board of trustees shall conduct an investigations to determine if the applicant, due to some medically determinable physical or mental impairment or condition, would constitute for the association a predictable and unwarranted risk of liability for benefits at an age earlier than the minimum age specified for receipt of service pension. If no such impairment or conditions exist, the board of trustees shall appoint the applicant to the membership in the association. If the application is not approved, the application fee shall be returned to the applicant.

Section 3. Resignation from the East Grand Forks Fire Department, shall terminate the membership of the member so resigning, expelled or removing; provided, however, that any member who has served for at least the minimum number of years required by Article VIII of these bylaws for vesting of pension rights as an active member of the East Grand Forks Fire Department shall retain membership in this association, regardless of resignation, expulsion or removal, subject to payment of dues and such other regulations which may be from time to time imposed. Membership shall terminate when payment of a service pension or total disability pension has been approved by the Board of Trustees.

Section 4. Each member shall pay to the association annual dues of \$10.00 payable on or before the date of the annual meeting of each year.

Section 5. Any member of the association who fails to pay the dues within 30 days of the time when such payment was due, stands suspended from membership and forfeits all rights and benefits thereunder by such non-payment without any action by the association, or any officer thereof.

Section 6. Any member who shall, in the opinion of a majority of the board of trustees, fraudulently claim benefits from, or defraud or attempt to defraud the association in any way, shall be suspended from membership by the board, and shall forfeit all further rights to benefits from the association.

Section 7. Any suspended member can only be reinstated upon his application in writing, presented at a regular or special meeting of the association, accompanied by a sum of money equal to what he would have been required to pay to the association during the period of suspension had he not been

suspended, plus a reinstatement fee of \$10.00 upon the favorable vote of 2/3 of the members present and voting at such meeting. If the application for reinstatement is rejected, the money accompanying the same shall be returned to the applicant.

Article II : Board of Trustees

Section 1. The Board of Trustees shall be composed of the following: a President, a Vice President, a Secretary, a Treasurer and 2 general trustees, each of whom shall be elected for a three year term as specified in this Article, or until his successor has been elected and qualified, at the annual meeting of the association from its members, and the statutory ex officio trustees; the Chief of the East Grand Forks Fire Department, the Mayor and Clerk (or person authorized by law) of the City of East Grand Forks

Section 2. The terms of office of the general trustees and the officers shall be paired as follows: The 2 general trustees; the President and the Treasurer; the Vice President and the Secretary. The terms shall be arranged so that one pair will be elected at each annual meeting Starting on December 1988, six board members will be elected, the two with the most votes will be three-year terms, the two with the next highest votes will be two-year term members, and the final two will be one-year term members, from then on there will be two new members elected every year thereafter.

Update: The terms of office of the general trustees and the officers shall be paired as follows: the two general trustees, President and Secretary, Vice President and Treasurer. The terms shall be arranged so that one pair will be elected at each annual meeting starting in January 2023. Terms may be altered if positions are switched internally.

If a vacancy, other than a vacancy caused by removal for cause of an officer or trustee, occurs during the term of office of any officer or general trustee, the remaining members of the board of trustees shall elect a member of the association to serve for the unexpired term of the vacated position.

Section 3. A general trustee or officer may be removed for cause. Cause for removal shall include, but shall not be limited to, the breach of the duties as set forth in Articles II and III of these bylaws. One or more of the trustees or officers may be removed at a meeting of the membership which is called for that purpose by a 2/3 vote of those present and voting at such meeting. Notice of the meeting at which removal is to be considered shall be given to each member and shall include the purpose of the meeting. The general trustee or officer shall be furnished with a statement of the particular charges at least 5 days before the meeting is to be held. At the meeting, the general trustee or officer shall be given an opportunity to be fully heard as to each charge. If a general trustee or officer is removed, his replacement shall be elected at the same meeting, and such

replacement shall serve out the unexpired term of the removed general trustee or officer.

Section 4. It shall be the duty of the board of trustees to prepare plans for the safe and profitable investment of the unappropriated funds of the association, and whenever loans or investments are made, to investigate and pass upon the securities offered and to attend to the drawing and execution of the necessary papers. The board shall order an audit of the books and accounts of the secretary and the treasurer annually, according to law, and shall submit a written report of the condition of the association to the members at the annual meeting.

Section 5. The investment of the funds of the association shall be in the exclusive control of the board of trustees, in conformance with state statutes.

Section 6. The members of the board shall act as trustees with a fiduciary obligation to the members of the association, to the City of East Grand Forks and to the State of Minnesota.

Article III: Duties of Officers

Section 1. It shall be the duty of the President to attend and to preside at all meetings of the association and of the board of trustees. The President shall enforce the due observance of the Articles of Incorporation and the bylaws and see that the officers properly perform the duties assigned to them. The President shall sign all checks issued by the Treasurer and all other papers which require the President's signature. The President shall be a member of all committees except the aid committee and he or she shall exercise careful supervision over the affairs of the association. He or she shall receive such salary as may be fixed from time to time by the board of trustees, subject to approval of the association, and payable from the Special Fund of the association.

Section 2. It shall be the duty of the Vice President to perform the duties of the President in his absence. In the absences of both the President and the Vice President, it shall be the duty of the association to elect a President Pro Tem, who shall perform the duties incident to the office.

Section 3. It shall be the duties of the secretary to keep a true and accurate record of the proceedings of all meetings of the association and board of trustees. He or she shall keep a correct record of all amendments, alteration and additions to the Articles of Incorporation or the bylaws in a separate book from the minute books of the association. He or she shall cause due notice of all special meetings of the association and of the board of trustees to be given. He or she shall receive all moneys due the association and pay the same over to the Treasurer, taking a receipt for the same, and failing to do so, he or she may be impeached and expelled from the association. He or she shall keep a roll of membership, with the date of joining, resignation, discharge, leaves of

absence, dues and assessments paid and relief or pensions furnished. The Treasurer books shall at all times be open to inspection by the board of trustees. Prior to entering upon the duties of his office, he or she shall give a bond in such amount and with such sureties as may be required and approved by the board of trustees, conditioned upon the faithful discharge of his or hers trusts and the full performance of the duties of his or hers office. Such bond will be paid for from the Special Fund of the Association. He or she shall sign all orders for payment issued to the Treasurer, and jointly with the Treasurer, prepare and file all reports and statements required by law. He or she shall receive such salary as may be fixed from time to time by the board of trustees, subject to approval of the association, and payable from the Special Fund of the association.

Section 4. It shall be the duty of the Treasurer to receive from the Secretary all funds belonging to the association and hold them subject to the order of the President and countersigned by the Secretary. The Treasurer shall keep separate and distinct accounts of the Special and General Funds, and shall prepare and present to the board of trustees a full and detailed statement of the assets and liabilities of each fund at each meeting of the board of trustees, and prior to the annual meeting of the association. Failing in his obligations, he or she may be impeached and expelled from the association. He or she shall deliver to their successor in office, or to any committee appointed by the board of trustees to receive the same, all moneys, books, papers, and other items pertaining to their office immediately upon the expiration of their term of office. Prior to entering upon the duties of their office, they shall give a bond in such amount and with such sureties as may be required and approved by the board of trustees, conditioned upon the faithful discharge of their trust and the faithful performance of the duties of their office, to be paid for from the Special Fund of the association. Jointly with the Secretary, they shall prepare and file all reports and statements required by law. He or she shall receive such salary as may be fixed by the board of trustees from time to time, subject to approval of the association, and payable from the Special Fund of the association.

Section 5. There shall be an Aid Committee, composed of the Vice President and two other members of the association, who may or may not be members of the board of trustees, appointed by the President. The Vice President shall be the chairman of this committee. The duty of the committee shall be to make provisions for assistance to be rendered to each sick or disabled member, and to the survivors of any deceased member.

Article IV: Meetings

Section 1. The annual meeting of the association, for the election of officers and trustees, and other business, shall be held on the 1st Monday of December in each year.

Section 2. The board of trustees shall meet at least 4 times during each year.
(Minimum of 4)

Section 3. Special meeting of the association or of the board of trustees may be called by the President, or 2 members of the board of trustees, and shall also be called upon written request of 6 or more members of the association. Members or trustees shall be notified by the Secretary of such special meetings, and the object of the meeting shall be contained in such notice.

Section 4. A majority of the board of trustees then in office, and 40% of the members of the association shall constitute quorums for the transaction of business at their respective meetings. Less than a quorum may adjourn a meeting to a future time, which the Secretary shall make known to the affected members.

Section 5. All reports and resolutions shall be submitted in writing and no report shall be accepted unless it is the report of a majority of a committee, provided, however, that a minority shall be permitted to present its views in writing.

Section 6. All meetings shall be conducted according to Robert's Rules of Order, as revised.

Section 7. The order of business shall be:

1. Call to order
2. Roll Call
3. Reading of minutes of previous meeting
4. Reading of reports and minutes of board of trustees' meetings
5. Reports of officers
6. Propositions for membership
7. Reports of special committees
8. Unfinished business
9. Election of officers or trustees (annual meeting)
10. New business
11. Adjournment

Article V: Funds

Section 1. The funds received by this association from dues, fines, application fees, entertainments and other miscellaneous sources shall be kept in the Volunteer Fund of said association, on the books of the Secretary and the Treasurer, and may be disbursed for any purpose reasonably related to the welfare of the association or its members, as authorized by a majority of the members present and voting at any annual or special meeting of the members.

Section 2. All funds received by the association from any tax sources, and all funds or property donated or granted to the association for the benefit of this fund shall be kept in a Special Fund on the books of the Secretary and the Treasurer and shall not be disbursed for any purpose except those specifically authorized by law.

Section 3. No disbursement of funds of this association shall be made except by checks drawn by the Treasurer and countersigned by the President. Except when issued for salaries, pensions, and other fixed charges, the exact amount of which has previously been determined and authorized by the board of trustees (or the members, in case of disbursements from the Volunteer Fund) no check shall be issued until the claim to which it relates has been approved by the board of trustees.

Update:
Pensions / Winnings –

Fund disbursements relating to pension payouts and raffle ticket winnings must be made by check from the appropriate General/Volunteer Fund or Special Fund. Checks will be drawn by the Treasurer and signed by the Treasurer and President, Vice President may countersign if Treasurer/President is not available and amount has been approved by the board of trustees (or the members in case of disbursement from the General/Volunteer Fund).

Other Purchases –

Primary method of payment will be made by check for security/fraud reasons. Secondary method of payment may be made by credit card if check cannot be used/accepted or for the ease of payment. Payments will need to be pre-approved by the Board unless otherwise approved in previous meeting minutes, examples being training meals and standard business purchases. Credit Card statement reconcile will be done in accordance with the Internal Control Procedures.

Section 4. All money belonging to this association shall be deposited to the credit of this association in such banks, trust companies, savings and loan associations or other depositories as the board of trustees may designate.

Article VI: Application for Benefits

Section 1. All applications for relief or pension benefits shall be made in writing on forms furnished by the Secretary.

Section 2. All applications for disability benefits shall be submitted to the board of trustees at a regular or special meeting of the board. The application shall be accompanied by a certificate from the attending physician or surgeon setting forth the nature of the illness or injury, the cause and duration thereof, the length of time the applicant has been unable to perform any of the duties connected with his regular occupation and those of a firefighter, and an estimate of the time at which the applicant will be able to return to his regular occupation and to perform the duties of a firefighter.

Section 3. All applications for pensions shall be submitted to the board of trustees at a regular or special meeting of the board. Applications shall be verified by an oath of the applicant and shall state the age of the applicant, the period or periods of service in and the date of retirement from active duty in the East Grand Forks Fire Department, the length of time he has been a member of the association, and such other information as the board of trustees may require.

Section 4. No benefits or pensions shall be paid until the application has been approved by a majority vote of the board of trustees. Decisions of the board shall be final as to the payment of such benefits or pensions. No other benefits shall be paid to or on behalf of any member who has received a service pension.

Section 5. For purposes of computing benefits or pensions payable under Articles VII and VIII, a "year of service" shall be defined as a period of 12 full months of active duty in the East Grand Forks Fire Department, beginning on the date when the member became an active firefighter in said Fire Department. If a member's period of active service has not been continuous, parts of years may be added together to compute full years.

Article VII: Sick and Disability Benefits

Section 1. If a member of this association shall become totally and permanently disabled, to the extent that a physician or surgeon acceptable to the board of trustees shall certify that such disability will permanently prevent said member from performing their Firefighter' duties the association shall pay to such member **\$4,500** benefit for each year that he served as an active member of the East Grand Forks Fire Department;

If a member who has received such a disability pension should subsequently recover and return to active Firefighting in the East Grand Forks Fire Department, any amount paid to the member as a disability pension shall be deducted from the members service pension.

Article VIII: Death Benefits and Pensions

Section 1. Upon the death of any member, the association shall pay to the surviving spouse, if any, and if there is no surviving spouse, to the surviving child or children, if any, and if no child or children survive, to the estate of such deceased member, the sum of **\$4,500** for each year that he served as an active member of the East Grand Forks Fire Department; but no case shall such death benefit be less than the yearly service pension amount.

Section 2. The association shall pay to each member who shall have served as an active firefighter in the East Grand Forks Fire Department for a period of 20 years or more prior to his resignation from said Fire Department, and who has reached the age of 50 years or more, and who has been a member of the association for at least 10 consecutive years, the sum **\$4,500** for each year that he served as an active member of said Fire Department.

Section 3. A member of the association who shall have served in the East Grand Forks Fire Department for at least 20 years, but has not reached the age of 50 years may retire from said Fire Department and be placed on the deferred pension roll. When he reaches the age of 50 years, and provided that at that time he has been a member of the association for at least 10 consecutive years, upon application there for he shall be paid the sum of **\$4,500** for each year that he served as an active firefighter in the East Grand Forks Fire Department. During the time that a member is on the deferred pension roll, he shall continue to pay his dues, and he will not be eligible to receive any of the benefits provided for in Article VII.

Section 4. During the time that a member is on the deferred pension roll, the association shall add to the amount payable to such member interest compounded annually, at the rate of 5% per year.

Section 5. No less than 30 days before becoming eligible to receive a lump sum pension, a member of this association may make an irrevocable election that such pension shall be paid to the member in a number of annual installments not to exceed 3 annual installments . If the member who has made such an election dies before all of his pension has been paid to the member , any amount thereof of remaining unpaid at the time of his death shall be paid to the members named beneficiary, and it no beneficiary has been named, to the members surviving spouse, child or children, or estate. (The association shall add interest, compounded annually, at the rate of 5% per year, to the unpaid amount of installments owed to any member who has made an installment election, or to the members survivors.)

Section 6. If a member shall have served for more than 10 years, but less than 20 years, as an active firefighter in the East Grand Forks Fire Department, they may retire from said Fire Department and be placed on the early vested pension roll. When the member reaches the age of 50 years, and provided that at that time they have been a member of the association for at least 10 years, they shall upon application thereof, be paid in the following manner:

- (a) For active duty of more than 10 years, but less than 11 years, 60% of the amount per year of service. .
- (b) For active duty of more than 11 years, but less than 20 years, 4% of the amount per year of service , shall be added to all years of service for each additional year of service between 11 and 20 years.
- (c) During the time that any member is on the early vested pension roll, he shall continue to pay his dues, and he will not be eligible to receive any of the benefits provided for an Article VII. Pensions payable to members on the early vested pension roll shall be based on the amount payable per year of service in effect at the time of such early retirement.
- (d) If a member who is on the early vested pension roll dies before becoming eligible to receive the pension, the amount payable to such member's survivor, survivors or estate shall be such amount as was payable to such member under the provisions of this section.
- (e) During the time that a member is on the vested pension roll, the association shall add to the amount payable to such member interest compounded annually, at the rate actually earned on the assets of the Special Fund, but not to exceed 5% per year.
- (f) Year of active service. For computing benefits or calculating vesting requirements, a year of service shall be defined as a period of 12 full months of active service in the fire dept, Service pension and ancillary benefits shall be prorated monthly for fractional years of service pursuant to Minn Stat. 424a.02.

Article IX: Amendments

Section 1. The bylaws of this association may be amended at any regular or special meeting of the association by a favorable vote of 2/3 of the members present and voting, provided that a quorum is present; and provided further that notice of any proposed amendment or amendments shall be given by reading the same at a regular or special meeting not more than 28 days next preceding the date upon which such amendment or amendments are to be acted upon, and that a notice be mailed to each member at his last known address, or personally picked up not less than 10 days prior to such meeting; and provided further, that if such amendment or amendments shall change the amount of benefits or pensions, approval of the City Council of East Grand Forks must be obtained, as required by law.

Article X: Manpower Numbers

Section 1. The business meeting shall be held on the first Monday of each month.

Section 2. Enrollment in the relief association of the East Grand Forks Fire Department shall not exceed 35 member. All said members will be active members of the East Grand Forks Fire Department.

CHANGE IN BYLAWS

THESE BYLAWS OF THE EAST GRAND FORKS FIRE DEPARTMENT RELIEF ASSOCIATION DATED DECEMBER 30TH 2021 TO SUPERSEDE ALL PRIOR BYLAWS TO DATE.

BOARD OF DIRECTORS:

President

Date:_____

Vice President

Date:_____

Treasurer

Date:_____

Secretary

Date:_____

Board Member

Date:_____

Board Member

Date:_____

Proposed Bylaws



Bylaws of the East Grand Forks Fire Department Relief Association

The Bylaws of The East Grand Forks Fire Department Relief Association are hereby amended in their entirety and restated effective as of *(Date)*.

The East Grand Forks Fire Department Relief Association

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***The East Grand Forks Fire
Department Relief Association***

ARTICLE I – Name

As provided by the Articles of Incorporation, the name of this organization shall be the East Grand Forks Fire Department Relief Association.

ARTICLE II – Purpose

As provided in the Articles of Incorporation, the purpose of the East Grand Forks Fire Department Relief Association is to provide retirement relief and other benefits to the members and their dependents. For purposes of Minn. Stat. § 424A, the East Grand Forks Fire Department Relief Association is a governmental entity that receives and manages public funds to provide retirement and ancillary benefits for individuals providing the governmental services of firefighting and, if applicable, emergency response. The East Grand Forks Fire Department Relief Association may also raise funds from private sources to furnish fire and emergency equipment for the East Grand Forks Fire Department, and for other purposes deemed necessary and appropriate by the East Grand Forks Fire Department Relief Association to the extent permitted by law. Benefits paid to members and their dependents shall be funded exclusively through governmental sources and, to the extent provided by state law, through donations.

ARTICLE III – Definitions

Section 3.1 Type

The Association is a defined-benefit lump-sum Association subject to Minn. Stat. §§ 424A.015, 424A.02, and 424A.091 to 424A.094. All benefits provided by this Association derive from and are governed by Federal and State laws and these Bylaws.

Section 3.2 Association

The term “Association” means the East Grand Forks Fire Department Relief Association.

Section 3.3 Fire Department

The term “Fire Department” means the East Grand Forks Fire Department.

Section 3.4 Firefighter

The term “Firefighter” refers to the paid-on-call firefighter of the East Grand Forks Fire Department.

Section 3.5 Trustees

The term “Trustee” refers to the elected, appointed, or ex-officos that make up the Board of Trustees regardless whether they have a title or not.

The East Grand Forks Fire Department Relief Association

Section 3.6 Municipality(ies)

The term “Municipality(ies)” refers to the city of the City of East Grand Forks, Grand Forks Township, Rhinehart Township, Sullivan Township, Bygland Township, Huntsville Township, Nesbit Township and Keystone Township.

Section 3.7 Active Member

The term “Active Member” means a member of the Fire Department who is meeting or exceeding all requirements of the Fire Department and is considered a member in good standing as defined by the Fire Department.

Section 3.8 Deferred Member

The term “Deferred Member” means a member who has retired as a Firefighter of the Fire Department; and:

- (1) Who has served as an active Firefighter of the Fire Department for a period of twenty (20) or more years, although such service need not be continuous; or
- (2) Who has served as an active Firefighter of the Fire Department for a period of at least ten (10) years but not more than twenty (20) years, although such service need not be continuous and therefore be eligible for early vested benefits as provided in Article XII of these Bylaws; and
- (3) Who has not taken a distribution

Section 3.9 Retired Member

The term “Retired Member” means a member Who has retired as a Firefighter of the Fire Department; and:

- (1) Who has served as an active Firefighter of the Fire Department for a period of twenty (20) or more years, although such service need not be continuous; or
- (2) Who has served as an active Firefighter of the Fire Department for a period of at least ten (10) years but not more than twenty (20) years, although such service need not be continuous and therefore be eligible for early vested benefits as provided in Article XII of these Bylaws; and
- (3) Who has taken a distribution.

Section 3.10 Inactive Member

The term “Inactive Member” means a member of the Association that is currently not allowed to accrue time in the Association and not allowed to participate in Fire Department activities.

Section 3.11 Year of Active Time Service Credit

The term “Year of Active Time Service Credit” for purposes of computing benefits or service pensions payable, a year of active time service shall be defined as a period of twelve (12) full months of active time service in the Fire Department.

The East Grand Forks Fire Department Relief Association

Section 3.12 Active Time Service Credit

The term “Active Time Service Credit” is based on Minn. Stat. § 424A.003, ensuring the Fire Chief will certify annually by January 31 the active time service credit for the previous calendar year of each Firefighter rendering active time service credit with the Fire Department to the membership and the Association.

The active time service credit certification must be expressed as the number of completed months of the previous year during which an active Firefighter rendered at least the minimum level of duties as specified and required by the Fire Department under the rules, regulations, and policies applicable to the Fire Department. No more than one year of active time service credit may be certified for a calendar year.

Section 3.13 Break in Service

The term “Break in Service” means the period of time between a termination or resignation and a return to active service, as determined by the rules and regulations of the Fire Department and the Association. In the event of any ambiguity, the Board will follow the rules and regulations, as interpreted by the Fire Chief of the Fire Department. Any member returning from a break in service must remain in active service equal in time to the break in service up to a maximum of two (2) years in order to qualify for any benefit increases having occurred during the break time. As indicated in Minn. Stat. § 424A.001 subd 9a.

Section 3.14 Leave of Absence

The term “Leave of Absence” means a separation of active service as determined by the rules and regulations of the Fire Department. When the leave of absence has been granted and the Firefighter does not return to active service, the date the Firefighter started the leave of absence shall be used as his/her date of retirement, if he/she is eligible for retirement. Members shall not be given credit for leave of absence. Any member returning from a leave of absence must remain in active service equal in time to the leave of absence up to a maximum of two (2) years in order to qualify for any benefit increases having occurred during the leave period.

Section 3.15 Surviving Spouse

The term “Surviving Spouse” means any person who was the dependent spouse of a deceased former member at the time of the death.

Section 3.16 Surviving Child or Children

The term “Surviving Child or Children” shall mean any natural or adopted child or children of the deceased member.

The East Grand Forks Fire Department Relief Association

Section 3.17 Beneficiary

The term “Beneficiary” pursuant to Minn. Stat. § 424A.02 subd 9, means the individual(s) that is/are entitled to receive a benefit following the death of an active, medically retired, deferred or early vested member means the following person, in the following succession:

- The surviving spouse, if no surviving spouse,
- The surviving child/children, if no surviving child/children,
- Any ancillary survivor’s benefit shall be paid to the beneficiary identified in writing, on forms supplied by the Secretary, and if no beneficiary is identified,
- To the estate or trust, as a funeral benefit

Section 3.18 Qualified Domestic Relations Order (QDRO)

The term “Qualified Domestic Relations Order” means any judgement, decree or order (including approval of a property settlement agreement) that complies with the provisions of Minn. Stat. §§ 518.58 or 518.581.

Section 3.19 Fiscal Year

The term “Fiscal Year” means the Association’s fiscal year begins on January 1 of each calendar year and ends on December 31 of the same calendar year. Minn. Stat. § 424A.001, subd. 11.

Section 3.20 Books and Records

The Association will keep, at a minimum, correct and complete copies of its Articles of Incorporation and Bylaws, accounting records, records documenting Special Fund transactions, records necessary to determine benefits payable and paid to individual members and their beneficiaries, and minutes of each of its meetings that record the votes of actions taken. Unless a Records Retention Schedule is adopted and the Minnesota Historical Society has been notified or authority to destroy records is received from the Records Disposition Panel, the Association records may not be destroyed. Minn. Stat. §§ 138.17; 317A.461.

Section 3.21 Medical Benefit

A Medical Benefit is based on information provided from the Fire Department that an individual is unable to perform Fire Department activities due to an injury or illness that has occurred while performing the duties of the Fire Department. This injury or illness is deemed to be permanent in nature. The Fire Chief will inform the Association of this situation and the Association will calculate the benefit for the Associations’ member based on Active Time Service Credit and current benefit level.

The East Grand Forks Fire Department Relief Association

Section 3.22 Retirement Benefit

The term “Retirement Benefit” refers to the lump sum money paid to each member of the Association based on the active service credit.

Section 3.23 Retirement Plan

The term “Retirement Plan” refers to the administration of the Special Fund and the distribution of the retirement benefit.

Section 3.24 Fiduciary Responsibility

The term “Fiduciary Responsibility” means the standard of care enumerated in Minn. Stat. § 11A.09. In addition, the trustees must act in accordance with Minn. Stat. § 356A. No trustee of the Association shall cause the association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:

- (1) Sale, exchange, or leasing of any real property between the Association and any member of the Association or their immediate family members;
- (2) Lending of money or other extension of credit between the Association and any member of the Association or their immediate family members;
- (3) Furnishing of goods, services, or facilities between the Association and a Board member or their family; or
- (4) Transfer to a Board member or their family, or use by or for the benefit of a Board member, of any assets of the Association. Transfer of assets does not mean the payment of Association benefits or administrative expenses permitted by law.

Section 3.25 Bylaw Limitations

In the event that one of a new or newly modified state statute is enacted and is in conflict with a Bylaw listed in this document, the state statute will take precedence over that section of these Bylaws.

ARTICLE IV – Membership

Section 4.1 Member Start Date

All Firefighters of the Fire Department are eligible to apply for membership in this Association. The Firefighter’s start date with the Fire Department will be considered the start date to the Association. Providing an application for membership is completed on the form provided by the Association for the purpose of becoming eligible for benefits in the Association. If the application is not received by the Fire Department/Association within 30 days of the Fire Department hire date, then the date it is received will be used as the Association hire date.

The East Grand Forks Fire Department Relief Association

Section 4.2 Membership Application

All applications shall be made in writing on an application included in the employment pack of material. Each application shall be referred to the Board of Trustees for approval. Upon approval of the member's application, such member shall accrue active time service credit for all time served while in probationary status.

Section 4.3 Membership Dues

Each member of the Association is responsible for an annual due of \$10, payable on or before the date of the annual meeting of Association each year.

Section 4.4 Returning from a Break in Service

Any member returning to Active Service from a Break in Service must return to active service in the Fire Department for a period of time equal to the Break in Service, up to two (2) years, to qualify for any benefit increases established during the Break per the Association Bylaws. When the member does not meet those requirements, they shall be paid at the established benefit rate for the last year they met the requirements of the Fire Department.

Section 4.5 Returning from a Leave of Absence

Any member that is granted a personal leave of absence must return to active service in the Fire Department for a period of time equal to leave of absence, up to two (2) years, to qualify for any benefit increases established during the leave per the Association Bylaws. When the member does not meet those requirements, they shall be paid at the established benefit rate for the last year they met the requirements of the Fire Department.

Section 4.6 Resignation or Termination from Fire Department

Resignation or termination from the Fire Department shall cause termination of the member from the Association. If the member has attained some level of vesting that information will be retained by the Association, until the member has reached an age (50) when the member can apply for the benefit due them.

Section 4.7 Termination of Membership

Any member may be terminated from the Association for cause by two thirds vote of all members present at a special meeting of the membership. Cause for termination includes, but is not limited to, failure to account for money belonging to the Association, or feigning illness or injury for the purpose of defrauding the Association. A member may not be terminated except by a fair and reasonable process.

The East Grand Forks Fire Department Relief Association

Section 4.8 Uniformed Services

A Firefighter who is absent from firefighting duties due to participating in the uniformed services may obtain service credit for the period of the uniformed service, not to exceed five years, unless a longer period is required by Federal law, if the Firefighter returns within the time frame required by Federal law to firefighting service with coverage by this same Association or its successor upon discharge from service in the uniformed service.

Active Time Service Credit will not be given if the Firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions. This is in accordance with Minn. Stat. § 424A.021.

ARTICLE V – Board of Trustees

Section 5.1 Powers of Board of Trustees

The Board of Trustees (Board) is the governing board and has exclusive control of the investment of the Association's plan assets in conformance with Federal and state law including, but not limited to, Minnesota statutes and these Bylaws. The members of the Board will act as Trustees, with a fiduciary responsibility to the active, deferred, and retired members of the Association, who are its beneficiaries; the taxpayers of the municipality(ies), who help to finance the plan; and the State of Minnesota, which established the plan. Minn. Stat. § 356A.04, subd. 1).

The Board will invest and reinvest the Association's plan assets, determine benefits, determine eligibility for membership or benefits, determine the amount or duration of benefits, determine the funding requirements or amounts of contributions, oversee the expenditure of plan assets, and select financial institutions and investment products. Minn. Stat. § 356A.02, subd. 2.

The Board will submit a written report of the financial condition of the Association to the members at the annual meeting.

The Board will develop and periodically revise a program for continuing education. The Trustees will participate in continuing education to keep themselves abreast of their fiduciary responsibilities. Minn. Stat. § 356A.13, subd. 2.

Trustees are entitled to one vote and each has equal rights. Voting by proxy is not permitted. All votes, unless specified prior to the vote, will be conducted by a voice vote. If a majority cannot be determined by voice vote, the Officer in charge of the vote will ask for a vote by roll call or by ballot. Minn. Stat. § 317A.201; 356A.02, subd. 2.

The East Grand Forks Fire Department Relief Association

Section 5.2 Board of Trustees

The Board consists of nine (9) members (Trustees): six (6) Trustees elected by the membership of the Association and three ex-officio Trustees drawn from City of East Grand Forks per Minn. Stat. § 424A.04 subd 1. Of the three (3) ex-officio's, one must be an elected official, the other can be an elected or appointed municipal official (i.e.: City Administrator), and both must be designated annually by the municipal governing board. The third ex-officio must be the Fire Chief.

Section 5.3 Officers of the Board

The officers of the Association shall be President, Vice President, Secretary, and Treasurer and will be elected by the membership. An ex-officio trustee is not eligible to hold one of these offices per Minn. Stat. § 424A.04.

Section 5.4 Vacancy

In the case of death, resignation, or termination from the Fire Department or Board of any officer or trustee of the Association, the Board of Trustees will determine a candidate from the membership and appoint that person as a Trustee. That appointed individual will complete the unexpired term of office.

In the event that the vacancy is an officer an election for the officer position will take place at the next meeting where the newly appointed member is in attendance.

Section 5.5 Removal from Office of an Officer/Trustee

A general trustee or officer may be removed from the Board for cause. Cause for removal will include, but will not be limited to, the breach of the duties as set forth in these Bylaws. One or more of the Trustees or officers may be removed at a Special Membership meeting which has been called for that purpose, and will be removed by 2/3 vote of the members present, provided a quorum is present. The general trustee or officer will be furnished with a statement of the particular charges at least 10 days before the meeting being held. At the meeting, the general trustee or officer will be given an opportunity to be fully heard as to each charge. If a general trustee or officer is removed, a replacement will be elected at the same meeting, and such replacement will serve out the unexpired term of the removed general trustee or officer.

Section 5.6 Board of Trustees Compensation

The Board of Trustees will be compensated based on the stipend policy. This policy will be approved by the membership at the annual meeting. The Officers' salaries will be compensated from the Special Fund and the Trustees from the General Fund.

The East Grand Forks Fire Department Relief Association

Section 5.7 Indemnification

No member of the Board will assume any personal liability for any action taken by the Association, or Board of Trustees, or Executive Board as a voting body, whether or not then in office, and shall be indemnified by the Association against reasonable costs and expenses, including attorney fees, incurred by him/her in connection with any action, suit, or proceedings to which he/she may be a party by reason of his/her having been a trustee of the Association, except in relation to matters at which he/she shall finally be adjudged in such action, suit, or proceeding to have been derelict or negligent in the performance of his/her duties as a Board member. The foregoing right of indemnification shall not be exclusive of other rights to which he/she shall be entitled as a matter of law.

ARTICLE VI – Meeting Procedures

Section 6.1 Annual Meetings

An Annual Meeting of the membership of the Association will be held on the 1st Monday in December of each year. The meeting location will be Station 1 in the City of East Grand Forks.

In the event of a change, a notice of the Annual meeting of the Association will be delivered to each member entitled to vote at the meeting at least five days before the date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the new date, time, and place of the meeting.

Section 6.2 Membership Meetings

Membership meetings will occur each month on the first Monday. The meeting location will be Station 1 in the City of East Grand Forks.

Special meetings of the membership may be called at any time upon the written order of two officers and one trustee of the Board of Trustees, or five (5) members of the Association. The order shall be filed with the Secretary and it shall be his/her duty to give due notice of the special meeting specifying the object of said meeting, no business shall be transacted at any special meeting except the business for which the meeting was called.

Notice of each special meeting of the Association's members will be delivered to each member entitled to vote at the meeting at least three days before the date of the meeting and not more than 10 days before the date of the meeting. Notice will contain the date, time, and place of the meeting.

The East Grand Forks Fire Department Relief Association

Section 6.3 Board Meetings

The Board of Trustees shall meet as required during the year to manage the business operations of the Association. These meetings shall be open to any member.

The regular meetings of the Board of Trustees shall be held quarterly on the first Monday of the quarter at 5:30 p.m.

Special Board Meetings may be called by the President or by any of the members of the Board by written request, filed with the Secretary, who shall give notice to all the members of the time and place of the meeting, at least five (5) days prior to the meeting.

Section 6.4 Meeting Procedure

The order of business at all meetings (Annual, Board, and Special) called by the Association shall be conducted according to Robert's Rules of Order and follow this structure:

1. Call to order
2. Roll call (verify quorum)
3. Reading of the previous meeting
4. Reading of the reports and minutes of the board of trustees' meeting
5. Reports of the officers
6. Propositions for membership
7. Reports of the Special Committees
8. Unfinished Business
9. Election of officers (annual Meeting)
10. New Business
11. Adjournment

Section 6.5 Quorum for Meetings

A majority of the Board of Trustees then in office or 51% of the active members of the Association shall constitute a quorum for the transaction of business at their respective meetings. Any meeting that does not have a quorum will cause the meeting to be adjourned.

Attendance for all Board of Trustee meetings will include those individual(s) attending via an electronic conferencing tool, as long as the individual has given notification to one of the Board of Trustees Officers at least three (3) days prior to the meeting pending Board approval. Those individual(s) attending electronically will be afforded all of the same privileges as trustees attending in person.

The East Grand Forks Fire Department Relief Association

Section 6.6 Open Meeting Requirements

All meetings will be open to any member of the Association and to the public as described in Minn. Stat. § 13D.01. Notice requirements of the Minnesota Open Meeting Law will be followed for all Board meetings. A schedule of the Association's regular Board meetings will be kept on file at the Board's primary office and posted in a public location. Any of the Association meetings may be closed if certain types of data are discussed as described in Minn. Stat. § 13D.05 subd 2.

ARTICLE VII – Election

Section 7.1 Officer/Trustee Term of Office

The Officer/Trustees shall be elected to three-year staggered terms. There will be two trustees elected each year at the December Annual meeting of the Association.

Section 7.2 Voting on Officers/Trustees

Each position on the Board of Trustees shall be voted on separately by the members in attendance at the Annual meeting. No nominations of slates of candidates or cumulative voting shall be allowed. A simple majority is needed to elect. Voting by proxy or absentee will not be allowed. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If the determination of the voice vote is not obvious than a paper ballot with take place. If an individual is running unopposed the chairperson of the meeting can call for by election by acclamation (white ballot).

The positions of President, Vice President, Treasurer and Secretary will be elected by the Board of Trustees and will have a term in office of one (1) year. This election will be held at first board meeting after the annual meeting.

Section 7.3 Elections

Elections will be held each year with two trustees being elected each year for a three (3) year term in office.

Section 7.4 Member Voting Eligibility

Only members that currently have a status of "Active" in the Fire Department and that are members of the Association shall have the right to vote at Association meetings.

ARTICLE VIII – Duties of the Officers

Section 8.1 Duties of the President

See "Position Description for the President" for a list of duties.

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Section 8.2 Duties of the Vice-President

See “Position Description for the Vice President” for a list of duties.

Section 8.3 Duties of the Treasurer

See “Position Description for the Treasurer” for a list of duties.

Section 8.4 Duties of the Secretary

See “Position Description for the Secretary” for a list of duties.

Section 8.5 Duties of the Board of Trustees

See “Position Description for the Trustee” for a list of duties.

Section 8.6 Duties of the Ex-Officio – City Appointed

See “Position Description for the Ex-Officio – City Appointed” for a list of duties.

Section 8.7 Duties of the Ex-Officio – Fire Chief

See “Position Description for the Ex-Officio – Fire Chief” for a list of duties.

ARTICLE IX – Funds Management

Section 9.1 Funds

All money received by the Association shall be kept in one of two separate funds. Disbursements from the funds shall be in accordance with Minnesota Statutes and the Bylaws of the Association. The Special Fund and a General Fund will be established and maintained by the Association.

Section 9.2 Fund Management

The Board of Trustees shall maintain all Association funds in an approved savings institution or investment firm. All money belonging to the Association shall be deposited to the credit of the Association in such banks, trust companies, or other depositories as the Board of Trustees may designate. The Board of Trustees shall make deposits in conformance with state statute and the investment policy.

The East Grand Forks Fire Department Relief Association

Section 9.3 Investment Policy

The Board will approve an investment policy annually, and will investigate and prepare for the safe and profitable investment of Association funds in conformance with state statutes and the Association's investment policy. The Board may hire investment professionals to act for or on its behalf. The Special Fund assets will be invested only in securities that are authorized by Minn. Stat. §§ 424A.05 subd 4; 424A.095; 356A.06, subd. 6; and 356A.06, subd. 7 (if the Association qualifies to use the expanded list). The Board of Trustees will maintain a copy of the investment policy of the Association on file. The Board of Trustees will file a copy of the Association's investment policy, and all changes to the policy, with the Office of the State Auditor.

Section 9.4 Bonding of Officers

All Officers of the Association with check signing ability, shall be bonded at 10% of net assets of the fund or up to \$500,000 per Minn. Stat. § 424A.014 subd 4.

Section 9.5 Standard of Fiduciary Conduct

Trustees owe a fiduciary duty to the members of the Association, who are plan beneficiaries; to the taxpayers of the municipality(ies), who help finance the plan; and to the State of Minnesota, which established the plan. The Trustees will act in good faith and exercise that degree of judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, considering the probable safety of plan capital as well as the probable investment return to be derived from the assets.

ARTICLE X – Special Fund

Section 10.1 Special Fund

All public funds, such as fire state aid, supplemental state aid, municipal contributions, and supplemental benefit reimbursements, received by the Association will be deposited in the Special Fund. Disbursements from the Special Fund will not be made for any purpose except as authorized by Minn. Stat. § 424A.05 subd 3.

The Treasurer is the custodian of the assets of the Special Fund and the recipient on behalf of the Special Fund of all revenues payable to it. The Treasurer will maintain adequate records documenting all transactions involving the financial activities of the Special Fund.

***The East Grand Forks Fire
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ARTICLE XI – General Fund

Section 11.1 General Fund

The funds received by the Association from events and other miscellaneous sources shall be kept in the General Fund of the Association on the books of the Treasurer and may be disbursed, with approval of the General Membership and/or the general disbursement policy, for any purpose reasonably related to the welfare of the Association or its members.

The Treasurer is the custodian of the assets of the General Fund and the recipient on behalf of the General Fund of all revenues payable to it. The Treasurer will maintain adequate records documenting any transactions involving the financial activities of the General Fund.

ARTICLE XII – Benefits

Section 12.1 Benefits

Any active member of the Association who meets the following qualifications shall be entitled to retirement benefits by the Association.

(a) Benefit

The Association manages a defined benefit plan that exclusively pays a lump sum pension benefit. Upon such qualifications being met, the Association shall pay a lump sum benefit according to the calculations of the 1971 Volunteer Firefighter's Relief Association Guidelines Act, as amended (Minn. Stat. § 424A.096). Any deferred member who has reached fifty (50) years of age, and who has at least twenty (20) years of active service credit in the Association, and who has made application of distribution therefore, the following shall be paid: An amount equal to the total active time service credit will be determined by using the formula in Addendum A multiplied by the base benefit amount contained in Addendum B, which is incorporated by reference herein.

(b) Early Vested Benefit

If an active member shall have served for more than ten (10) years, but less than twenty (20) years in the Fire Department, they may retire from the Fire Department and be placed on the deferred status (early vested) pension roll. When a member reaches the age of fifty (50) years and provided that at the time they have active service credit in the Association of at least ten (10) years, they shall, upon application therefore, in accordance with the formula in Addendum A multiplied by the base benefit amount contained in Addendum B with vesting applied, be eligible for benefit payout.

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(c) Medical Benefit

If an active member becomes unable to perform the duties of the Fire Department and the Fire Department certifies the medical information, then the member is eligible to receive a medical benefit. The benefit will be based on Active Service Credit that the member has accrued multiplied by the current benefit level listed in Addendum B.

(d) Deferred Interest

Deferred interest will be paid to all members of this association that obtain deferred status.

Interest will be paid at a rate of 2% per full year of deferred status. If full months, over and above full years, of deferred exist they will be pay at a monthly interest rate. The monthly rate is calculated by taking the 2% full year rate and dividing it by 12 and multiplying that by the full months. That will be the interest rate used for partial years of deferment. Interest will stop once a member has received a payment.

Section 12.2 Supplemental Benefit

A supplemental benefit will be paid out of the Special Fund to individuals who receive a lump-sum distribution of a service pension. The amount of the supplemental benefit to be paid is ten (10) percent of the regular pre-tax lump-sum distribution, excluding any interest that may have been credited during the period of deferral or \$1,000 whichever amount is smaller, in accordance with Minn. Stat. § 424A.10.

Section 12.3 Survivor Benefits

Upon the death of a member of the Association and following the submission and approval of an Application for Distribution, a survivor benefit will be paid out of the Special Fund to the member's surviving spouse; if there is no surviving spouse, to the member's surviving children; if there is no surviving spouse and there are no surviving children, to the member's designated beneficiary. If no beneficiary has been designated and if the deceased member was active or deferred, the survivor benefit will be paid as a death benefit to the estate/trust of the deceased member.

If there are no surviving children, the member's surviving spouse may waive, in writing, wholly or partially, the spouse's entitlement to a survivor benefit, so that the survivor benefit may be paid directly to the member's designated beneficiary.

A trust created under Chapter 501B may be a designated beneficiary if the survivor benefit will be distributed as a one-time lump-sum payment. If a trust was created and is payable to the surviving children and there is no surviving spouse, the survivor benefit will be paid to the trust.

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For active members, a survivor benefit is equal to the benefit level for each year that the member served as an active Firefighter in the Fire Department, at a vesting rate of 100%, will be paid upon death. If the member has less than 5 years of active service and has not separated from active service a benefit equal to five (5) years of active service will be paid. The current benefit level found in Addendum B is used in this calculation. Distribution of the benefit will follow Section 3.16.

Section 12.4 Survivor Benefits – Deferred Member

A survivor benefit equal to a deceased deferred member's deferred service pension will be paid on behalf of the deceased deferred member. The survivor benefit amount may not exceed the total earned service pension of the deceased deferred member. Distribution of the benefit will follow Section 3.16.

Section 12.5 Supplemental Survivor Benefit

A supplemental survivor benefit will be paid out of the Special Fund when a lump sum survivor benefit is paid to the surviving spouse or, if none, to the surviving child or children of a deceased active or deferred member. The amount of the supplemental survivor benefit to be paid is 20 percent of the survivor benefit or \$2,000 whichever amount is smaller, in accordance with Minn. Stat. § 424A.10.

Section 12.6 Requesting Benefits

Once a member has met the eligibility requirements they are entitled to apply for benefits from the Association. Each member who intends to take distribution of a service pension, including a deferred service pension, from the Association must file a Notice of Intent to Take Distribution. Such Notice of Intent to Take Distribution will be in writing and will be filed with the Secretary. Upon receipt of the Notice of Intent to Take Distribution, the Secretary will provide to the applicant an Application for Distribution and any forms or notices required by Federal or State law. No Notice of Intent to Take Distribution is required for ancillary benefits.

All Applications for Distribution will be submitted to the Board for approval at a Board meeting by the Secretary. Applications for Distribution will state the age of the member, the period of service, the date of separation from active service with the Fire Department, and any other information the Board may require. No service pension, including any deferred service pension, or ancillary benefit will be paid until the Application for Distribution has been approved by a majority vote of the Board.

From the time the Association receives an approved benefit request form from the individual requesting benefit payment, until the payment is made, may not exceed 120 days.

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Section 12.7 Approval of Request for Benefits

It shall be the duty of the Board of Trustees to approve applications for service pensions and/or supplemental benefits, if the applicant meets all of the eligibility requirements set forth in these Bylaws. It shall also be the duty of the Board of Trustees not to approve the application if any of the eligibility requirements are not met. If an application is not approved, the Board shall return the application to the applicant within 30 days, noting thereon, in detail, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, pursuant to the Procedure for Review as provided by Article XV of these Bylaws. If the application is approved, the service pension shall be paid in the manner requested by the applicant pursuant to Article XIV of these Bylaws.

Section 12.8 Limitation

Following the receipt of a lump sum survivor's benefit neither a member's spouse nor estate is entitled to any other or further financial relief or benefits from the Association.

Section 12.9 Unclaimed Benefits

In the event that the Association is unable with reasonable effort to locate a member or a survivor of a member entitled to payment or distribution under these bylaws or by State law, the benefit distributable to such member or survivor of such member will be forfeited and will be credited to the Special Fund. Efforts to locate a member or survivor must be documented. Forfeiture will occur no earlier than thirty-six (36) months after the Board concludes the Association was unable to locate such member or survivor despite reasonable efforts to locate them.

ARTICLE XIII – Limits on Benefits

Section 13.1 Qualified Domestic Relations Order (QDRO)

An approved domestic relations order shall be accepted by the Board of Trustees if in compliance with state and Federal law. No benefits shall be paid under a domestic relations order which requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the plan or under state law.

(a) QDRO Distribution to Alternate Payee

The Alternate Payee of a vested Firefighter will be paid based upon the directions of a Qualified Domestic Relations Order (QDRO). The QDRO must be approved and signed by the court before any action will take place. The Board of Trustees has 120 days to make this payment from the time the QDRO is received by the Board of Trustees. The 120 days will start at the first board meeting after receipt of the QRDO. Any penalties that are the results of early withdrawal or cash payment will be applied to the alternate payee. Record of this payment will be maintained by the Relief Association and the Firefighter's benefit will be discounted by this payment at the time the Firefighter is paid his/her benefit.

Section 13.2 Garnishment, Judgment or Legal Process

The East Grand Forks Fire Department Relief Association

No service pension or ancillary benefits paid or payable from the Special Fund of the Association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §§ 518.58 or 518.581.

Section 13.3 Assignments

No person entitled to a service pension or ancillary benefits from the Special Fund of the Association may assign any service pension or ancillary benefit payments, nor shall the Association have the authority to recognize any assignment or pay over any sum which has been assigned.

Section 13.4 Benefit Amount Limitation

No provision, which places limits on benefits, as contained within Section 415 of the Internal Revenue Code shall be exceeded. Plan participants cannot receive an annual benefit greater than the amount specified in Section 415 of the code as may subsequently be amended.

ARTICLE XIV – Timing and Modes of Distribution

Section 14.1 Timing and Modes of Distribution

Because of the varying circumstances in each member's retirement planning, optional benefit payment methods are offered. Selection should occur after consultation with a tax consultant, insurance and/or estate planner, or an attorney. Alternate payment methods on the application form shall include.

- 1) A direct transfer on an institution-to-institution basis of the retiring member's lump sum payment to the member's individual retirement account (IRA).
- 2) A Retiring member may select one of the following cash distributions (subject to current income tax withholding requirements).
 - a. One lump sum distribution; or
 - b. Receive 3 payments spread across a 395-day period. Period time will start at the time the distribution is approved.

Section 14.2 Rollover Distribution

Upon written request from the retiring member who has given proper notice of retirement, the Secretary or Treasurer shall bring the request to the next Board meeting for review. Upon Board approval the Treasurer shall directly transfer the service pension amount into an Individual Retirement Account under Section 408(a) of the Internal Revenue Code, as amended.

***The East Grand Forks Fire
Department Relief Association***
ARTICLE XV – Procedure for Review

Section 15.1 Application for Benefit Denied

In the event that the Board of Trustees denies an application for service or ancillary pension, the member shall be entitled to the right of appeal for the determination.

Section 15.2 Appeal for non-Service Credit related Denial

In the event that the Board of Trustees denies an application for benefits for a non-Service credit related issue, the Board of Trustees must notify the applicant within 30 days of the denial. The applicant can then appear before the Board of Trustees at the next regularly scheduled business meeting to have his appeal heard.

Section 15.3 Members Appeal Process and Timing for Active Service Credit

The Fire Chief shall notify each Firefighter rendering active service credit with the Fire Department of the amount of active time service credit rendered by the Firefighter for the previous calendar year. The active time service credit notification and a description of the process and deadlines for the Firefighter to challenge the Fire Chief's determination of active time service credit must be provided to the Firefighter 21 days prior to its certification to the Association and municipality(ies). This process is based on Minn. Stat. § 424.003 (c). Firefighters who wish to appeal their service credit must provide a written statement explaining the appeal to the Fire Chief by the date listed in the letter. The appeal will be reviewed by the Fire Chief who will make a final determination of the service credit within 5 business days.

ARTICLE XVI – Dissolution of the Association Retirement Plan

Section 16.1 Dissolution of the Association Retirement Plan

This article only applies to the dissolution of a retirement plan established and administered by the Association. It does not apply to a change in the plan, consolidation or a plan administered by the Public Employees Retirement Association. This Article conforms to Minn. Stat. 424B.22.

Section 16.2 Effective Date of the Dissolution

The effective date of the dissolution of the plan will be the dissolution date of the Association, if the Association is not being dissolved then the date will be the end of the calendar year that employment or services of the Firefighters has been terminated.

Section 16.3 Vesting of Firefighters

All currently active Firefighters will, and deferred members may, be become fully vested (100%) in the retirement fund. Their years/month of service will be calculated as of the effective dissolution date.

The East Grand Forks Fire Department Relief Association

Section 16.4 Benefit Increase

The board of trustees may approve an amendment to the Bylaws of the association to increase the lump-sum up to a maximum of 125 percent of the maximum benefit allowed, as long as the Associations assets support the increase, without municipal contribution, as determined in Section 16.5 and taking into account Section 16.3. This increase will apply to all active and deferred Firefighters.

Section 16.5 Determination of Assets and Liabilities

- a) The board of trustees shall determine the following as of the date of termination of the retirement plan:
 - 1) The fair market value of the assets of the Special Fund;
 - 2) The present value of each member's accrued benefit, taking into account full vesting under Section 16.3 and any increased lump-sum benefit level approved under Section 16.4;
 - 3) The present value of any benefit remaining to be paid to each member in pay status, if any; and
 - 4) Administrative expenses incurred or reasonably anticipated to be incurred through the date on which all retirement benefits have been distributed or transferred or, if later, the effective date of the dissolution of the Association.

- b) The Board of Trustees shall compile a schedule that includes the following information:
 - 1) The name of each member in pay status to whom a benefit or pension is or will be owed;
 - 2) The name of each other benefit recipient to whom a benefit or pension is or will be owed; and
 - 3) For each individual described in clauses (1) and (2), the amount of the benefit or pension to which the individual is entitled under the Bylaws of the Association, taking into account the changes required or permitted by this section, the corresponding number of years of service on which the benefit or pension is based, and the earliest date on which the benefit or pension would have been payable under the Bylaws of the Association.

- c) If the Association is dissolving, in addition to the determination under paragraph (a) for the retirement plan, the Board of Trustees shall determine, as of the effective date of the dissolution of the Association, the legal obligations of the General Fund of the Association.

Section 16.6 Protection of Investments

To minimize the risk of investment losses between the termination date and the date benefits will begin to be distributed, the Board of Trustees shall invest the assets in the special fund in low-risk investments, to the extent consistent with its fiduciary duty under Minn. Stat. 356A.

**The East Grand Forks Fire
Department Relief Association**

Section 16.7 Allocation of Surplus Funds

- a) If after completing the determination of assets, liabilities, and administrative expenses, there is a surplus, the Board of Trustees shall transfer to the affiliated municipality(ies) the lesser of (1) the amount of the surplus, or (2) the sum of all required contributions, without investment earnings or interest thereon, made by the municipality(ies) to the Association during the year in which the termination of the retirement plan occurs or during the preceding nine years.
- b) If the affiliated municipality(ies) did not make any required contributions to the Association during the current or preceding nine years or if, after the transfer described in paragraph (a), there is surplus remaining, the Association and the municipality(ies) will mutually agree on an allocation between them of the remaining surplus.
- c) If, within 180 days of the date of termination of the retirement plan, the municipality(ies) and Association have not reached an agreement on the allocation of the surplus under paragraph (b), then 50 percent of the surplus shall be retained by the Association and 50 percent of the surplus shall be transferred to the affiliated municipality(ies).
- d) Any surplus retained by the Association under paragraph (c) shall be allocated among all members eligible to share in the surplus in the same proportion that the present value of the accrued benefit for each eligible member bears to the total present value of the accrued benefits of all members eligible to share in the surplus, and each eligible member's benefit, as determined under Section 16.5 paragraph (a), clause (2), shall be increased by the member's share of the surplus. The Board of Trustees shall determine eligibility to share in the surplus, which may include any of the following, in addition to Firefighters active as of the date on which members became 100 percent vested:
 - 1) Inactive Firefighters;
 - 2) Former Firefighters with a deferred benefit under the retirement plan

If the Board of Trustees decides to include the individuals described in clause 2 in the allocation of the surplus, the Board of Trustees shall modify the method for allocating the surplus to take into account such individuals.

- e) Any amount of surplus transferred to the affiliated municipality(ies) under this subdivision may only be used for the purposes described in Minn. Stat. 424A.08, paragraph (a) or (b).

The East Grand Forks Fire Department Relief Association

Section 16.8 Immediate Distribution of Retirement Benefits

The Board of Trustees shall liquidate the assets of the Special Fund and pay retirement benefits and administrative expenses under the retirement plan within 210 days after the effective date of the termination of the retirement plan.

Without regard to whether the member has attained age 50, each member and other benefit recipient shall be permitted to elect an immediate distribution or a direct rollover of the member's benefit to an eligible retirement plan as permitted under Minn. Stat. 356.635, subd 3 to 7, if the benefit is an eligible rollover distribution as defined in Minn. Stat. 356.635, subd 4 and 5.

The Board of Trustees shall complete the distribution of all assets of the Special Fund by making any remaining distributions or transfers as required under Minn. Stat. 424B.22 subd 9 on behalf of members or other benefit recipients who cannot be located or are unresponsive and paying any remaining administrative expenses related to the termination of the plan.

Section 16.9 Missing Members

- a) If the Board of Trustees cannot locate a member or other benefit recipient or receives no response to an offer to distribute a retirement benefit, the Board of Trustees shall make a diligent effort to obtain a current address or other contact information as follows:
 - 1) Send a notice to the address on file for the member or other benefit recipient using certified mail;
 - 2) Check with the Minnesota State Fire Department Association, the municipality(ies), and any other employer of the member;
 - 3) Check with the member's designated beneficiary on file with the Association; and
 - 4) Use one or more of the internet search tools that are free of charge.
- b) If the Board of Trustees is unable to locate the member or other benefit recipient after taking the actions described in paragraph (a), the Board of Trustees shall transfer the retirement benefit to an individual retirement account or consider the retirement benefit abandoned and deposit funds in the amount of the retirement benefit with the commissioner of commerce under Minn. Stat. 345. The Board of Trustees may deposit a retirement benefit with the commissioner of commerce under Minn. Stat. 345.

Section 16.10 Supplemental Benefits

Within 60 days after the distribution of benefits under section 16.8, the municipality(ies) or independent nonprofit firefighting corporation with which the fire department is affiliated shall pay supplemental benefits under Minn. Stat. 424A.10 to each member and survivor who satisfies the requirements of Minn. Stat. 424A.10, subd 2, if the member is at least age 50. The Commissioner of Revenue shall reimburse the municipality(ies) or independent nonprofit firefighting corporation for all supplemental benefits paid as provided in Minn. Stat. 424A.10, subd 3.

The East Grand Forks Fire Department Relief Association

Section 16.11 Notice of Retirement Plan Termination

The Board of Trustees shall notify the Commissioner of Revenue and the State Auditor that the retirement plan is being terminated no later than 30 days before the effective date of the termination of the retirement plan and provide any information the Commissioner or State Auditor may require.

Section 16.12 Finalization of the Association

The Association is dissolved effective on the date that the Board of Trustees completes the following actions:

- 1) Prepares and files with the State Auditor final audited financial statements, pursuant to Minn. Stat. 424A.014, subd 1, or, if applicable, the certified financial statement, pursuant to Minn. Stat. 424A.014, 2;
- 2) Liquidates the General Fund and settles all legal obligations of the General Fund as determined under subdivision 5;
- 3) Transfers the records of the Association to the chief administrative officer of the affiliated municipality(ies); and
- 4) Notifies the Commissioner of Revenue, the State Auditor, and the Secretary of State of the dissolution no later than 30 days before the effective date of the dissolution.

ARTICLE XVII – Amendments

Section 17.1 Amendment(s) Generation

The Bylaws of the Association may be amended by the Board of Trustees, if two Trustees submit a signed proposal to the Board at least ten (10) days but not more than thirty (30) days prior to a regularly scheduled Board meeting. The Bylaws of the Association may be amended by the membership of the Association if five (5) members submit a signed proposal to the Board at least ten (10) days but not more than thirty (30) days prior to a regularly scheduled Board meeting.

The Board of Trustees will then review the proposed amendment(s) and provide a recommendation on the amendment(s) to the membership. The recommendation will be distributed with the proposed amendment(s) to the membership.

Section 17.2 Amendment(s) Ratification - Membership

The Bylaws of the Association may be amended at any Annual or Special meeting by a 2/3 majority vote of the active members of the Association present, provided that a quorum is present; provided the proposed amendment(s) and recommendation was made available for membership review by one or more of the following methods: posting, reading at a meeting, or mailed/emailed to the membership. The availability for membership review must be at least 10 days prior to the voting and not longer than 30 days.

***The East Grand Forks Fire
Department Relief Association***

Section 17.3 Amendment(s) Ratification – Municipality(ies)

Once these Bylaws have been amended by the Association, approval of the municipality(ies) is required per Minn. Stat. 424A.02 subd 10 followed by submitting a copy to the State Auditor for final approval.

If the proposed amendment(s) and recommendation change the amount of benefits or pensions, approval of the municipality(ies) must be obtained based on Minn. Stat. 424A.092 subd 6.

The East Grand Forks Fire Department Relief Association

Addendum A – Benefit Calculation formula

Table A – Completed years of active time service credit with no forfeitable portion of annual or prorate service:

Vested Years	Formula
10 years	$(60\% * (\text{benefit}) * (10 \text{ years}) + (((60\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
11 years	$(64\% * (\text{benefit}) * (11 \text{ years}) + (((64\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
12 years	$(68\% * (\text{benefit}) * (12 \text{ years}) + (((68\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
13 years	$(72\% * (\text{benefit}) * (13 \text{ years}) + (((72\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
14 years	$(76\% * (\text{benefit}) * (14 \text{ years}) + (((76\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
15 years	$(80\% * (\text{benefit}) * (15 \text{ years}) + (((80\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
16 years	$(84\% * (\text{benefit}) * (16 \text{ years}) + (((84\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
17 years	$(88\% * (\text{benefit}) * (17 \text{ years}) + (((88\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
18 years	$(92\% * (\text{benefit}) * (18 \text{ years}) + (((92\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
19 years	$(96\% * (\text{benefit}) * (19 \text{ years}) + (((96\% * (\text{benefit}) * (\# \text{ of Months})) / (12)))$
20 years & over	$(\text{benefit}) * (\# \text{ of years}) + (((\text{benefit}) * (\# \text{ of Months})) / (12))$

Benefit = The most recent benefit level contained in Addendum B

Months = The number of full months of service certified by the Chief

**The East Grand Forks Fire
Department Relief Association**

Addendum B – Benefit level and year the increase went into effect

Table A – Contains a list of Benefit levels ratified by the Municipality(ies)

Benefit Level Effective Date	Benefit amount per year of Service	Deferred Interest	Ratification date by Municipality(ies)
2005	\$2,200	5%	
2007	\$2,300	5%	
2013	\$2,400	5%	
2014	\$2,800	5%	
2017	\$3,000	5%	
2018	\$3,175	5%	
2019	\$3,350	5%	
2021	\$3,800	5%	
1/2023	\$4,500	5%	

The East Grand Forks Fire Department Relief Association

Addendum C - Revision Log

Table A – Bylaw Revision table

Date Approved	Comments on Change	Revision Number
	Restatement of Bylaws	001
	Added in deferred interest	002

Request for Council Action

Date: September 26, 2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: Nancy Ellis, Community Development Director

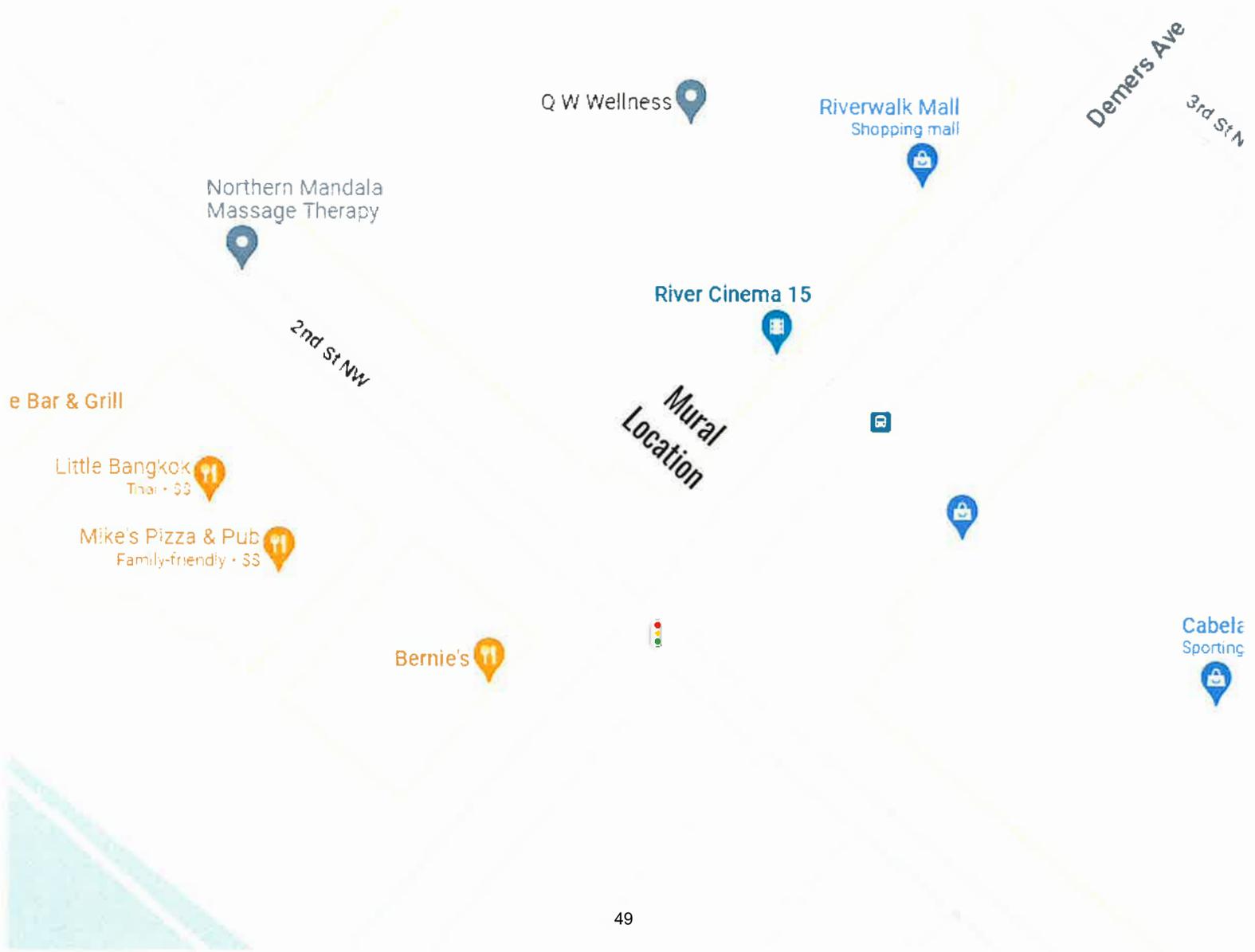
RE: Request for Council approval for a mural on the Riverwalk Center wall

The Downtown Development Association (DDA) is partnering with the Riverwalk Center to paint a mural on the front corner of the building that faces Bernie's. The mural description and rendering are attached. The City of East Grand Forks does not have a mural ordinance but does have a sign ordinance and downtown design guidelines to review and use to guide building facades and overall appearance of the Downtown Commercial District. I believe that this mural would meet the intent of the guidelines and would be a welcome addition to the downtown district.

The DDA is asking for your approval of the mural in the downtown area.

EGF Mural Project

Street Map View



Building View with visual*





Fish name

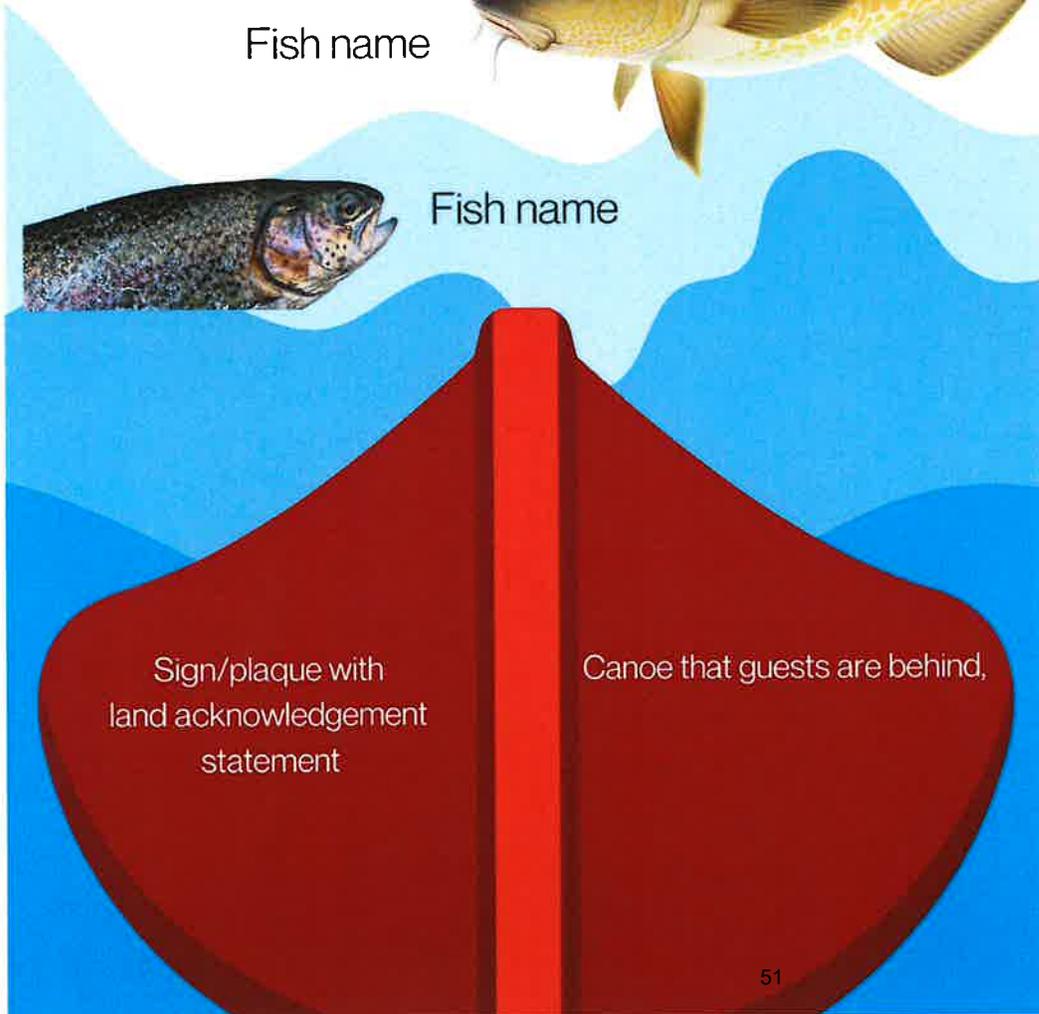


Fish name

Fish name



Fish name



The mural features the fish that inhabit the river, and a half canoe statue in front that folks can pose behind for pictures. This canoe would be modeled after the native populations of the region, and would feature a land acknowledgement statement

***Visual not actual rendering**

Request for Council Action

Date: September 26, 2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: Jeremy King – Parks and Recreation

RE: Follow up discussion on snow removal along Bygland Rd and 13th St SE

Background:

The question posed to the City Council at the September 12th work session: should the City continue its sidewalk snow removal efforts on Bygland Rd and 13th or transfer this responsibility to the respective private property owners? By transferring the task of sidewalk snow removal, the city would gain the ability to prioritize other key areas following a snow event, such as the Greenway trail system and outdoor arenas.

Following guidance from the City Council, the staff has prepared two recommendations that we feel are reasonable and practical for both the City and private property owners along Bygland Rd and 13th St SE.

Budget Impact.

No immediate budget impact. The city would see long-term savings on staff hours, fuel and equipment.

Recommendation:

Follow to the initial plan where property owners on the west side of Bygland Rd are responsible for clearing snow from the sidewalks adjacent to their properties or transfer responsibility for all snow removal on Bygland Rd and 13th St SE to private property owners in accordance with the City Ordinance.

Enclosure:

A list of properties and sidewalk footage along Bygland Rd and 13th St SE
 City Ordinance 96.05 ICE AND SNOW ON PUBLIC SIDEWALKS
 Letters sent to residents during the construction of the sidewalk
 Map – Current snow removal route
 Map – Possible snow removal route

WEST SIDE of BYGLAND

Address	Front/Side Or Back	Feet of sidewalk	Notes
606 Bygland	Front	182	Start at 6th St SE
616 Bygland Rd	Front	94	
620 Bygland	Front	175	
4 & 6 Kembles Ct	Back	210	
911 8th St SE	Side/Back	188	
922 8th St SE	Side	225	
822 Bygland Rd SE	Front	85	
908 Bygland Rd SE	Front	140	
918 Bygland Rd SE	Front	165	
928 Bygland Rd SE	Front	242	
1004 Bygland Rd SE	Front	100	
1018 12th Ave SE	Side	205	
1034 Bygland Rd SE	Side/Back	360	
1104 Bygland Rd SE	Front	142	
1120 Bygland Rd SE	Front	245	
1128 Bygland Rd SE	Front	182	
1204 Bygland Rd SE	Front	95	
1214 Bygland Rd SE	Front	150	
Culdisac to Greenway Blvd SE	Back	675	Townhomes along Bygland; End at Greenway Blvd SE
1222 14th Ave SE	Front	114	Alley near 14th St Outdoor rink property to Neighbors Driveway
1214 Bygland Rd SE	Side/Driveway	65	Driveway to Bygland Rd Sidewalk
TOTAL		4039	
Total Front Yard Sidewalk		2111	
Total Side/Back Yard Sidewalk		1043	
Total Back Yard Sidewalk		885	

EAST SIDE of Bygland Rd

Address	Front/Side Or Back	Feet of sidewalk	Notes
910 6th St SE	Front & Side	233	Start at 6th St SE
919 7th St SE	Side	210	
1004 7th St SE	Side/Back	215	
723 Bygland Rd SE	Front	245	
1024 8th St SE	Side/Back	230	
812 James Ave	Back	95	
816 James Ave SE	Back	250	
917 Bygland Rd SE	Front	250	
6 James Cir SE	Back	125	
8 James Cir SE	Back	150	
10 James Cir SE	Back	220	
1030 James Ave SE	Side/Back	450	
1045 James Ave SE	Side	145	
1129 Bygland Rd SE	Front	225	
McBrotter Estates (Bygland Rd)	Back	800	
1502 13th St SE	Side	545	
1410 17th Ave SE	Side/Back	515	
1415 17th Ave SE	Side/Back	215	
South MS Property	Side/Back	675	End at South MS
TOTAL		5793	
Total Front Yard Sidewalk		953	
Total Side/Back Yard Sidewalk		3200	
Total Back Yard Sidewalk		1640	

Bygland East to SouthPoint Elementary

Address	Front/Side Or Back	Feet of sidewalk	Notes
McBrotter Estates (13th St SE)	Back	595	Start & Bygland Rd SE
1222 17th Ave SE	Side	225	
1705 13th St SE	Front	160	
1226 18th Ave SE	Side	155	
1805 13th St SE	Front	157	
1226 19th Ave SE	Side	162	
1225 19th Ave SE	Side	162	
1226 20th Ave SE	Side	160	end- 20th Ave SE
TOTAL		1776	
Total Front Yard Sidewalk		317	
Total Side/Back Yard Sidewalk		864	
Total Back Yard Sidewalk		595	

All Bygland Rd Sidewalks - Combined Totals

Total Feet of Residential/Private Owned Property	11608
Total Front Yard Sidewalk	3381
Total Side/Back Yard Sidewalk	5107
Total Back Yard Sidewalk	3120
Total Miles of Sidewalk	2.20

(B) Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this chapter and Title VII applicable to the driver of a vehicle, except those provisions which by their nature can have no application. Provisions specifically referring to bicycles shall be in addition to other provisions of this chapter and Title VII applying to vehicles.

(1981 Code, § 6.04)

§ 96.05 ICE AND SNOW ON PUBLIC SIDEWALKS.

(A) *Ice and snow a nuisance.* All snow and ice remaining upon public sidewalks is declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 12 hours after such snow or ice has ceased to be deposited.

(B) *City to remove snow and ice.* The city may cause to be removed from all public sidewalks, beginning 24 hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of the removal and the private property adjacent to which the accumulations were found and removed.

(C) *Cost of removal to be assessed.* The City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding subdivision, extend the cost of the removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and the special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

(D) *Civil suit for cost of removal.* The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in division (B) of this section, the cost of the clearing and the cost and disbursements of a civil action therefor.

(E) *City Administrator to report sidewalks cleared.* The City Administrator shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in division (B) of this section the report of the city thereon and shall request the Council to determine by resolution the manner of collection to be used as provided in division (C) or (D) of this section.

(1981 Code, § 6.05) (Am. Ord. 6, 3rd Series, passed 5-21-1981)

July 11, 2008

To Whom It May Concern:

This letter is to inform you that construction for the City of East Grand Forks Safe Routes to School sidewalk is about to begin. The city has recently awarded the bid to Opp Construction to begin construction of the sidewalk and the trimming of tree branches to install the sidewalk.

For that reason, the City of East Grand Forks will be holding a public open house to inform you of the exact location of the sidewalk, the project schedule, how the trees will be trimmed and other such items pertaining to the project. Those in attendance will be EGF City Engineer, representative from the construction company, City Council representative, and me. As a property owner that will be affected by the sidewalk installation, you are invited to attend the open house on **July 23rd, 2008 AT 6PM at the Senior Citizens Center, 538 Rhinehart Drive.**

A map of the sidewalk and its location has been enclosed for your review. It will be placed within road right-of-way with 100% funding. We have no intentions of cutting down any trees and the City of East Grand Forks is willing to perform the snow maintenance on this sidewalk in the winter months. Therefore, this project will not be special assessed nor will you be required to do snow maintenance in the winter.

If you are interested in additional information and/or cannot attend the meeting, you may contact Nancy Ellis at the EGF MPO Planning Office, (218) 773-0124.

Sincerely,

Nancy Ellis
GF/EGF MPO



City of East Grand Forks

600 DeMers Ave · P.O. Box 373 · East Grand Forks, MN 56721
218-773-2483 · 218-773-9728 fax www.eastgrandforks.net

April 2, 2012

To Whom It May Concern:

This letter is to inform you of the City of East Grand Forks proposal for the Safe Routes to School Program. The Safe Routes to School (SRTS) Program, created by the Federal Surface Transportation Act, establishes a grant program providing communities with the opportunity to improve conditions for bicycling and walking to school. The goals of the program are threefold: (1) to enable and encourage children, including those with disabilities, to walk and bicycle to school; (2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and (3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. All STRS projects are funded at 100% with no local match required.

After South Point elementary and the middle school were constructed, identified safe routes to each school were developed by the local metropolitan planning organization, with a collaboration from the local school districts, police, representatives of PTOs and traffic engineers. The routes for the "Point" in East Grand Forks were challenging given that for the most part, sidewalks do not exist. The nearest residential developments were created absent of facilities for bikes or pedestrians other than the regular street system because sidewalks and/or multi-purpose paths were not required in these developments.

Because of a lack of sidewalks or "safe routes to school", it is estimated that only 5% of all students in the East Grand Forks school district walk or bike to school. Parents are concerned with the high volumes of traffic around the school areas both before and after school. Without a common well-traveled route or sidewalk, students take a great risk walking to South Point elementary school.

Therefore, our Safe Routes to School proposal is to construct sidewalk on the west side of Bygland Road from 6th Street SE to 13th Street SE. The City of East Grand Forks has also built sidewalk on 13th St SE to the front of the elementary school and a sidewalk along the east side of Bygland Road from 6th St. SE to the middle school. This proposed new sidewalk should be another integral piece to the safe pedestrian and bike travel on the Point area.

In August 2011 a letter was mailed to the City informing us that our proposal was chosen for funding by the Safe Routes to School Program. The letter states as follows:

(over)



City of East Grand Forks

1000 1st Avenue SE, East Grand Forks, MN 56721
Phone: 773-247-2100 Fax: 773-247-2101 www.cityofeastgrandforks.com

"It is my pleasure to inform you that your Safe Routes to School proposal is one of 16 recipients of funds from the 2011 Safe Routes to School solicitation. This year's solicitation resulted in 82 applications requesting over \$23.3 million. MNDOT received many high quality proposals and your project represents one of the best submitted. Thank you for your participation and congratulations on your success.
MNDOT"

For that reason, the City of East Grand Forks will be holding a public meeting to discuss the specifics (including location, construction and maintenance) of the project. As a property owner that will be affected by the proposed sidewalk, you are invited to attend the public meeting on **April 12, 2012 at the Senior Citizen Center, 538 Rhinehart Drive SE. The meeting will start at 6PM . A map of the sidewalk and its location will be presented at the meeting. It will be placed within road right-of-way with 100% funding.**

If you are interested in additional information or would like to comment in regards to this proposal, you may contact Nancy Ellis at the EGF MPO Planning Office, (218) 773-0124.

CURRENT SNOW REMOVAL ROUTE



POSSIBLE SNOW REMOVAL ROUTE



Request for Council Action

Date: September 26, 2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: Economic Development Director

RE: Economic Development / Tax Base Growth Strategy

The EDA adopted a Strategic Plan in late 2018. After 5 years it is time to look again at the Strategic Plan. The Director had planned to work with the EDA regarding the update in 2024. At the August meeting it was noted that several things have happened this year that make it important to update the Strategic Plan sooner rather than later.

In 2023 Minnesota and North Dakota took different approaches toward the business climate in each state. Minnesota imposed new laws and regulations on businesses. Monies made available by the federal government to the states to assist with economic development were largely, but not exclusively, made available through programs located in the Twin Cities or through regional partners. North Dakota, however, acted to spread the same dollars throughout the state, choosing to strengthen the local economic development effort in cities like Grand Forks. Where there had been a competitive balance between the two states, the balance is now tilted toward North Dakota cities and businesses compared to the situation in Minnesota. This change poses real and immediate challenges to Minnesota cities with businesses that are footloose and able to relocate to take advantage of the changed circumstances. We need to act now to create and implement a strategy to deal with the changed business climate.

The Director has met with the Chamber President (Barry Wilfahrt) and Praxis (Mark Shill) about how to develop and implement a strategy to maintain and grow the tax base in East Grand Forks. Remember that economic development is a long-term process. The work we do now will come to fruition in 5 or 10 years or longer. Grand Forks is now seeing the benefits of work begun a decade ago. We have come a long way in the last 8 years and have put ourselves in a position to move forward. We now need to create and implement a proactive strategy to remain competitive locally and grow our tax base.

Praxis prepared a strategy for creating and implementing a proactive strategy, attached. The Chamber strongly supports this effort and has generously agreed to pay ½ of Phase I. The Director has looked at the unspent funds in the 2023 budget and has found dollars adequate to cover the remaining costs to complete

the activity from unexpected savings . (The Director did not attend some normal events and activities, saving funds that would have otherwise been spent.)

On September 12, the EDA discussed the proposal. The members noted that it is time to update the Strategic Plan, particularly in light of the trends of the two states away from each other, making it more difficult to do business in Minnesota, putting Minnesota businesses at a competitive disadvantage. The Board thought that having an updated Strategic Plan to guide future actions would facilitate the search for a new Director because it would focus the search on someone who could implement the Strategic Plan. And, most importantly, it would align the EDA and the City Council on the future direction of economic development in East Grand Forks. The EDA unanimously endorsed the proposal and instructed the Director to request the City Council to participate in the process.

Recommendation:

That the City Council discuss the proposal and participate in the process to update the economic development strategic plan.

August 22, 2023

To: Paul Gorte, City of East Grand Forks

CC: Barry Wilfahrt, The Chamber

From: Mark Schill, Praxis Strategy Group

RE: East Grand Forks Economic Development Planning Facilitation Proposal



Paul and Barry,

Here is a brief proposal for to assist you with economic development planning and prioritization for the City of East Grand Forks. This is based on our initial conversations and I would be happy to adapt this scope of work to find a role that meets your needs. The project will be completed in two phases: 1) facilitation of a planning event with key East Grand Forks Leaders, and 2) Identification and prioritization of strategic priorities and next steps.

I specialize in economic and business development strategic planning in small-to-mid-size cities in the Heartland. I have an understanding of economic development issues in Minnesota, having worked recently for Itasca County Economic Development Corporation, APEX (Duluth Economic Development), Duluth Area Chamber of Commerce, Itasca County Housing and Redevelopment Authority, Duluth Seaway Port Authority, the City of Warroad, and the City of Moorhead. There is a short biography of and list of recent projects at the end of this document.

Phase One Planning Discussion tasks could include:

1. **Internal meetings and preparation for main planning discussion.** This task covers time to meet with you and other key leaders to align goals and to create a framework for the half-day planning session.
2. **Research and content for planning session.** I will complete research to create a baseline analysis of economic and demographic trends impacting the future of economic development in East Grand Forks. This content will not attempt to be a comprehensive analysis, but rather will identify several key competitive advantages or disadvantages shown in the data framed to assist leadership in decision making.
3. **Facilitate a four-hour planning session.** I will facilitate a four-hour session including participants invited at your discretion.
4. **Presentation of results:** I will create and deliver an initial presentation of results to two elected or volunteer committees, this could include EDA and Council.

The deliverable for this phase will be a high-level summary PowerPoint presentation along with any PowerPoint content (including research) developed for the planning session.

Phase Two Deliverable and Prioritization tasks:

1. **Strategic framework development.** After the summit and two presentations, I will work with key staff or other leadership to author a short report outlining the way forward. This report would be 1-3 pages focusing on a future economic development framework, potential priorities, and key upcoming decisions for East Grand Forks economic development.
2. **Prioritization discussion.** Based upon the initial framework developed, I will participate in one additional meeting of the City Council and EDA board for the purpose of prioritizing and refining

conclusions, policy refinements, and future actions. These sessions could be presentations at existing meetings or more in-depth facilitated sessions at your discretion.

3. **Refinement and ratification of conclusions.** Using the findings from step two I will work with key staff to refine conclusions and present results to the EDA board and City Council.

Phase one proposed fee: \$5,425

Phase two proposed fee: \$5,250

I do not anticipate any travel costs for this project. This scope of work assumes that your organization will identify and invite participants and arrange any meeting logistics and associated costs at your discretion. The project is designed to be a focused effort built around findings from the initial half-day event to create a basic foundational framework and potential high-level reprioritization of economic development efforts by the City. I'm happy to customize any aspect of the project to fill any role that is helpful.

Thanks for the chance to work with you,



Mark Schill
Praxis Strategy Group

Bio and Recent Projects



Mark Schill, Praxis Strategy Group

Mark has more than 20 years of experience in strategic planning and group facilitation, economic analysis, business planning, demographic research, marketing strategy and public messaging, and event planning. Mark has worked on economic development strategies and policy reports in 14 states. He has led community multi-stakeholder committees to create visions and plans for downtowns, community housing policy, homelessness, community arts policy, workforce and talent strategy, and many non- and for-profit organizations.

For six years, Mark was the lead analyst, co-author and spokesperson for Enterprising States, a U.S. Chamber of Commerce Foundation study that analyzed and profiled economic development efforts in all 50 states. He has contributed to many national research reports and policy studies covering the Great Plains, Heartland, Great Lakes, Gulf Coast, and several large metropolitan areas. He is the co-founder and managing editor of the population and economic analysis site NewGeography and his analysis work has appeared in publications such as Chief Executive, Forbes, and The Wall Street Journal.

Recent Project Experience

City of Grand Forks Economic Development Prioritization and Task Force, 2023. Mark assisted the City's Community Development staff with a task force effort to prioritize its economic development efforts and enact programmatic changes to reflect new priorities.

Itasca County Economic Development Corporation Strategic Plan, 2023. Mark led the development of a new strategic plan for the IEDC in the Grand Rapids area, including a series of stakeholder focus groups and survey, and a two board planning sessions.

UND Center for Innovation Foundation Strategy, 2022-2023. Mark designed and facilitated virtual and in-person strategy sessions to help chart the course of this innovation foundation that works in concert with the University of North Dakota. Sessions included a diverse group of businesspeople, staff members, and University leadership.

Itasca County Housing and Redevelopment Authority Strategic Plan, 2023. Mark led the development of a new strategic plan for the ICHRA in the Grand Rapids area, including a extensive work with staff, interviews with partner organizations, and two board planning sessions..

Duluth Area Chamber of Commerce Strategic Plan, 2022. Mark led the development of a new strategic plan for the Duluth Area Chamber, including a series of stakeholder focus groups and a two-day board summit focusing on key issue development and prioritization of resources.

City of Underwood, ND Comprehensive Plan, 2021-2022. Working with Burian and Associates, Mark developed a comprehensive plan community plan for the City of Underwood, including public surveying, public meeting facilitation, and research.

The Labor Crisis and the Future of the Heartland, Heartland Forward Institute, 2022. Mark co-authored a study for the Walton Foundation's new Heartland Forward Institute outlining the challenges and remedies to workforce development issues in the Heartland.

Grand Forks Land Use Plan, 2020-2022. Mark served as lead focus group facilitator and led the completion of the housing and economic development sections of the City's 2050 land use plan created by the Grand Forks-East Grand Forks MPO. The project included specific housing market research and dashboard development, along with a special analysis of tax revenue by development type.

North Dakota Region 2 Economic Resiliency Plan, 2022. Working with SRF Consulting, Mark led strategy formulation, stakeholder input, and survey analysis for a new post-pandemic economic plan for the Minot area and six surrounding rural counties served by the Souris Basin Planning Council.

Fargo-Moorhead Council of Governments Baseline Demographic Projection, 2022. Mark assisted SRF Consulting to complete a long-range demographic projection for the Fargo-Moorhead region to be used in long-term land and transportation planning. Mark conducted stakeholder input and served as a methodology and data advisor for the project.

Duluth Seaway Port Authority Strategic Plan, 2021. Mark led a strategic planning process to update a more than decade-old strategic plan for this public organization responsible for promoting and operating shipping activity in the Port of Duluth.

Itasca County Economic Summit, 2021. Mark served as an economic development subject matter expert and facilitated strategy breakout sessions at this event to discuss the future of the Itasca County/Grand Rapids MN region. Mark developed a summary action plan from the discussions to help kick-start an implementation effort by the Itasca EDC.

City of Warroad, MN Housing Analysis and Strategy, 2021. Mark completed a strategic housing and economic study and led a planning retreat to mobilize public and private partners to work on increasing housing supply in the city.

Fargo-Moorhead-West Fargo Fueling our Future Leadership Retreat, 2021. Informing a group of 100 regional policy leaders at a day-long retreat, Mark developed and deployed a pre-summit survey to attendees and keynoted the summit with a situational analysis of the region's economic and demographic strengths and weaknesses.

City of Mandan Economic Development Strategic Plan, 2021. Working with Burian and Associates, Mark contributed to the City's new strategic plan for its economic development work. Mark contributed economic research, stakeholder facilitation, survey analysis, and strategy formulation.

Grand Forks Career Impact Academy Analysis, 2021. Working with local stakeholders, Mark designed and deployed student and employer surveys combining the results with analysis of labor market data to inform the selection of programs for a new career academy in the region.

Grand Forks Region Economic Development Corporation Strategy, 2021, 2017. Mark has led organizational strategic planning for this Grand Forks-area economic development organization, including leading board retreat sessions, stakeholder focus groups, and economic competitiveness research.

The Emergence of the Global Heartland, Heartland Forward Institute, 2021. Mark co-authored a study for the Walton Foundation's new Heartland Forward Institute identifying a significant shift towards immigration in the Heartland and describing its implications.

Millennials Find New Hope in the Heartland, Heartland Forward Institute, 2020. Mark co-authored a study for the Heartland Forward Institute outlining the Heartland cities seeing a resurgence of millennial residents and policy approaches to attract young people to the region.

Grand Forks-East Grand Forks Market Capture Project, 2019-2020. Mark is the lead analyst of market data obtained from Buxton Co and led the development of an action plan to use data insights to support local business development.

Duluth APEX Economic Development Strategic Plan, 2019, 2020. Mark combined economic data, more than 10 stakeholder focus groups, and three facilitated board sessions to develop a strategic plan for APEX, an economic development agency covering 10 counties in the Duluth region.

City of Moorhead Cost of Living and Housing Market Study, 2019-2020. Working with AE2S, Mark conducted a comprehensive data analysis comparing cost of living, housing market data from all three communities, cross-border differences, and development policy differences between Moorhead, MN, Fargo, ND, and West Fargo, ND.

City of Grand Forks COVID-19 Public Policy Support, 2020. Since the early days of the pandemic, Mark has supported the Grand Forks Mayor's Office and City Administrator by authoring the City's

initial response plan in May, designing and analyzing various surveys, authoring a community testing strategy, developing several data dashboards for decision-making, and supporting the Mayor's Office and other institutional partners with policy analysis.

Itasca County MN EDC Strategic Plan, 2019. In the midst of new leadership for the organization, Mark led a strategic planning process for IEDC in Grand Rapids, MN that included two facilitated board sessions, focus groups across the county, and economic research.

Grafton, ND Vision and Action Plan, 2018-2019. Mark led a visioning process in Grafton that included personal interviews, several citizen focus groups, a public input survey, and facilitating a steering committee to create a vision and action plan with more than three dozen policy recommendations.

Downtown Devils Lake Vision and Action Plan, 2017-2018. Working with the Devils Lake Chamber and Visitors Bureau, Mark teamed with Jonathan Holth to lead a public process to create a vision and action plan for downtown. Community outreach included interviews, focus groups, surveys, and a task force of local leaders.

City of Grand Forks Housing Strategy, 2012, 2016. Mark has assisted the City of Grand Forks in its housing policy development over several years. In 2012 he led a multi-stakeholder task force on behalf of the mayor and returned in 2016 to provide market analysis that led to several City policy changes. In a new project,

Grand Forks Housing Authority LaGrave on First, 2015. We gathered policy research, case studies, and input from various stakeholders to help build consensus for and prove the feasibility of a new "housing first" facility that opened in late 2018.

ORDINANCE NO. _____ 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, TO ENACT CHAPTER 119 IN CITY CODE TITLE XI BUSINESS REGULATIONS CONCERNING LICENSING AND REGULATION OF COMMERCIAL PEDAL CAR AND TO AMEND CITY CODE SECTIONS RELATING TO ALCOHOL CONSUMPTION ON MUTIPASSENGER BICYCLES AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS DOES ORDAIN AS FOLLOWS:

SECTION 1: **Enacting East Grand Forks City Code Chapter 119.**

East Grand Forks City Code Title XI, Chapter 119 is enacted to read as follows:

CHAPTER 119 LICENSING AND REGULATION OF COMMERCIAL PEDAL BIKES

119.01-Definitions. As used in this Article, the following terms mean:

- (1) *Permitted commercial pedal car beverages* means beer, wine, seltzer, water, soda, juice, or non-alcoholic beverages contained in a can or plastic container not exceeding 16 ounces.
- (2) *Commercial pedal car* means a multi-passenger bicycle, as defined in Minn.Stat 169A.35 Sub 6 (a)2.
- (3) *Commercial pedal car business* means the operating of one (1) or more commercial pedal cars, whether for profit or not-for-profit.
- (4) *Commercial pedal car business operator* means a person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization operating a commercial pedal car business pursuant to a commercial pedal car business license.
- (5) *Commercial pedal car driver* means a person who has been issued a commercial pedal car driver license under this Article, is employed by a commercial pedal car business and is responsible for the safe operation of a commercial pedal car, including but not limited to the steering and braking and maintaining compliance with all federal, state and local traffic rules and regulations.

- (6) *Street* shall have the same meaning as given under East Grand Forks City Code § 70.02

119.02-License Required; Non-Exclusivity; Regulatory Power of the City Council; Non-transferability.

- (1) No person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization may operate or engage in a commercial pedal car business within the City of East Grand Forks without a commercial pedal car business license and full compliance with this Article.
- (2) Only commercial pedal cars issued a license under City Code § 119.03 may be operated within the City of East Grand Forks.
- (3) Only a commercial pedal car driver may drive and operate a commercial pedal car within the City of East Grand Forks.
- (4) No license granted under this Article by the City shall be exclusive.
- (5) All licenses granted under this Article shall be subject to the rules and regulations authorized to be promulgated by the City Council pursuant to this Article and any other ordinance applicable thereto.
- (6) No license granted under this Article shall be assigned or transferred without first making an application to and receiving the approval of the City Council.
- (7) The cessation of operations or other termination of the business of a commercial pedal car business operator shall result in the immediate termination of the license issued under this Article to said commercial pedal car business operator.
- (8) Except as may be permitted under this Article, no multipassenger bicycle, as defined in Minn.Stat. 169.011 subd. 4 (See Also Minn.Stat 169A.35 Sub 6 (a)2) may be operated within the City of East Grand Forks.

119.03 - Commercial Pedal Car License and Commercial Pedal Car Vehicle Operator License and Commercial Pedal Car Business License.

- (1) *License - Commercial pedal car driver.* No person shall drive or operate a commercial pedal car within the City of East Grand Forks without first making application to City Administration, paying all fees provided for in this Article and being issued a commercial pedal driver license in accordance with this Article.
 - (A) Each submitted written application for a commercial pedal car driver license shall be on a form prescribed by City Administration and shall contain all the following:

- (1) Name, address, date of birth of the applicant.
 - (2) All residing addresses of the applicant during the five (5) year period immediately preceding the date of the application are received by the City Administration.
 - (3) The name of the driver's license issuing state and driver's license number of the applicant.
 - (4) A copy of the person's certificate of alcohol server training issued under East Grand Forks City Code § 117.80 et al. A commercial pedal car driver license shall not be issued to any person who does not have a valid and existing certificate of alcohol server training issued under City Code § 117.80 et al. The revocation, termination, cancellation, suspension, or expiration of a person's certificate of alcohol training shall cause the person's commercial pedal car driver license to be automatically and immediately revoked and terminated.
 - (5) The applicant's consent for the City to conduct a criminal background and driving record check.
 - (6) Payment of the non-refundable commercial pedal car driver's license fee. In the event the application is denied, this payment is non-refundable.
- (B) A commercial pedal car driver's license may only be issued to an individual who is at least twenty-one (21) years of age.
 - (C) A commercial pedal car driver's license may only be issued to a person who possesses a valid driver's license, which is not suspended, revoked, cancelled, or expired. The suspension, revocation, cancellation, or expiration of a state driver's license shall cause the person's commercial pedal car driver license under this Article to be immediately and automatically revoked and terminated.
 - (D) A commercial pedal car driver license may not be issued to a person who has had more than two (2) motor vehicle moving violations during the twelve (12) month period of time immediately preceding the date the application is received by City Administration or more than three (3) motor vehicle moving violations during the thirty-six (36) month period of time immediately preceding the date the application is received by City Administration.

- (E) A commercial pedal car driver license may not be issued to a person who has been convicted, plead guilty or nolo contendere to careless or reckless driving or for any offense of driving under the influence of alcohol or drugs during three (3) calendar years immediately preceding the date the application is received by City Administration.

- (2) *License - Commercial pedal car.* No person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization shall operate a commercial pedal car within the City of East Grand Forks without first making application to City Administration, paying all fees provided for in this Article and have a commercial pedal car license issued for the commercial pedal car.
 - (A) Each submitted written application for a commercial pedal car license shall be on a form prescribed by City Administration and shall contain all the following:
 - (1) Owners and Signatures.
 - (i) For a commercial pedal car owned by a person and operated as a sole proprietorship, the name and address of the owner and each owner shall sign the application.
 - (ii) For a commercial pedal car owned and operated by a partnership (whether a general partnership, limited partnership, or limited liability partnership), the name and address of the partnership and signed by the managing partner.
 - (iii) For a commercial pedal car owned and operated by a limited liability company (LLC), the name and address of the LLC and if the LLC is a manager-managed limited company, signed by the manager and if the LLC is a member-managed, signed by the managing member.
 - (iv) For a commercial pedal car owned and operated by a corporation, company, association, or other entity or organization, the name and address of the corporation company, association, or other entity or organization and by the president or chief executive officer.
 - (2) Written certification from a city approved bicycle repair shop certifying the safety and roadworthiness of the commercial pedal car.

- (3) In addition to the certification described in City Code § 119.03(2)(A)(2), all commercial pedal cars must pass an initial inspection of its condition and compliance with equipment and safety standards under this Article before a commercial pedal car license is issued. The City Administrator or the designee of the City Administrator shall determine the party to conduct the inspection.
 - (4) Payment of the non-refundable commercial pedal car license fee. In the event the application is denied, this payment is non-refundable.
- (3) *License - Commercial pedal car business.* No person, firm, corporation, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity shall conduct a commercial pedal car business within the City of East Grand Forks without first make application to City Administration, paying all fees provided for in this Article and have a commercial pedal car business license issued for the commercial pedal car business.
- (A) Each submitted application shall be on a form prescribed by City Administration and shall contain all the following:
- (1) Name and form of business.
 - (i) For a sole-proprietorship, the name and address of the sole-proprietorship, and the name and address of the owner. The owner shall sign the application.
 - (ii) For a partnership (whether a general partnership, limited partnership, or limited liability partnership), the name and address of the partnership, the names and addresses of all of the partners. The general partner or managing partner shall sign the application.
 - (iii) For a limited liability company (LLC), the name and address of the LLC, and the names and addresses of all the members of the LLC. For an LLC that is a manager-managed limited company, the applicant shall also provide the names and addresses of all the managers and be signed by one of the managers. For an LLC that is a member-managed limited liability company, the managing member shall sign the application.
 - (iv) For a corporation, company, association, or other entity or organization, the name and address of the corporation, company, association, or other entity or organization, and the names and addresses of the shareholders, owners, members,

and principal officers. The president or chief executive officer shall sign the application.

- (2) The name, phone number, street address (and mailing address if different) of the commercial pedal car business operator's agent for service of legal process.
- (3) The identity and license number of each commercial pedal car the commercial pedal car business operator intends to operate within the term of the license. Any increase in the number of commercial pedal cars to be used for the commercial pedal car business shall require an amended application and payment of the fee for filing an amended application shall be submitted for such increase in the number of commercial pedal cars.
- (4) A written plan to maintain each commercial pedal car in a safe and operable condition and to meet the minimum equipment and safety standards and requirements under City Code § 119.08.
- (5) A document executed by the person required to sign the application under City Code § 119.03(3)(A) certifying that each commercial pedal car to be operated in the commercial pedal car business complies the requirements of this Article.
- (6) Proof of current coverage or insurance as required under this Article.
- (7) A declaration that the person required to sign the application under City Code § 119.03(3)(A) has read the provisions of this Article and has required each of its officers and employees to read the provisions of this Article.
- (8) A statement of indemnification of the city and its officials, officers, agents, volunteers, and employees by the commercial pedal car business.
- (9) Any changes in the application, following approval of the license, must be approved by the City Administrator or the designee of the City Administrator.

119.04 - License Number.

- (1) Each commercial pedal car driver license shall be assigned a number or number series by City Administration and the person shall receive a written license from the City Administrator or the designee of the City Administrator.

- (2) Each commercial pedal car license shall be assigned a number or number series by City Administration and shall be issued a license decal. The license decal and license number assigned shall be displayed on the commercial pedal car at least two (2) inches to the right of the rear left hand turn signal but no further than the center of the commercial pedal car and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the commercial pedal car.
- (3) Each commercial pedal car business license shall be assigned a number or number series by the City Administrator and the person shall receive a written license from the City Administrator.

119.05 - Term.

- (1) Except as otherwise provided herein, each license issued pursuant to this Article shall expire annually on the 31st day of December.
- (2) Licenses may be renewed annually in compliance with the renewal procedures established by City Administration or designee of the City Administrator, provided, however, all the terms and provisions under this Article for the issuance of an initial license shall apply for a license renewal.

119.06 - Fees.

Before being issued any license or the renewal of any license under this Article, all fees as established by resolution of the East Grand Forks City Council shall be paid. All fees paid for the issuance or renewal of any license are non-refundable.

119.07 - Insurance requirements.

- (1) No commercial pedal car business license shall be issued or renewed a license without proof of commercial general liability insurance for the commercial pedal car business as the insured that is issued by a company authorized to do insurance business in the State of Minnesota in the minimum amount of two million dollars (\$2,000,000.00). Proof of insurance shall provide insurance coverage for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of the commercial pedal car arising out of the ownership, operation, use, or maintenance of a commercial pedal car.
- (2) The City of East Grand Forks, and its officers, officials, employees, boards, commissions, volunteers, and agents shall be named as additional insureds on the insurance policy described in City Code § 119.07(1).
- (3) In addition to the requirement set forth in City Code § 119.07(1), at the request of the City Administrator or the designee of the City Administrator, the commercial pedal car business operator shall provide proof of valid insurance within ten (10) business days of receiving such request.

- (4) In addition to the general liability insurance required under City Code § 119.07(1), no commercial pedal car business shall be operated in the City, nor shall any license be issued therefor, until and unless the commercial pedal car operator also deposits with City Administration a certificate of insurance or such other proof of insurance issued by a company authorized to do insurance business in the State of Minnesota covering each commercial pedal car and each passenger of commercial pedal car with no less than the minimum insurance limits required for motor vehicles pursuant to Minnesota Statutes.
- (5) Any license issued under this Article for a commercial pedal car business shall automatically and immediately be revoked and terminated upon the lapse or termination of any the insurance coverage required herein.

119.08. - Equipment and Safety Standards and Requirements for Commercial Pedal Cars.

- (1) The City Administrator or the designee of the City Administrator may designate minimum equipment and safety standards and requirements for commercial pedal cars.
- (2) In addition to any equipment and safety standards that may be promulgated under City Code § 119.08(1), each commercial pedal car shall have the following fully operational equipment:
 - (A) *Steering Wheel.* A commercial pedal car shall be equipped with a steering wheel that gives the commercial pedal car driver exclusive control of the direction of the commercial pedal car.
 - (B) *Tires.* The tires shall be of a size appropriate for the commercial pedal car with no mismatched tires per the design of the commercial pedal car. There shall be no cuts to the tires, localized worn spots that expose the ply, or visible tread wear indicators.
 - (C) *Operational horn or bell.* The commercial pedal car shall be equipped with a fully operational horn or bell.
 - (D) *Brakes.* It shall be unlawful to operate, or cause to be operated, a commercial pedal car that is not equipped with front and rear braking systems capable of being manipulated by the driver from the driver's normal position of operation and capable of causing a commercial pedal car with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the commercial pedal car is in contact with the ground on dry, level, clean pavement. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes, unaffected by rain or wet conditions.

- (E) *Taillamps.* Two taillamps meeting the requirements of Minn.Stat. § 169.50. The taillamps shall be illuminated at all times the commercial pedal car is being operated.
- (F) *Stop lamps.* Two stop lamps the meeting the requirements of Minn.Stat. § 169.57.).
- (G) *Headlamps.* Two headlamps meeting the requirements of Minn.Stat. § 169.49 The headlamps shall be illuminated at all times the commercial pedal car is being operated.
- (H) *Turn Signals.* Turn signals affixed to the front and rear of the commercial pedal car.
- (I) *Mirrors.* A side mounted mirror or a wide-angle rearview mirror affixed to the pedal car to reflect to the commercial pedal car driver a view of the street for a distance of at least two hundred (200) feet from the rear of the commercial pedal car.
- (J) *Reflectors.* Each commercial pedal car shall have reflectors on the frame and a red reflector mounted on each side of the rear of the commercial pedal car, at least one (1) inch from the outer edge and centered. In addition, the international slow-moving triangle must be displayed on the rear of the commercial pedal car.
- (K) *Restraints.* Hip restraints as defined by the American National Standards Institute (ANSI)/National Golf Carts Manufacturers Association (NGCMA) shall be installed for every seat on the vehicle. The Commercial pedal car driver shall not operate the commercial pedal car unless each passenger thereon is wearing hip restraints. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise, including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a commercial pedal car.

119.09. - Operating Standards and Requirements for Commercial Pedal Car.

- (1) *Area of Operation.*
 - (A) Subject to City Code § 119.09(1)(B), commercial pedal cars may only be operated on streets located within the downtown area of the City of East Grand Forks depicted in the following map:

NEED MAP DIAGRAM

- (B) Prior to the operation of a commercial pedal pub car within the approved area described City Code § 119.09(1)(A) above, the commercial pedal car business operator shall submit a plan to the City Administrator or the City Administrator's designee, for the operation of commercial pedal cars that addresses the means and methods of operation the commercial pedal cars will take to avoid impeding the safe and unimpeded travel of police, fire, ambulance and other first responders when responding to an emergency situation. This plan must be reviewed and approved by the City Administrator or the City Administrator's designee, after consultation with other City personnel, including the Chief of Police, Fire Chief, City Engineer, and City Planner.
- (2) *Hours of Operation.* The hours of operation for commercial pedal cars shall be from 10:00 a.m. to 10:00 p.m. from May through September. The prohibitions of hours of operation may be waived for special events upon proper application to the City Administrator.
- (3) *Sidewalks/Greenway.* No commercial pedal car shall be operated or parked on a sidewalk, a bike path, or on the greenway.
- (4) *Speed.* No commercial pedal car shall travel at a speed greater than twenty-five (25) miles per hour.
- (5) *Impeding traffic exemption.* Commercial pedal cars shall be exempt from City requirements relating to impeding traffic, provided, however, when safe and appropriate to do so, the commercial pedal car driver shall exit the lane of traffic to allow traffic to pass safely.
- (6) *Sale of alcoholic beverages.* No sale of alcoholic beverages at retail requiring a license under City Code § 119.02 shall be permitted on a commercial pedal car.
- (7) *Permitted commercial pedal car beverages* Only permitted commercial pedal car beverages may be consumed by passengers on a commercial pedal car. No alcoholic beverages above six percent (6%) alcohol content may be consumed by passengers of a commercial pedal car.
- (8) *Food sales.* No sale, serving, other disposition, preparation or storage of food shall be permitted on a commercial pedal car.
- (9) *Traffic laws.* Every commercial pedal car shall be operated in compliance with all applicable federal, state, and local traffic laws, ordinances, rules, and regulations, and in a manner so as to assure the safety of persons and property.
- (10) *Use of public property.* No commercial pedal car shall use any public property, including, but not limited to, City parking areas, City owned property, and public transportation loading areas, as a waiting area or an area to load or unload passengers or their belongings onto or off a commercial pedal car.

- (11) *Loading of Passengers – Streets/Crosswalks.* All commercial pedal car operators shall operate tours only from commercial locations on private property approved by the City Administrator, or the City Administrator’s designee. The site shall be used as the location for patrons to gather and assemble prior to embarking on the commercial pedal car tour and to disembark at the conclusion of the tour. Approved sites shall provide patrons access to restroom facilities and a minimum of three (3) off-street customer parking spaces per commercial pedal car operated from the site. No commercial pedal car shall stop to load or unload passengers or their belongings in the intersections of any street, crosswalk, or in any manner or other location that would be considered unsafe. Loading and unloading passengers or their belongings onto and off a commercial pedal car shall be done in any manner that will not, in any way, impede or interfere with the orderly flow of traffic on the streets.
- (12) *Parking.* A commercial pedal car shall not be parked in any place not specifically designated for parking. Notwithstanding any other parking time limitations, a commercial pedal car may occupy up to two designated parking spaces for no more than one (1) hour continuously, provided, however, if the continuous parking time limit for the designated parking area is less than one (1) hour, then the short parking time limit shall apply.
- (13) *Unsafe Operation.* It shall be unlawful for any commercial pedal car driver to allow or cause to be operated a pedal car in any unsafe manner or operating condition.
- (14) *Consumption of alcohol by commercial pedal car driver.* No commercial pedal car driver shall consume any alcoholic beverages or intoxicating substances while on duty or operate a commercial pedal car while impaired in any manner.
- (15) *Clean and maintain commercial pedal cars.* All commercial pedal cars shall be clean and maintained in a good state of repair. All commercial pedal cars shall be maintained by the commercial pedal car business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition.
- (16) *License Decals Displayed.* All commercial pedal cars shall display the license decal issued in the manner required under City Code § 119.04(2).
- (17) *Name and telephone number of commercial pedal car business operator.* All commercial pedal cars shall have the name and phone number of the commercial pedal car business operator conspicuously displayed on each commercial pedal car.
- (18) *Passengers legal age.* All passengers on a commercial pedal car consuming alcohol shall be of legal age.
- (19) *Commercial pedal car driver license and operation of commercial pedal car.* Each commercial pedal car driver shall have in his or her possession while operating or otherwise in control of any commercial pedal car his or her valid state issued

driver's license and commercial pedal car driver's license. These documents shall be made available upon request of any police officer, or the City Administrator or any designee of the City Administrator. Each commercial pedal car driver shall operate the commercial pedal car in compliance with all applicable federal, state, local traffic laws, ordinances, rules, and regulations, and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of any police officer or the City Administrator or any designee of the City Administrator.

- (20) *Insurance.* Proof of insurance of the commercial pedal car business operator required under City Code § 119.07, shall be kept and maintained within each commercial pedal car.
- (21) *Compliance with orders.* All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, the City Administrator, or other City agent or representative, as designated by the City Administrator, and shall refrain from interference with such officials while in the performance of their duties.
- (22) *Maximum number of passengers.* No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the commercial pedal car driver may be in the center aisle while the commercial pedal car is in motion.
- (23) *Others driving commercial pedal cars.* No commercial pedal car driver shall allow a passenger or other person to drive the commercial pedal car unless that person also holds a commercial pedal car driver license under this Article and such passenger or person is an authorized employee of the same commercial pedal car business.
- (24) *Glassware.* No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.
- (25) *Loud Noise.* No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that violates the city code or would constitute a public nuisance.
- (26) *Advertisement.* Advertisements shall only be allowed on the manufactured body of the commercial pedal car. No banners, poles, flags, detached signs, or any other addition or object shall be permitted.
- (27) *Garbage.* All commercial pedal cars shall have a trash can on the commercial pedal car and the commercial pedal car driver shall be responsible for all garbage being placed in the trash can and to properly dispose of all trash from the operation of the commercial pedal car.

- (28) *Attire of commercial pedal car driver.* A commercial pedal car driver must be properly attired with a shirt, name tag, pants, skirt or shorts and secure footwear. The shirt and name tag worn by a commercial pedal pub driver must have the name of the commercial pedal car business operator in a conspicuous location.
- (29) *Passenger conduct.* It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car so that their behavior remains law-abiding during the excursion, both while the commercial pedal car is in motion and at a stop. Behavior which shall be prohibited and prevented includes, but is not limited to, indecent exposure, disorderly conduct, public urination, and littering. Further, it is the responsibility of the commercial pedal car driver to not allow an obviously intoxicated person to be a passenger on a commercial pedal car, and if a person becomes obviously intoxicated during an excursion, to take all action necessary to safely have the person removed as a passenger on the commercial pedal car.
- (30) Every commercial pedal car business operator shall:
- (A) Take affirmative measures to ensure that all its owners and drivers comply with the terms of this Article.
 - (B) Be responsible for the operation of the commercial pedal car at all times.
 - (C) Ensure that no commercial pedal car is operated in an unsafe mechanical condition or continues to operate after it has been ordered out of service.
 - (D) Promptly respond to all requests for information from law enforcement, the City Administrator or their respective designees.
 - (E) Promptly report all accidents involving their commercial pedal car(s) operating in East Grand Forks to the City Administrator or their designee, or law enforcement.
 - (F) Be the agent of service of all notices, orders, and other correspondences from the City of East Grand Forks to the commercial pedal car business and commercial pedal car drivers operating under their commercial pedal car business license.

119.10 – Commercial Pedal Car Inspections. In addition to the inspection under City Code § 119.03(2)(A)(3), all commercial pedal cars shall be subject to the following inspections:

(1) *Annual inspection.*

- (A) An annual inspection of each commercial pedal car shall be required before a license renewal may be issued. The City Administrator or designee of the City Administrator shall determine the party to conduct such an annual inspection. The annual inspection shall review for compliance with the equipment and safety standards and requirements under City Code § 119.08 and other applicable ordinances, laws, rules, and regulations. A separate fee as established by the City Council of East Grand Forks may be required for an annual inspection.
- (B) Commercial pedal cars that do not meet the equipment and safety standards and requirements under City Code § 119.08 or other applicable ordinances, laws, rules, or regulations may be denied renewal licenses and the commercial pedal car business operator may not operate such commercial pedal car until the defects have been cured and repaired and the commercial pedal car has passed the annual inspection.
- (C) The failure of a commercial pedal car business operator to have any of its commercial pedal cars meet equipment and safety standards and requirements under City Code § 119.08 or other applicable ordinances, laws, rules, or regulations shall be grounds for denial of the commercial pedal car business license renewal and also grounds for the revocation, termination or suspension of the commercial pedal car business license.

(2) *Periodic Inspections.*

- (A) The City Administrator or designee of the City Administrator shall have the right to examine and inspect any commercial pedal car at any reasonable time to determine whether the commercial pedal car is in compliance with the equipment and standards and requirements under City Code § 119.08 and other applicable ordinances, laws, rules, and regulations. The City Administrator or designee of the City Administrator shall determine the party to conduct such periodic inspections. A separate fee as established by the City Council of East Grand Forks may be required for a periodic inspection.
- (B) Any commercial pedal car that is found during a periodic inspection to either (1) not to meet the equipment and safety standards and requirements under City Code § 119.08 or other applicable ordinances, laws, rules or regulations, or (2) exhibits continuing and present safety concerns so as to render the commercial pedal car unsafe to operate, shall be ordered and identified as “out of service,” and shall not operate until such defects have been cured or repaired and approved by the City Administrator or the designee of the City Administrator.

- (C) The ordering of a commercial pedal car out of service under City Code § 119.10(2)(B) shall be grounds for denial of the commercial pedal car business license renewal, and grounds for the revocation, termination, or suspension of the commercial pedal car business license.
- (3) *In-operation inspections.*
- (A) If the City Administrator or designee of the City Administrator, or any police officer, finds a commercial pedal car exhibiting continuing and present safety concerns, the commercial pedal car may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns, include but are not limited to, failure to abide by this Article, failure to abide by other applicable laws, ordinances, rules or regulations, flat tires, inoperable equipment (inclusive of headlamps or taillamps), or other mechanical or operational issues making the commercial pedal car presently unsafe to operate.
 - (B) The ordering of a commercial pedal car out of service under City Code § 119.10(3)(A) shall be grounds for denial of the commercial pedal car business license renewal, and grounds for the revocation, termination, or suspension of the commercial pedal car business license.

119.11. – License Denial and Revocation.

- (1) *License Denial.*
- (A) City Administration shall issue a license or renewal of a license under this Article only if all requirements of the applicable license have been met by and the issuance of such permit is in the best interest of the City.
 - (B) The City Administrator or their designee may deny any license or renewal of a license under this Article in the exercise of the City Administrator’s full discretion in the interest of public safety or if the application is not in the best interests of the City. In rendering the decision on issuance of a license under this Article, the City Administrator or their designee shall take into account any objections from the City Administrator, the Police Chief, the Fire Chief, the City Engineer, the City Planner, or their respective designees.
 - (C) If the City Administrator or their designee denies a license or the renewal of a license, the applicant may appeal said denial to the City Council, and the decision of the City Council shall be final.

(2) *License Revocation.*

- (A) In addition to all other penalties, any violation of the terms of this Article shall be grounds for revocation, termination, suspension, or non-renewal of any license issued pursuant to this Article.
- (B) Any licensee whose license has been revoked, terminated, suspended, or non-renewed under the provisions of this Article may appeal said revocation, termination, suspension or non-renewal to the City Council of East Grand Forks and the decision by the City Council shall be final.

21-1612. – Penalty.

A person who operates commercial pedal car without a license issued or operates a commercial pedal car in violation of this Article is guilty of a misdemeanor. Every person violating an ordinance which is punishable as a misdemeanor shall be punished by a fine not to exceed \$1,000.00, or by imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court; the court shall have the power to suspend said sentence and revoke the suspension thereof.

Section 2: Amending Clause to Amend East Grand Forks City Code § 70.02 Vehicle definition

East Grand Forks City Code § 70.02 is amended to read as follows (all changes are in bold, with t additions underlined, with deletions stricken through):

Vehicle Every Vehicle, motor vehicles motorcycle, motorized bicycle, snowmobile, trailer or semitrailer, **or a commercial pedal car, as defined under City Code § 119.01(2).**

Section 3: Amending Clause to Amend East Grand Forks City Code § 117.12.

East Grand Forks City Code § 117.12 is amended to read as follows (all changes are in bold, with additions underlined, with deletions stricken through):

117.12 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS.

(A) It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage, as that term is defined in this chapter, on any:

- (1) City park;
- (2) Street;
- (3) Public property; or

(4) Private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council.

(B) Provided, that this section shall not apply to a **commercial pedal car passenger**, or the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of the vehicle if it is equipped with a trunk or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk.

(C) For the purpose of this section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

(D) **A commercial pedal car driver, as defined under City Code § 119.01(5), may not:**

- (1) Drink or consume alcoholic beverages, as defined Minnesota Stat. 340A.1012 Subd 2, while operating the commercial pedal car on any public street, road, path, or highway or while in an area used principally for parking; or**
- (2) Have in his or her possession or on his or her person while operating a commercial pedal car on a public street, road, path, or highway or while in an area used principally for parking, any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed.**

Section 4: Amending Clause to Amend East Grand Forks City Code § 96.17.

East Grand Forks City Code § 96.17 is enacted to read as follows:

96.17. – MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS

It is unlawful for any person to drive or operate a motorized vehicle including a commercial pedal car as defined under city code 119.01(2) on any sidewalk, bike path or trail or public property for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

Section 5. City Code Title I, Chapter 10 entitled "General Provisions" applicable to entire city code including penalty for violation and Section 10.99 entitled "General Penalty" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 6. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number _____, 4th Series.

VOTING AYE:
VOTING NAY:
ABSENT:

The President declared the Ordinance passed.
Attest:

City Administrator

President of Council

I hereby approve the foregoing ordinance this ___ day of _____, 2023.

Mayor