

**AGENDA  
OF THE COUNCIL MEETING  
CITY OF EAST GRAND FORKS  
TUESDAY, OCTOBER 3, 2023 – 5:00 PM**

**CALL TO ORDER:**

**CALL OF ROLL:**

**DETERMINATION OF QUORUM:**

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*“An opportunity for members of the public to address the City Council on items not on the current Agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate.”*

**APPROVAL OF MINUTES:**

1. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of September 12, 2023.
2. Consider approving the minutes of the “Council Meeting” for the East Grand Forks, Minnesota City Council of September 19, 2023.
3. Consider approving the minutes of the “Special Meeting” for the East Grand Forks, Minnesota City Council of September 26, 2023.
4. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of September 26, 2023.

**SCHEDULED BID LETTINGS: NONE**

**SCHEDULED PUBLIC HEARINGS: NONE**

**CONSENT AGENDA:**

*Items under the “Consent Agenda” will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

5. Consider adopting Resolution No. 23-10-61 approving the Food Shelf program allowing for street maintenance tickets issued until the end of December 2023 to be paid with either food items or cash, all of which will be donated to the East Grand Forks Food Shelf.

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.

6. Consider approving the Exempt Gambling Permit Application for the Red River Snowmobile Club to hold a bingo event on November 16, 2023 at the VFW Post 3817 located at 312 Demers Ave East Grand Forks, MN 56721 and waive the 30-day waiting period.
7. Consider approving the Special Event Application for the Hollydazzle event scheduled for Sunday, November 19, 2023 to include the closure of the parking lot by restaurant row and waive the transient merchant license requirement for the event at the Spud Jr/Prohibition Room.
8. Consider approving the Parade Application for the Hollydazzle Parade scheduled for Sunday, November 19, 2023 contingent upon approval from MNDOT for the closure of the Sorlie Bridge.
9. Consider approving the revised bylaws of the East Grand Forks Fire Department Relief Association.

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, AND COMMISSIONS:**

10. Regular meeting minutes of the Water, Light, Power, and Building Commission for September 6, 2023.
11. City Financial Statements as of August 31, 2023.

**COMMUNICATIONS: NONE**

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

12. Consider adopting Resolution No. 23-10-62 authorizing the Police Department to enter into a grant agreement with the Minnesota Department of Public Safety for traffic safety projects.
13. Consider adopting Resolution No. 23-10-63 approving the hiring of Michael Krause as a Police Officer at a salary of \$32.68 per hour.
14. Consider approving Ordinance No 40, 4<sup>th</sup> Series 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 multi-passenger bicycles and by adopting by reference City Code Chapter 1 and Section 10.99 which among other things contain penalty provisions. (1<sup>st</sup> Reading)
15. Consider approving Proposal \_\_\_\_\_ to address snow removal along Bygland Road and 13<sup>th</sup> Street SE.

**CLAIMS:**

16. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

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.

**COUNCIL/STAFF REPORTS:**

**ADJOURN:**

**AGENDA  
OF THE CLOSED MEETING  
CITY OF EAST GRAND FORKS  
TUESDAY, OCTOBER 3, 2023 – FOLLOWING THE COUNCIL MEETING**

**CALL TO ORDER:**

**CALL OF ROLL:**

**DETERMINATION OF QUORUM:**

1. The meeting will be closed pursuant to MN Statute 13D.05 Subd. 3(1) to determine the asking price for real or personal property to be sold by the government entity for parcels 83.00933.00, 83.00934.00, and 83.00935.00.

**ADJOURN:**

**Upcoming Meeting**

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  
Council Meeting – Tuesday, November 7, 2023 – Council Chambers – 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.

**UNAPPROVED MINUTES  
OF THE WORK SESSION  
CITY OF EAST GRAND FORKS  
TUESDAY, SEPTEMBER 12, 2023 – 5:00 PM**

**CALL TO ORDER:**

*The Work Session of the East Grand Forks City Council for Tuesday, September 12, 2023 was called to order by Council President Olstad at 5:00 P.M.*

**CALL OF ROLL:**

*On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council Members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.*

*Staff Present: Karla Anderson, Finance Director; Jeff Boushee, Fire Chief; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Michael Hedlund, Police Chief, Charlotte Helgeson, Library Director; Reid Huttunen, City Administrator; Jeremy King, Interim Parks & Recreation Superintendent; Keith Mykleseth, Water and Light General Manager; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF A QUORUM:**

*The Council President Determined a Quorum was present.*

**1. 2050 Transportation Plan Street & Highway Element Update – Teri Kouba**

Ms. Kouba stated she was attending the meeting along with the consultant, Mr. Jason Carbee, to give an update on the plan and they were hoping to have the plan adopted by the end of the year. Mr. Carbee said they would review the State of Good Repair plan, what that meant, travel model results, and a vision plan based on input they had received. He reminded the Council there was a range of different project and strategy types they were trying to use in the plan that would focus on operations, safety, widening of corridors, adding new streets and crossings, and paving gravel roads.

Mr. Carbee continued with the model run, it included projects that were committed, but no other projects beyond the short term, and how there was growth in East Grand Forks along the Highway 2 Corridor. He said based on the needs identified, safety issues, and operations a vision plan was developed. Ms. Kouba said they also were reviewing intersections and addition of railroad crossings. Mr. Carbee said they took the range of alternatives and put them into the travel module, there were three different versions, one with two bridges, one with just a south end bridge, and one with just a Merrifield bridge. He started with the travel module with both bridges which showed significant decreases in traffic volume along 4<sup>th</sup> Street, Cherry Street, and Belmont Road. He said there was also a decrease on Demers Avenue into East Grand Forks but an increase in areas where people would get to a south end bridge.

Mr. Carbee moved on to the second option with just the Merrifield Bridge and how there was some decreases in some of the same corridors but not as a significant decrease to traffic on the Point Bridge as compared to the previous module. He stated with a neighborhood bridge there was more of a difference

compared to just have Merrifield Bridge but again it did not have the same impact as the addition of both bridges. He reminded the Council that this plan was federally required, they needed to review what the funding sources were including local funding sources, the pavement management plan done by both cities, and determine the funding that was needed to maintain the system. He said this would be a plan that would focus on maintaining the current infrastructure, other funding sources such as grants were available, but the majority of projects would try to keep the system in a state of good repair. He reviewed the list of projects for East Grand Forks which included intersection improvements at Bygland Road and Rhinehart Drive, intersection improvements at River Road and 12<sup>th</sup> Ave NW and 17<sup>th</sup> Street NW, and addressing a lot of needs in the industrial park. Ms. Kouba asked if they were getting things right or if things needed to be re-evaluated before they completed the final plan.

Council member Larson asked about the intersection at Bygland Road and Rhinehart Drive and if it should be broader to address different intersections along Bygland Road. Ms. Kouba said that was something they could include because there were two other intersections listed in the Bygland Road study so it could be brought to the Technical Advisory Committee to move things forward. Ms. Ellis reminded the Council the Safe Streets and Roads for All study was going to be started, items included in the plan could then be included in the implementation plan, and it would allow the City to qualify for federal funding without having it included in the long range transportation plan. Ms. Kouba said they would have a list of projects that were fiscally constrained and another list of projects so when funding became available, they would be able to move forward with them. She added the Technical Advisory Committee would be reviewing the information because they were the steering committee for this process. She then asked for questions, comments, or input.

Council member Helms asked about the intersection by the Point Bridge and if the stoplights would be replaced with a round-a-bout. Ms. Ellis said that had been included in the Bygland Road study. Ms. Kouba said they would take suggestions to see if additional studies needed to be completed. Mayor Gander asked if there was a study that included the intersection of 17<sup>th</sup> Street NW and River Road. Ms. Kouba said it was towards the top of the project list, it was included in the plan, and it would help address safety issues. Mr. Carbee reviewed what would be included in the plan and what would be included in the draft. He informed everyone there would be an open house on September 21<sup>st</sup> from 4pm to 6pm at the River Cinema and the plan should be adopted by the end of the year. Ms. Kouba said if people were not able to attend the open house, they could still give input online at the project website. There were no other questions.

This item will be brought back to a future meeting.

## **2. Review & Consider Increase to Building Permit Fees for 2024 – Nancy Ellis**

Ms. Ellis stated the Finance Committee reviewed and considered many different things such as combining maintenance agreements, how services were provided, and looked at revenue sources as well as expenses. She said the building permit fees had not been changed for 10 years and there was going to be a review to consider to hire a full time person or continue with contracted services but then COVID happened which delayed things. She said it was a good time to review the fees and set the plan to review the fees every three to five years. She explained they were following the State standards for buildable values and reviewed the charges that were based on buildable value. She said the amount being paid for permits did not meet the costs of administering the permits so different options were developed for the Council to consider with the largest option increasing fees by 25%.

Ms. Ellis said she did not want to wait 10 years to review fees again but also did not want to increase fees so people were not obtaining them for projects because of the additional costs for enforcement. She recommended moving forward with having a \$45 flat rate and the \$9 increase which would be a 20% increase to fees. She told the Council new construction fees were based on the buildable value that the State set per square foot and set the plan review fees. She said a lot of information had been provided about the rates and the building inspection group also provided information. She stated new construction was based on square footage, if there was a basement, and it was determined by cost per square foot. She reviewed an example using the current fees, the cost of the example based on the State fees, and how the City has set costs on a five-year weighted average but building costs had increased. She stated there were three options for the Council to consider for new construction and suggested moving forward with the City's weighted average.

She reminded the Council the building inspectors collect all the planning review fees and they received half of the permit fees. She added it would not be a noticeable difference to the budget, it would bring in approximately an additional \$10,000 per year, and they would be covering costs of the service. She told the Council the majority of the fees come from remodels and asked for questions. She informed the Council it was difficult finding people to fill the building inspector positions, the fees helped pay the building permit technician's salary, and the process was more than before. She stated there were two other types of permits for excavation and working in the right-of-way. She said the right-of-way permit took more time because staff had to determine where the City's utilities were, so they wanted to set that at \$100 and increase the excavation permit to either \$50 or \$55.

Council member Pokrzywinski said he had been a part of the process of trying to sell a home, the previous owner had not gotten a permit for a change, and asked Ms. Ellis to outline the consequences of not getting permits. Ms. Ellis said when a permit was not taken out, they were not able to use staff or the Minnesota Department of Labor to figure out the situation without it costing the homeowner, and they were trying to protect residents from poor work or having a fence located in the right-of-way. She stated they wanted to make sure they were out and available to make sure things were done upfront instead of trying to figure things out once a project was completed. Discussion followed about how getting permits ensures what was being done was the current legal standards and how some permits involve many different departments which took more time. Council President Olstad said to move forward with the \$45 flat fee, the additional \$9 increase, and weighted average. Ms. Ellis stated that would be her recommendation and it would take effect on January 1, 2024. There were no other questions.

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

### **3. Consider Motor Grader Rentals for 2023-2024 Winter Season – Jason Stordahl**

Mr. Stordahl told the Council the City usually rented one motor grader each winter season, but they were requesting to rent two because one of the motor graders needed a transmission and it was not certain the repair would be completed in time for the winter season. He explained they requested quotes from three companies for the two rentals, Zielger Cat could not get two machines, Butler Machinery was not sure they could get two machines but submitted a quote for \$7,500 per month plus \$70 per hour after the allotted 50 hours per month, and RDO Equipment said they could get two machines and would charge \$6,300 per month plus \$65 per hour after the first 250 hours. He stated it was about a 5% increase from the previous year. He added if the City's motor grader was repaired and could be used they would be allowed to return one of the rentals and the fee would be pro-rated. He recommended

leasing two motor graders from RDO Equipment.

Council member Pokrzywinski asked if they were ordering a new transmission or fixing the current transmission. Mr. Stordahl said it would be a rebuilt transmission that would be ordered, and it was back ordered. He explained they would have to ship the motor grader to a facility to complete the repair and added there could also be a shipping costs for the rented motor graders. Council member Pokrzywinski asked if the repair had been budgeted for. Mr. Stordahl stated a certain amount was budgeted for repairs each year but not specifically for this repair which would be brought back before the Council. Council member Helms asked what year the motor grader was and if there would be more to repair. Mr. Stordahl said he would be bringing lots of information to a meeting regarding the transmission repair before anything was done.

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

#### **4. Discussion on Snow Removal along Bygland Road and 13<sup>th</sup> Street SE – Jeremy King**

Mr. King said this item had come from the Finance Committee when looking for cost savings. He explained that the Parks Department spent approximately 8 hours cleaning the sidewalks along Bygland Road and 13<sup>th</sup> Street SE, the question was asked if this practice should continue, and if not, staff could prioritize other areas for snow removal. He stated there was no major budget impact but there would be savings on staff time, fuel, and use of equipment. He asked for feedback from the Council and did not have a recommendation at this time. He reviewed the documentation that was included in the packet, reviewed the history of when the sidewalks were installed, and how it was determined that the City would maintain both sidewalks. He added if there was a change and the City was no longer maintaining the sidewalks it was a good opportunity to inform the property owners about what to expect this winter. He told the Council the City owned less property along the routes now compared to when the sidewalks were put in and they would need to decide if they wanted to use the time savings in other areas.

Mayor Gander stated he remembered when the sidewalk was put in, the City would be taking care of snow removal to make it easier for residents to accept it, and asked if the maintenance of the sidewalks in this area be reverted back to the city wide policy for the rest of the City. Mr. King said there was no time limit given on how long the City would clear the sidewalk, the sidewalks in the back yards could be more of a challenge for some of the property owners to keep clear, and there were a couple different options that could be considered. He added there was some property still owned by the City that would have to be maintained. Council member Pokrzywinski said they start by the fire department and head towards the schools. He asked if they could cross by Orton's and going back north because the snow did not get moved by the Crestwood area and if they would be assessed. Ms. Ellis stated the Crestwood area had a homeowners association that hired snow to be removed and were told they needed to remove snow from the sidewalks. Mr. King said the sidewalks along the VFW Arena and frisbee golf course would be the City's responsibility, the City had used the McBrotter area as a snow dump and kept the sidewalks cleared but that area was developing so it would no longer be used to dump snow so they could also consider turning over the sidewalk maintenance.

Mr. Huttunen told the Council there were some inconsistencies when applying the policy, before the townhomes were built it was city property and the City was maintaining the sidewalks, once the townhomes were built it was then the property owners' responsibility to clear the snow. He added this also happened with the large piece of property to the south of the townhomes but across the street the City sold property but had continued to move the snow on the sidewalks. He stated it was his

understanding the City had made the commitment to move the snow from the side and back yards along the east side of Bygland Road, additional sidewalk along 13<sup>th</sup> Street was cleared as the sidewalks were added, and by removing this work load it would allow staff to get to other amenities such as clearing the trails and working on outdoor rinks. Council President Olstad asked about additional maps and suggestions. Mr. King stated if the Council wanted staff to spend the time, they could come forward with a strong recommendation. Mayor Gander said to review the original commitment and to consider if the sidewalk seemed more like a rec trails.

Council member Larson asked why this job was tasked to the Parks and Recreation Department. Mr. Huttunen said all city sidewalks had fallen under Park and Recreation possibly based on equipment. Mr. King commented that all of the Public Works equipment would be too large to fit on the sidewalks. Ms. Ellis told the Council about the installation of the sidewalks, how there was a concern about snow removal that were in people's back yards so the City had agreed to remove snow, snow removal was not the same on the other side of the street, and due to federal dollars being a part of the project it had to be maintained but did not have to be done by the City. She added that over time the City had taken on more snow removal, she was not sure why, and how transit was also moving snow in certain areas. Council member Larson asked what was available for enforcement if someone did not clear their sidewalk. Mr. King read part of the ordinance that did allow for assessing the cost of clearing sidewalks that were not cleared by the property owners. Council member Helms said he understood about the backyards but they need to be careful, make sure they were fair, and make sure students could get to school. Mayor Gander said they would need solid reasoning on the decisions that were made.

This item will be brought back to a future meeting.

#### **5. Discussion on 2024 Preliminary Budget – Karla Anderson**

Ms. Anderson reminded the Council that things were still changing, when the information had been sent out there was a deficit of \$370,307, a change was made, so the deficit was now at \$369,000. She told the Council the preliminary levy had to be approved by the end of September, they could vote on it at the next meeting, or if needed a special meeting could be held. She stated an additional \$25,000 had been added to expenses for the rental of the additional grader and to break even the levy would need to be set at 11%. She asked for suggestions. Council President Olstad said they can always go down and suggested setting the preliminary at 11% and work things back down. Mayor Gander commented it was a reasonable approach. Council member Larson asked if there was any history of starting more aggressive with the preliminary levy and if they were successful. Discussion followed about how they did not remember setting it lower before, the Mayor said he would veto anything over a 5% levy increase for the final levy, and they had always worked at lowering the levy each year.

Ms. Anderson reminded the Council they could utilize some of the fund balance, the finance committee had reviewed everything, and the only place to cut would be to personnel. She stated they did not use a mill system so it was difficult to determine how homes would be affected so if they used 10% with the goal of getting the levy down to a 5% increase they could let people know it would be half. Mayor Gander said they were still waiting on some numbers and due to unforeseen issues so they might want to leave the preliminary levy a little higher. Council member Helms asked when the final budget needed to be approved. Ms. Anderson said the final budget had to be approved by the end of December and asked what percentage should be included on the resolution for the next meeting. Council President Olstad suggested leaving it blank and the Council could discuss and decide at the next meeting.

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER LARSON, SECONDED BY COUNCIL MEMBER HELMS, TO ADJOURN THE SEPTEMBER 12, 2023 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:11 P.M.**

*Voting Aye: Peterson, Vetter, Pokrzywinski, Riopelle, Helms, Olstad, and Larson.*

*Voting Nay: None.*

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Megan Nelson, City Clerk

**UNAPPROVED MINUTES  
OF THE COUNCIL MEETING  
CITY OF EAST GRAND FORKS  
TUESDAY, SEPTEMBER 19, 2023 – 5:00 PM**

**CALL TO ORDER:**

*The Council Meeting of the East Grand Forks City Council for Tuesday, September 19, 2023 was called to order by Council President Olstad at 5:00 P.M.*

**CALL OF ROLL:**

*On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council Members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.*

*Staff Present: Karla Anderson, Finance Director; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Michael Hedlund, Police Chief, Charlotte Helgeson, Library Director; Reid Huttunen, City Administrator; Terry Knudson, HR Generalist; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF QUORUM:**

*The Council President Determined a Quorum was present.*

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

President Olstad stated the open form was an opportunity for members of the public to address the City Council on items not on the current agenda and items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. He asked if anyone would like to address the City Council, please come up to the podium to do so. No one came forward.

**APPROVAL OF MINUTES:**

1. Consider approving the minute summary of the “Closed Meeting” for the East Grand Forks, Minnesota City Council of August 28, 2023.
2. Consider approving the minutes of the “Council Meeting” for the East Grand Forks, Minnesota City Council of September 5, 2023.
3. Consider approving the minutes of the “Special Meeting” for the East Grand Forks, Minnesota City Council of September 5, 2023.

**A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE ITEMS ONE (1) THROUGH THREE (3).**

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Helms, Olstad, Larson, and Peterson.*

*Voting Nay: None.*

**SCHEDULED BID LETTINGS: NONE**

**SCHEDULED PUBLIC HEARINGS: NONE**

**CONSENT AGENDA:**

*Items under the “Consent Agenda” will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

- 4. Consider approving the Exempt Gambling Permit Application for the East Grand Forks Home Run Club to conduct bingo on October 19, 2023 at the Eagles Club located at 227 10<sup>th</sup> St NW East Grand Forks, MN 56721.
- 5. Consider approving the Facility Use Agreement between the City of East Grand Forks and the East Grand Forks Arts & Crafts Council for the use of the Civic Center from October 6<sup>th</sup>-8<sup>th</sup> for the Annual Arts and Crafts Show for a rental fee of \$750.00.
- 6. Consider approving the Special Event Application for the East Grand Forks Sports Boosters to hold their annual Sports Boosters Walk, Run, and Roll 5K on October 8, 2023 from 11am to 3pm.
- 7. Consider adopting Resolution No. 23-09-57 approving Agency Agreement 1054711 between the City of East Grand Forks and the Minnesota Department of Transportation allowing the State to act as the City’s agent to accept federal funding for the purchase of the preemptive emitters.
- 8. Consider approving the lease of two motor graders for the snow removal season from RDO Equipment for a total of \$6,300 per month plus \$65 an hour after 250 hours per machine for the season.

**A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER LARSON, TO APPROVE ITEMS FOUR (4) THROUGH EIGHT (8).**

Council member Helms asked if the VFW Arena would also be used for the craft show. Mr. Huttunen said they would only be using the Civic Center based on the number of vendors they had signed up.

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Helms, Olstad, Larson, and Peterson.*

*Voting Nay: None.*

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, AND COMMISSIONS:**

- 9. Regular meeting minutes of the Water, Light, Power, and Building Commission for August 16, 2023.
- 10. Regular meeting minutes of the Parks and Recreation Commission for June 21, 2023.
- 11. City Financial Statements as of July 31, 2023.

**COMMUNICATIONS: NONE**

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

12. Consider approving the Special Use Permit for Joey Hamilton to operate a body art establishment/tattoo parlor in the C-1 District with the requirements of meeting the additional conditions of the permit and obtaining a license from the Minnesota Department of Health.

**A MOTION WAS MADE BY COUNCIL MEMBER LARSON, SECONDED BY COUNCIL MEMBER VETTER, TO APPROVE THE SPECIAL USE PERMIT FOR JOEY HAMILTON TO OPERATE A BODY ART ESTABLISHMENT/TATTOO PARLOR IN THE C-1 DISTRICT WITH THE REQUIREMENTS OF MEETING THE ADDITIONAL CONDITIONS OF THE PERMIT AND OBTAINING A LICENSE FROM THE MINNESOTA DEPARTMENT OF HEALTH.**

Council member Pokrzywinski asked where the shop would be located. Ms. Ellis said across from the Riverwalk Center.

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Helms, Olstad, Larson, and Peterson.*

*Voting Nay: None.*

13. Consider adopting Resolution No. 23-09-58 approving an increase to the building permit fees which will take effect on January 1, 2024.

**A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO ADOPT RESOLUTION NO. 23-09-58 APPROVING AN INCREASE TO THE BUILDING PERMIT FEES WHICH WILL TAKE EFFECT ON JANUARY 1, 2024.**

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Helms, Olstad, Larson, and Peterson.*

*Voting Nay: None.*

14. Consider adopting Resolution No. 23-09-59 approving the preliminary 2023 tax levy collectable in 2024 for a total of \$7,326,086 and set the Public Budget Meeting for December 5, 2023 at 6:00pm with a continuance hearing, if necessary, for December 19, 2023.

**A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO ADOPT RESOLUTION NO. 23-09-59 APPROVING THE PRELIMINARY 2023 TAX LEVY COLLECTABLE IN 2024 FOR A TOTAL OF \$7,326,086 AND SET THE PUBLIC BUDGET MEETING FOR DECEMBER 5, 2023 AT 6:00PM WITH A CONTINUANCE HEARING, IF NECESSARY, FOR DECEMBER 19, 2023.**

Council member Vetter said the proposed resolution had an 11% increase which was too high. He said he would be voting no and would have liked to have seen an 8% increase.

*Voting Aye: Riopelle, Olstad, Larson, and Peterson.*

*Voting Nay: Vetter, Pokrzywinski, and Helms.*

**CLAIMS:**

15. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

**A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER LARSON, TO AUTHORIZE THE CITY ADMINISTRATOR/CLERK-TREASURER TO ISSUE PAYMENT OF RECOMMENDED BILLS AND PAYROLL.**

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Helms, Olstad, Larson, and Peterson.*

*Voting Nay: None.*

**COUNCIL/STAFF REPORTS:**

Mayor Gander stated it was the first meeting since the city showcase, the attendance was great by both staff and residents, there was great involvement by the restaurants, and there was no fee to participate. He said it was a great venue and the event would keep growing. He thanked the State Troopers for keeping the bypass safe over by Crookston and read an email from Mr. Daniel Black thanking Chief Hedlund for helping kids cross Bygland Road safely when school started.

Mr. Emery told the Council projects were going well, Demers Avenue should be opening around the first of October and 5<sup>th</sup> Avenue NE should also be wrapped up in a couple weeks. He added the parts for the HAWK system were supposed to have shipped on September 18<sup>th</sup>, he would be reaching out for confirmation, and once received the system should be up and running within a day.

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER VETTER, TO ADJOURN THE SEPTEMBER 19, 2023 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:09 P.M.**

*Voting Aye: Vetter, Pokrzywinski, Riopelle, Helms, Olstad, Larson, and Peterson.*

*Voting Nay: None.*

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Megan Nelson, City Clerk

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

**CALL TO ORDER:**

*The Special Meeting of the East Grand Forks City Council for Tuesday, September 26, 2023 was called to order by Council President Olstad at 5:00 P.M.*

**CALL OF ROLL:**

*On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Steve Gander (5:01pm), Council President Mark Olstad, Council Vice-President Tim Riopelle, Council Members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.*

*Staff Present: Jeff Boushee, Fire Chief; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Charlotte Helgeson, Library Director; Reid Huttunen, City Administrator; Jeremy King, Interim Parks and Recreation Superintendent; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF A QUORUM:**

*The Council President Determined a Quorum was present.*

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

**A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO ADOPT RESOLUTION TO 23-09-60 APPROVING THE HIRING OF JEREMY KING AS THE PARK AND RECREATION SUPERINTENDENT.**

*Voting Aye: Pokrzywinski, Riopelle, Helms, Olstad, Larson, Peterson, and Vetter.*

*Voting Nay: None.*

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER HELMS, TO ADJOURN THE SEPTEMBER 26, 2023 SPECIAL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:01 P.M.**

*Voting Aye: Pokrzywinski, Riopelle, Helms, Olstad, Larson, Peterson, and Vetter.*

*Voting Nay: None.*

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Megan Nelson, City Clerk

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

**CALL TO ORDER:**

*The Work Session of the East Grand Forks City Council for Tuesday, September 26, 2023 was called to order by Council President Olstad at 5:01 P.M.*

**CALL OF ROLL:**

*On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council Members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.*

*Staff Present: Jeff Boushee, Fire Chief; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Michael Hedlund, Police Chief; Charlotte Helgeson, Library Director; Reid Huttunen, City Administrator; Jeremy King, Parks and Recreation Superintendent; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF A QUORUM:**

*The Council President Determined a Quorum was present.*

**1. Consider Approving Update to the East Grand Forks Fire Relief Association Bylaws – Andrew Robertson**

Mr. Robertson told the Council the Relief Association decided to update their bylaws, they took a class and had assistance from Mr. Mike Stroeing during the process. He stated the Relief Association voted to approve the bylaws in September and State Statute required approval from the City Council. He asked for questions and there were no questions.

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

**2. Request for Approval to Paint Mural on Riverwalk Center Wall – Nancy Ellis & Jill Proctor**

Ms. Ellis said the ordinances and sign guidelines were reviewed and the mural would be considered public art and the Council would need to consider it. Ms. Proctor introduced herself, how she worked at the Downtown Development Association, and they offer services on both sides of the river. She explained a conference was held, they reviewed the four pillars of place making and to understand accessibility, the five groups came up with different ideas, and they were trying to implement the ideas including a mural on the side of the Riverwalk Center. She stated they had talked with Ms. Stai who was excited about the idea and had okayed the idea with Ultima Bank. Ms. Proctor said she then reached out to Ms. Ellis to determine what the process would be to move this forward and how it fit with the downtown design standards. She continued saying how it was great with a business, city, and non-profit could work together, how this would help enhance the area, and they would start an RFP process to get proposals from

artists. She added they had already secured 50% of the funding for the project so they were not asking for funding but were looking for approval to move forward from the City. She commented how pedestrian traffic increased 57% in the Town Square area with the new mural.

Discussion followed about how the mural would not take up the entire space, the City would need to approve of the wording on the land acknowledgement statement, and this would be a good addition to the downtown area. Mr. Huttunen asked about accessibility and if something else was needed in the area. Ms. Proctor said there were no barriers currently, but they would be asking for recommendations for accessibility. Council member Vetter asked how far the canoe would be. Ms. Ellis said Ms. Stai owned the property, it could not extend out to the sidewalk, and the corner was privately owned because of the zero-lot line set back. There were no other questions.

### **3. Discussion on Snow Removal along Bygland Road and 13<sup>th</sup> Street SE – Jeremy King**

Mr. King stated this item was discussed at the last work session, staff was asked to bring back a recommendation, and after review there was no reasonable way to move snow on the east side of Bygland Road out to the schools. He said the first proposal would be move forward with what the property owners were originally told on the west side of Bygland Road and have them move the snow off the sidewalks and the City would continue to move snow on the east side of Bygland Road and on 13<sup>th</sup> Street down to 20<sup>th</sup> Avenue. He stated the second proposal would be to continue snow removal on both sides of Bygland Road and on 13<sup>th</sup> Street. He added he was leaning towards the first proposal.

Ms. Kristi Swanson, 1034 Bygland Road SE, asked when the information about the sidewalks had been mailed out. Mr. King said the original letters were mailed out in 2011. Ms. Swanson stated she had a lot of property with sidewalk, there was not much space between the curb and sidewalk, and they had been told they were not going to be responsible for the snow removal on the sidewalk. Mr. King said he had not found any information about the west side of Bygland Road not having to take care of the sidewalk, it was only the east side of the street, because of how it was in their back yards. Ms. Swanson said there would be 300 feet of sidewalk and asked how soon the snow would have to be removed. Ms. Ellis said the ordinance listed 24 hours from when the snow quit falling but it was dependent on other things as well. Ms. Swanson commented on how difficult it was to remove the snow that had been plowed up from the street. Mr. King said again it was intended for the west side property owners to clear the sidewalks but at some point there was a change made at staff level where the snow removal was done by the City. Ms. Swanson said it would not be an easy task and asked if it was too late to make a change. Mr. King said the Council still had to vote on it and how the City had received calls from other property owners that did not want the City to move the snow because of the damage done to grass.

Mr. Richard Klein, 1222 17<sup>th</sup> Ave SE, introduced himself and his wife Linda. He asked if the recommendation was to move the snow on 13<sup>th</sup> up to 20<sup>th</sup> Avenue. Mr. King said yes. Mr. Klein explained the City used a bobcat to move the snow, sometimes it took longer than an hour for them to get by his house, and he would not be able to do it with his snowblower. He added he had been calling snow removal companies, but no one was available but since the City would continue, he no longer had an issue. Council President Olstad asked for anyone with questions to reach out to Mr. King before next week's meeting.

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

#### 4. Economic Development/Tax Base Growth Strategy – Paul Gorte

Mr. Gorte said based on recent discussions the 2018 strategic plan needed to be updated, the plan was to start the work in October, and the City Council and Economic Development Board needed to be on the same page. He added the Chamber agreed to help pay for part of the assessment. Mr. Wilfahrt stated the City needed to set priorities, the Chamber was willing to help, and find ways to grow the tax base. He added that Praxis would do a great job and help the City focus on specific areas. Council President Olstad asked when this would happen. Discussion followed about at the end of October or beginning of November, the information provided would show where the City had strengths, and where there were opportunities. Council President Olstad said to get this on the calendar as soon as possible. More discussion followed about the need for good participation during the process, how time was of the essence, the City needed to capitalize on opportunities, and the process could help set talking points that could be sent to the State Government.

#### 5. Consider Ordinance Allowing Pedal Pubs – Ron Galstad

Mr. Galstad said it was requested to bring forward an ordinance that would allow pedal pubs, the ordinance was very similar to the Grand Forks ordinance, but there were some differences because they were in different states. He stated the ordinance allowed pedal pubs, there had to be a minimum of five passengers, and no alcohol could be sold on the pedal pub. He said the time of operation was from 10am to 10pm which was regulated by the corporation, it would not be allowed in the greenway or on sidewalks, and a map was provided showing the route. He added there was still some questions about the storage of the vehicle, there was a question about allowing them to use public parking, but the ordinance addressed the requirements of the business license, no glass containers were allowed, and how this was exempt from open container laws. He informed the Council pedal pubs had been allowed in Minnesota for some time, but they were only recently approved to be in North Dakota.

Mayor Gander asked about the open container and public consumption. Mr. Galstad said there were State Statutes that allowed it if it was on a pedal pub, but the ordinance did not allow for the driver to consume alcohol. Discussion followed about how the drivers would have to have a background check, how the background process could start as soon as possible so they were ready to go for the following year, and how the driver would need to obtain a certification. Council member Helms asked if the training would be done by the business owner. Mr. Galstad said yes, the vehicle would need to be inspected, and they could have that done by a designee. He added he had the Grand Forks fee scheduled handed out and suggested having the same requirements. There were no other questions.

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

#### **ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER LARSON, TO ADJOURN THE SEPTEMBER 26, 2023 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:49 P.M.**

*Voting Aye: Pokrzywinski, Riopelle, Helms, Olstad, Larson, Peterson, and Vetter.*

*Voting Nay: None.*

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Megan Nelson, City Clerk

**RESOLUTION NO. 23 – 10 - 61**

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

WHEREAS, the Police Department is requesting permission to run a program from the start of the winter season through the end of December 2023 that will benefit the East Grand Forks Food Shelf;

WHEREAS, during this period anyone who receives a street maintenance parking ticket would be given the option to pay the ticket by donating either food or cash to the East Grand Forks Food Shelf;

WHEREAS, street maintenance tickets have a fee of \$25 so a person would have the choice of donating the \$25 in cash or five items that have been approved as acceptable and needed at the food shelf;

NOW THEREFORE, BE IT RESOLVED BY THE Council of the City Of East Grand Forks, Minnesota that the City Council approves the Food Shelf Program and allows for street maintenance tickets issued from the start of the winter season until the end of December 2023 to be paid with either food items or cash all of which will be donated to the East Grand Forks Food Shelf.

*Voting Aye:*

*Voting Nay:*

*Absent:*

The President declared the resolution passed.

Passed: October 3, 2023

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 3<sup>rd</sup> of October, 2023.

\_\_\_\_\_  
Mayor

**ORGANIZATION INFORMATION**

Organization Name: RED RIVER SNOWMOBILE CLUB Previous Gambling Permit Number: XB-95046-22-002

Minnesota Tax ID Number, if any: \_\_\_\_\_ Federal Employer ID Number (FEIN), if any: 320127940

Mailing Address: P.O.BOX 501

City: EAST GRAND FORKS State: MN Zip: 56721 County: POLK

Name of Chief Executive Officer (CEO): R. SCOTT PEARSON

CEO Daytime Phone: (701) 317-0279 CEO Email: Scott.Pearson@homeofeconomy.com  
(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): chandy@iglide.net

**NONPROFIT STATUS**

Type of Nonprofit Organization (check one):

Fraternal     Religious     Veterans     Other Nonprofit Organization

**Attach a copy of at least one of the following showing proof of nonprofit status:**

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

**Current calendar year Certificate of Good Standing**  
Don't have a copy? This certificate must be obtained each year from:  
 MN Secretary of State, Business Services Division      Secretary of State website, phone numbers:  
 60 Empire Drive, Suite 100      [www.sos.state.mn.us](http://www.sos.state.mn.us)  
 St. Paul, MN 55103      651-296-2803, or toll free 1-877-551-6767

**Internal Revenue Service-IRS income tax exemption 501(c) letter in your organization's name**  
Don't have a copy? Obtain a copy of your federal income tax exempt letter by having an organization officer contact the IRS at 877-829-5500.

**Internal Revenue Service-Affiliate of national, statewide, or international parent nonprofit organization (charter)**  
If your organization falls under a parent organization, attach copies of both of the following:  
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and  
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

**EXCLUDED BINGO ACTIVITY**

Has your organization held a bingo event in the current calendar year?  Yes  No

If yes, list the dates when bingo was conducted: \_\_\_\_\_

The proposed bingo event will be:

one of four or fewer bingo events held this year. Dates: Thursday November 16, 2023

**-OR-**

conducted on up to 12 consecutive days in connection with a:

county fair      Dates: \_\_\_\_\_

civic celebration      Dates: \_\_\_\_\_

Minnesota State Fair      Dates: \_\_\_\_\_

Person in charge of bingo event: Kasey Olson Daytime Phone: 218-201-1306

Name of premises where bingo will be conducted: VFW CLUB POST 3817

Premises street address: 312 DEMERS AVENUE

City: EAST GRAND FORKS If township, township name: \_\_\_\_\_ County: POLK

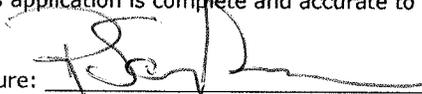
**LG240B Application to Conduct Excluded Bingo**

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)**

<p style="text-align: center;"><b>CITY APPROVAL for a gambling premises located within city limits</b></p> <p>On behalf of the city, I approve this application for excluded bingo activity at the premises located within the city's jurisdiction.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p>	<p style="text-align: center;"><b>COUNTY APPROVAL for a gambling premises located in a township</b></p> <p>On behalf of the county, I approve this application for excluded bingo activity at the premises located within the county's jurisdiction.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p>
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p><b>The city or county must sign before submitting application to the Gambling Control Board.</b></p> </div>	
<p><b>TOWNSHIP (if required by the county)</b> On behalf of the township, I acknowledge that the organization is applying for excluded bingo activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes, Section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>	

**CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)**

The information provided in this application is complete and accurate to the best of my knowledge.

Chief Executive Officer's Signature:  Date: 9-25-23

(Signature must be CEO's signature; designee may not sign)

Print Name: R. SCOTT PEARSON

<p><b>MAIL OR FAX APPLICATION &amp; ATTACHMENTS</b></p> <p>Mail or fax application and a copy of your proof of nonprofit status to:</p> <p style="padding-left: 20px;">Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113 Fax: 651-639-4032</p> <p>An excluded bingo permit will be mailed to your organization. Your organization must keep its bingo records for 3-1/2 years.</p> <p><b>Questions?</b> Call a Licensing Specialist at 651-539-1900.</p>	<p>Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. Otherwise, bingo hard cards, bingo paper, and bingo number selection devices must be obtained from a distributor licensed by the Minnesota Gambling Control Board. To find a licensed distributor, go to <a href="http://www.mn.gov/gcb">www.mn.gov/gcb</a> and click on <b>Distributors</b> under the <b>LIST OF LICENSEES</b> tab, or call 651-539-1900.</p> <p style="text-align: center;">This form will be made available in alternative format (i.e. large print, braille) upon request.</p>
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Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

## Megan Nelson

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**From:** noreply@civicplus.com  
**Sent:** Friday, September 8, 2023 9:24 AM  
**To:** Megan Nelson; City Administration  
**Subject:** [EXTERNAL]Online Form Submittal: Special Event Application

**Categories:** Yellow Category

**WARNING** - this email is originated from outside the City of East Grand Forks email system. Do not click any link and do not open attachments unless you can confirm the sender.

### Special Event Application

Please Submit 60 Days Prior to Event

*This application and supporting information must be turned in 60 days prior to the event.*

Organization Name	Downtown Development Association
Phone Number	701-757-4051
Address1	23 N 3rd St, Ste 2
Email Address	sierra@gfdda.com
City	Grand Forks
State	ND
Zip	58201
Applicant Name/Contact Person	Sierra Jenson
Email Address	sierra@gfdda.com
Phone Number	701-757-4051
Second Contact Person	Svea Benefield
Email Address	svea@gfdda.com
Phone Number	701-740-6396

## Special Event Information

All applications will be reviewed by staff. Depending on the type of event, **staff may come back with additional requirements and cost estimates** for the event such as a security plan, medical plan, traffic plan, etc and will be based on what is required for the event to take place.

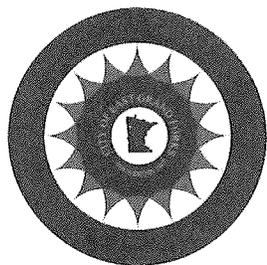
A clean up deposit may also be required and if the City does not need to take care of any of the clean up, the deposit will be returned once everything has been completed.

Event Title	HollyDazzle: Festival of Lights
Type of Event	Celebration
Date(s) and Time of Event	11/19/2023 1:00 PM - 11/19/2023 7:30 PM
Description/Narrative of the Event	<p>The Downtown Development Association is excited to bring our HollyDazzle: Festival of Lights back to Downtown Grand Forks and East Grand Forks on Sunday, November 19th! Come kick off the holiday season with this tradition of holiday activities such as s'mores, fireworks, and a parade for the entire community! This event is FREE and open to the public!</p> <p>Attendance estimate: 10k-14k Street Closure: River Street Blocked Parking: River Street Parking Lots Barricades for parade and blocked parking</p>
Event Site Plan/Map	<a href="#">Touch a Truck Map.png</a>

## Power & Water Requests

All power and water requests must go through and be approved by the Water and Light Commission. **The Water and Light Commission may charge for labor and materials for event related activities.** Contact the Distribution Superintendent by calling (218) 773-0515 between 8am and 4:30pm or email [alldsc@egf.mn](mailto:alldsc@egf.mn) for further instructions.

River Access	No
If yes, complete the form	<a href="#">The Polk County Boat &amp; Water Event Permit Application</a>



# 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

## APPLICATION FOR PARADE

License Fee: \_\_\_\_\_

Organization Information	
<u>Downtown Development Association</u> <i>Organization Name</i>	<u>701-757-4051</u> <i>Organization Phone Number</i>
<u>23 N 3rd St, Suite 2</u> <i>Organization Address</i>	<u>Grand Forks, ND, 58201</u> <i>City State Zip</i>

Applicant Information	
<u>Sierra Jenson</u> <i>Applicant Name</i>	<u>701-757-4051</u> <i>Applicant Phone Number</i>
<u>23 N 3rd St, Suite 2</u> <u>Grand Forks, ND, 58201</u> <i>Applicant Address City, State, &amp; Zip</i>	<u>sierra@gfdda.com</u> <i>Email Address</i>

Parade Information		
<u>November 19th</u> <i>Date of Event</i>	<u>5:30</u> <i>Start Time</i>	<u>6:30</u> <i>End Time</i>
<u>Route of Parade Travel (include map)</u>		
<u>cars, trucks, floats</u> <i>(cars, band, animals)</i>		<u>Composition of Parade</u>
<u>Notes</u>		

I hereby certify that I have completely filled out the entire above application, together and that the application is true, correct, and accurate.

Sierra Jenson  
*Signature of Applicant*

9/8/23  
*Date*

Sierra Jenson  
*Print Name*

VP of Events & Activation  
*Title*

City of East Grand Forks  
Application for Parade

**Internal Use Only**

The following items need to be completed and/or attached in order for the application to be processed:

\*Application fee paid in full:  yes  no    Payment Type:  cash  check # \_\_\_\_\_ Receipt # \_\_\_\_\_

\*Application completed in full and signed:  yes  no

\*Map of route is provided:  yes  no

\*MnDot (if applicable):  approved  denied

\*Police Chief:  approved  denied

Notes: \_\_\_\_\_

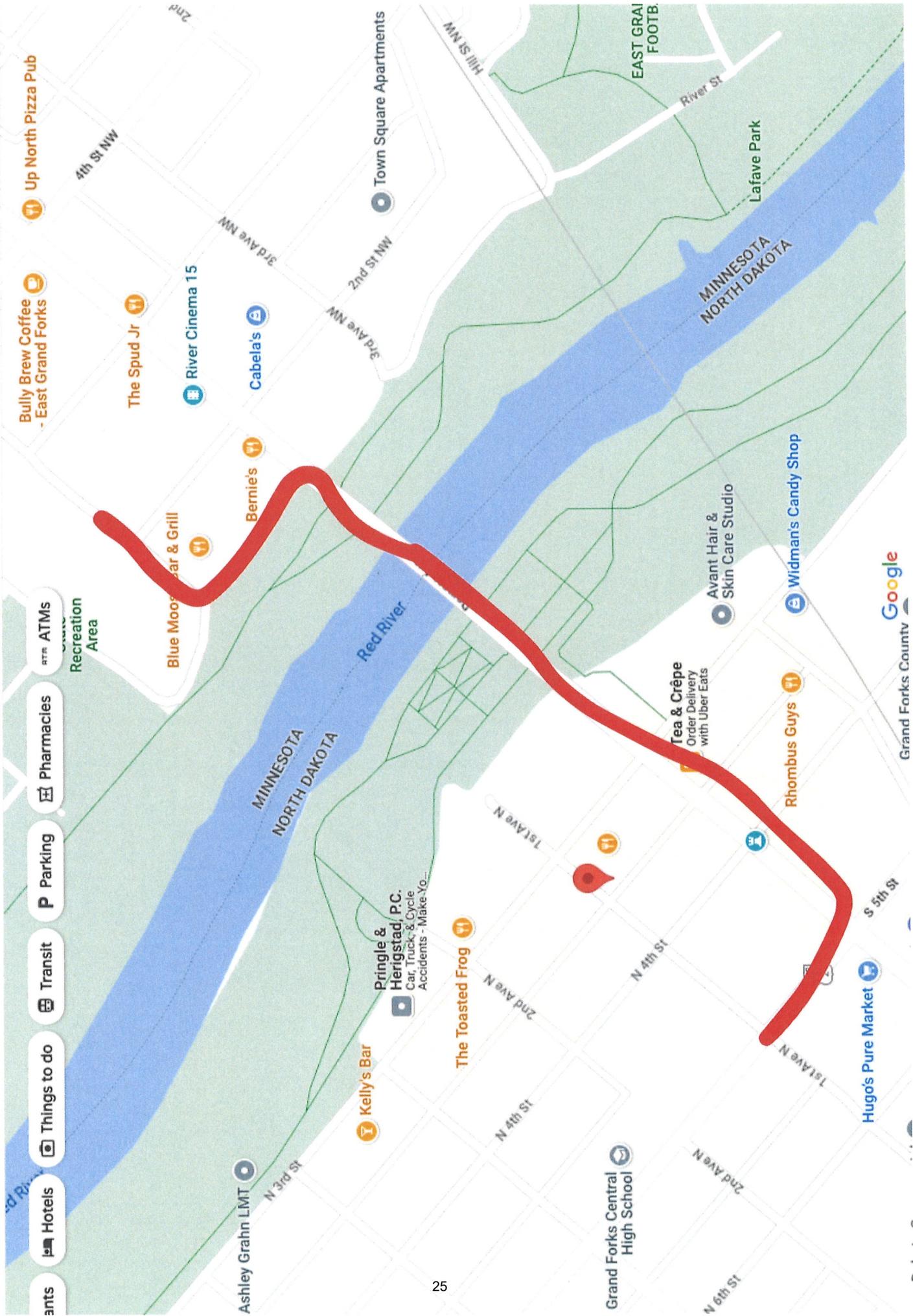
Police Chief Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Council Approval \_\_\_\_/\_\_\_\_/\_\_\_\_  approved  denied

Notes: \_\_\_\_\_

City Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*License Number \_\_\_\_\_



# 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

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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 30<sup>TH</sup> 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:\_\_\_\_\_

# Revised 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 1<sup>st</sup> 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.

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

## **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  
Department Relief Association***  
**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.

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

(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 deferral. 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.

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

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.

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

## **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.

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**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/mailed 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:

<b>Vested Years</b>	<b>Formula</b>
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)

<b>Benefit Level Effective Date</b>	<b>Benefit amount per year of Service</b>	<b>Deferred Interest</b>	<b>Ratification date by Municipality(ies)</b>
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

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

Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held on September 6, 2023, at 8:00 am in the City Council Chambers.

Present: Quirk, Grinde, Beauchamp, Riopelle

Absent: None

Also present: Ron Galstad, Keith Mykleseth, Brian Johnson, Todd Grabanski, Todd Forster, Brianna Feil, Jordan Midgarden, Corey Thompson, Karla Anderson, Tyler Tretter, Samantha Zimmerman, Angela Perdew

It was moved by Commissioner Grinde seconded by Commissioner Beauchamp to approve the minutes of the previous regular meeting held on August 16, 2023.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

It was moved by Commissioner Beauchamp seconded by Commissioner Grinde to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$788,300.80.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

It was moved by Commissioner Beauchamp seconded by Commissioner Grinde to approve the DSC to hang a banner for the EGF Arts & Crafts Show to be held on October 6-9, 2023 across DeMers Ave in East Grand Forks prior to the Potato Bowl Parade.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

It was moved by Commissioner Grinde seconded by Commissioner Beauchamp to approve the DSC to hang a banner for UND Homecoming at Sorlie Bridge in East Grand Forks.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

It was moved by Commissioner Beauchamp seconded by Commissioner Grinde to adopt the 2024 Operation & Maintenance Budget and the 2024-2028 Capital Plan as presented on August 16, 2023.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None.

It was moved by Commissioner Grinde seconded by Commissioner Riopelle to adjourn at 8:27 am to the next regular meeting on September 20, 2023, at 8:00 am to be held in the City Council Chambers.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

Lori Maloney  
Commission Secretary



<b>414</b>	<b>City AJ Projects</b>						
33	Intergovernmental	\$	-	\$	189,790.43	\$	(189,790.43) 0.00%
	Revenue	\$	-	\$	189,790.43	\$	(189,790.43) 0.00%
<b>415</b>	<b>City Capital Projects</b>						
33	Intergovernmental	\$	-	\$	919,710.33	\$	(919,710.33) 0.00%
39	Other Financing Sources	\$	-	\$	39,863.27	\$	(39,863.27) 0.00%
	Revenue	\$	-	\$	959,573.60	\$	(959,573.60) 0.00%
<b>419</b>	<b>CP's 23rd St NW Construction</b>						
33	Intergovernmental	\$	-	\$	156,539.53	\$	(156,539.53) 0.00%
39	Other Financing Sources	\$	200,187.06	\$	-	\$	200,187.06 100.00%
	Revenue	\$	200,187.06	\$	156,539.53	\$	43,647.53 21.80%
<b>425</b>	<b>Building Improvements</b>						
36	Special Assessment/Misc Rev	\$	-	\$	5,023.01	\$	(5,023.01) 0.00%
39	Other Financing Sources	\$	350,000.00	\$	350,000.00	\$	- 0.00%
	Revenue	\$	350,000.00	\$	355,023.01	\$	(5,023.01) -1.44%
<b>531</b>	<b>12-01-01 Improvement Bond</b>						
36	Special Assessment/Misc Rev	\$	-	\$	8,528.81	\$	(8,528.81) 0.00%
	Revenue	\$	-	\$	8,528.81	\$	(8,528.81) 0.00%
<b>532</b>	<b>12-01-03 Improvement Bond</b>						
36	Special Assessment/Misc Rev	\$	-	\$	27,050.02	\$	(27,050.02) 0.00%
	Revenue	\$	-	\$	27,050.02	\$	(27,050.02) 0.00%
<b>533</b>	<b>12-01-04 Improvement Bond</b>						
36	Special Assessment/Misc Rev	\$	-	\$	134,519.98	\$	(134,519.98) 0.00%
	Revenue	\$	-	\$	134,519.98	\$	(134,519.98) 0.00%
<b>534</b>	<b>03-01-06 Improvement Bond</b>						
36	2006 Bond Assessment	\$	-	\$	22,816.82	\$	(22,816.82) 0.00%
	Revenue	\$	-	\$	22,816.82	\$	(22,816.82) 0.00%
<b>535</b>	<b>12-1-07 Improvement Bond</b>						
36	2007 Bond Assessment	\$	-	\$	125,904.25	\$	(125,904.25) 0.00%
	Revenue	\$	-	\$	125,904.25	\$	(125,904.25) 0.00%
<b>537</b>	<b>2012 Imp Bond</b>						
36	2012 Bond assessments	\$	-	\$	29,462.60	\$	(29,462.60) 0.00%
	Revenue	\$	-	\$	29,462.60	\$	(29,462.60) 0.00%
<b>538</b>	<b>2015 Improvement Bond</b>						
36	2015 Bond assessments	\$	-	\$	27,022.61	\$	(27,022.61) 0.00%
	Revenue	\$	-	\$	27,022.61	\$	(27,022.61) 0.00%
<b>539</b>	<b>2017 Improvement Bond</b>						
36	2017 Bond assessments	\$	-	\$	120,343.20	\$	(120,343.20) 0.00%
	Revenue	\$	-	\$	120,343.20	\$	(120,343.20) 0.00%
<b>601</b>	<b>Electric</b>						
37	Utility Sales	\$	16,097,175.88	\$	10,399,319.34	\$	5,697,856.54 35.40%
	Revenue	\$	16,097,175.88	\$	10,399,319.34	\$	5,697,856.54 35.40%
<b>602</b>	<b>Water</b>						
37	Utility Sales	\$	2,706,334.26	\$	1,851,128.37	\$	855,205.89 31.60%
	Revenue	\$	2,706,334.26	\$	1,851,128.37	\$	855,205.89 31.60%
<b>603</b>	<b>Refuse</b>						
34	Charges for Services	\$	1,042,000.00	\$	712,337.37	\$	329,662.63 31.64%
	Revenue	\$	1,042,000.00	\$	712,337.37	\$	329,662.63 31.64%
<b>605</b>	<b>Sewage</b>						
36	Special Assessment/Misc Rev	\$	-	\$	31,000.00	\$	(31,000.00) 0.00%
37	Utility Sales	\$	2,001,622.00	\$	1,292,916.60	\$	708,705.40 35.41%
	Revenue	\$	2,001,622.00	\$	1,323,916.60	\$	677,705.40 33.86%

<b>609 Storm Water</b>					
33 Intergovernmental	\$	-	\$	125,905.73	\$ (125,905.73) 0.00%
34 Charges for Services	\$	710,000.00	\$	472,356.66	\$ 237,643.34 33.47%
37 Utility Sales	\$	-	\$	41,918.40	\$ (41,918.40) 0.00%
Revenue	\$	710,000.00	\$	640,180.79	\$ 69,819.21 9.83%
<b>620 EDA General</b>					
36 Special Assessment/Misc Rev	\$	-	\$	15,010.00	\$ (15,010.00) 0.00%
39 Other Financing Sources	\$	229,306.22	\$	-	\$ 229,306.22 100.00%
Revenue	\$	229,306.22	\$	15,010.00	\$ 214,296.22 93.45%
<b>623 EDA TIF 1-2 E of BN Tri</b>					
36 Special Assessment/Misc Rev	\$	-	\$	94.42	\$ (94.42) 0.00%
Revenue	\$	-	\$	94.42	\$ (94.42) 0.00%
<b>625 EDA IRP Loan Subfund</b>					
36 Interest Earnings	\$	-	\$	1,323.04	\$ (1,323.04) 0.00%
Revenue	\$	-	\$	1,323.04	\$ (1,323.04) 0.00%
<b>626 MIF (DRLF-97-0003-V-FY98)</b>					
36 Special Assessment/Misc Rev	\$	-	\$	17,572.12	\$ (17,572.12) 0.00%
Revenue	\$	-	\$	17,572.12	\$ (17,572.12) 0.00%
<b>627 MN DEED MIF</b>					
36 Special Ass/Misc	\$	-	\$	636.58	\$ (636.58) 0.00%
Revenue	\$	-	\$	636.58	\$ (636.58) 0.00%
<b>630 Sunshine Terrace</b>					
34 Charges for Services	\$	526,572.00	\$	339,015.00	\$ 187,557.00 35.62%
36 Special Assessment/Misc Rev	\$	7,000.00	\$	7,761.53	\$ (761.53) -10.88%
39 Dept	\$	-	\$	185,392.05	\$ (185,392.05) 0.00%
Revenue	\$	533,572.00	\$	532,168.58	\$ 1,403.42 0.26%
<b>682 Infill Building</b>					
36 Special Assessment/Misc Rev	\$	77,490.00	\$	52,507.50	\$ 24,982.50 32.24%
Revenue	\$	77,490.00	\$	52,507.50	\$ 24,982.50 32.24%
<b>703 Central Equipment</b>					
38	\$	-	\$	136,928.00	\$ (136,928.00) 0.00%
Revenue	\$	-	\$	136,928.00	\$ (136,928.00) 0.00%
<b>849 Perpetual Care Cemetery</b>					
34 Charges for Services	\$	15,000.00	\$	-	\$ 15,000.00 100.00%
Revenue	\$	15,000.00	\$	-	\$ 15,000.00 100.00%

# General Ledger As of August 31, 2023

## Council Monthly Exp Budget Report

User: kanderson  
 Printed: 09/26/23 14:07:57  
 Period 01 - 08  
 Fiscal Year 2023

Fund Description	2023 Budget	Amt Spent as of Aug 31	Remaining Balance	% left to spend
<b>101 General</b>				
41 General Government	\$ 1,546,919.21	\$ 960,245.51	\$ 586,673.70	37.93%
42 Public Safety	\$ 5,162,320.02	\$ 3,009,557.72	\$ 2,152,762.30	41.70%
43 Public Works	\$ 1,969,854.98	\$ 1,041,575.87	\$ 928,279.11	45.71%
45 Culture and Recreation	\$ 3,038,100.06	\$ 1,833,619.56	\$ 1,204,480.50	39.47%
46 Community Development	\$ 65,000.00	\$ 31,395.36	\$ 33,604.64	51.70%
49 Unallocated	\$ 970,740.26	\$ 334,450.52	\$ 636,289.74	65.55%
Expense	\$ 12,752,934.53	\$ 7,210,844.54	\$ 5,542,089.99	43.20%
<b>204 Community &amp; Economic Growth</b>				
46 Community Development	\$ 10,000.00	\$ 1,475.00	\$ 8,525.00	85.25%
Expense	\$ 10,000.00	\$ 1,475.00	\$ 8,525.00	85.25%
<b>209 State Aid Street</b>				
49 Unallocated	\$ 518,481.00	\$ 2,160.00	\$ 516,321.00	99.58%
Expense	\$ 518,481.00	\$ 2,160.00	\$ 516,321.00	99.58%
<b>210 Transit</b>				
49 Transit	\$ 813,602.30	\$ 515,680.79	\$ 297,921.51	36.62%
Expense	\$ 813,602.30	\$ 515,680.79	\$ 297,921.51	36.62%
<b>212 Sales Tax Pool</b>				
49 Unallocated	\$ -	\$ 39,863.27	\$ (39,863.27)	0.00%
Expense	\$ -	\$ 39,863.27	\$ (39,863.27)	0.00%
<b>214 Resurrection Cemetery</b>				
49 Unallocated	\$ 82,051.54	\$ 48,188.93	\$ 33,862.61	41.27%
Expense	\$ 82,051.54	\$ 48,188.93	\$ 33,862.61	41.27%
<b>215 Insect</b>				
43 Public Works	\$ 50,071.00	\$ 2,393.95	\$ 47,677.05	95.22%
Expense	\$ 50,071.00	\$ 2,393.95	\$ 47,677.05	95.22%
<b>217 Greenway Maint</b>				
43 Public Works	\$ 10,000.00	\$ -	\$ 10,000.00	100.00%
Expense	\$ 10,000.00	\$ -	\$ 10,000.00	100.00%
<b>280 Housing/Lot Sale</b>				
47 Other L-T Debt	\$ 343,800.00	\$ 60,558.83	\$ 283,241.17	82.39%
49 Unallocated	\$ 65,000.00	\$ -	\$ 65,000.00	100.00%
Expense	\$ 408,800.00	\$ 60,558.83	\$ 348,241.17	85.19%
<b>400 Grants</b>				
42 Public Safety	\$ -	\$ 54,742.94	\$ (54,742.94)	0.00%
45 Culture and Recreation	\$ -	\$ 19,442.26	\$ (19,442.26)	0.00%
Expense	\$ -	\$ 74,185.20	\$ (74,185.20)	0.00%
<b>414 City AJ Projects</b>				
43 Public Works	\$ -	\$ 850,474.55	\$ (850,474.55)	0.00%
Expense	\$ -	\$ 850,474.55	\$ (850,474.55)	0.00%
<b>415 City Capital Projects</b>				

41	General Govt	\$	-	\$	160.00	\$	(160.00)	0.00%
43	Public Works	\$	-	\$	608,041.78	\$	(608,041.78)	0.00%
45	Culture and Recreation	\$	-	\$	122,889.16	\$	(122,889.16)	0.00%
	Expense	\$	-	\$	731,090.94	\$	(731,090.94)	0.00%
<b>419</b>	<b>CP's 23rd St NW Construction</b>							
43	Public Works	\$	87,187.06	\$	87,079.06	\$	108.00	0.12%
47	Other L-T Debt	\$	113,000.00	\$	113,000.00	\$	-	0.00%
	Expense	\$	200,187.06	\$	200,079.06	\$	108.00	0.05%
<b>425</b>	<b>Building Improvements</b>							
41	General Government	\$	65,775.00	\$	-	\$	65,775.00	100.00%
42	Police Dept	\$	-	\$	35,301.50	\$	(35,301.50)	0.00%
43	Public Works	\$	64,000.00	\$	-	\$	64,000.00	100.00%
45	Culture and Recreation	\$	210,000.00	\$	108,406.11	\$	101,593.89	48.38%
	Expense	\$	339,775.00	\$	143,707.61	\$	196,067.39	57.71%
<b>434</b>	<b>Dwntwn CDBG Close 493/496</b>							
43	Public Works	\$	-	\$	3,620.90	\$	(3,620.90)	0.00%
	Expense	\$	-	\$	3,620.90	\$	(3,620.90)	0.00%
<b>533</b>	<b>12-01-04 Improvement Bond</b>							
47	2004 Improvement Bond	\$	-	\$	190,650.00	\$	(190,650.00)	0.00%
	Expense	\$	-	\$	190,650.00	\$	(190,650.00)	0.00%
<b>534</b>	<b>03-01-06 Improvement Bond</b>							
47	2006 Improvement Bond	\$	-	\$	46,575.00	\$	(46,575.00)	0.00%
	Expense	\$	-	\$	46,575.00	\$	(46,575.00)	0.00%
<b>535</b>	<b>12-1-07 Improvement Bond</b>							
47	2007 Improvement Bond	\$	-	\$	209,255.00	\$	(209,255.00)	0.00%
	Expense	\$	-	\$	209,255.00	\$	(209,255.00)	0.00%
<b>537</b>	<b>2012 Imp Bond</b>							
47	Other L-T Debt	\$	-	\$	40,257.50	\$	(40,257.50)	0.00%
	Expense	\$	-	\$	40,257.50	\$	(40,257.50)	0.00%
<b>538</b>	<b>2015 Improvement Bond</b>							
47	Dept	\$	-	\$	117,950.00	\$	(117,950.00)	0.00%
	Expense	\$	-	\$	117,950.00	\$	(117,950.00)	0.00%
<b>539</b>	<b>2017 Improvement Bond</b>							
47	2017 Improvement Bond	\$	-	\$	366,280.00	\$	(366,280.00)	0.00%
	Expense	\$	-	\$	366,280.00	\$	(366,280.00)	0.00%
<b>601</b>	<b>Electric</b>							
16	Construction Projects	\$	-	\$	36,959.47	\$	(36,959.47)	0.00%
49	Electric Utilities	\$	16,320,601.71	\$	9,347,097.87	\$	6,973,503.84	42.73%
	Expense	\$	16,320,601.71	\$	9,384,057.34	\$	6,936,544.37	42.50%
<b>602</b>	<b>Water</b>							
16	Construction Projects	\$	-	\$	73,315.37	\$	(73,315.37)	0.00%
49	Water Utilities	\$	2,977,213.75	\$	1,137,704.46	\$	1,839,509.29	61.79%
	Expense	\$	2,977,213.75	\$	1,211,019.83	\$	1,766,193.92	59.32%
<b>603</b>	<b>Refuse</b>							
49	Unallocated	\$	1,125,400.12	\$	601,064.40	\$	524,335.72	46.59%
	Expense	\$	1,125,400.12	\$	601,064.40	\$	524,335.72	46.59%
<b>605</b>	<b>Sewage</b>							
49	Unallocated	\$	2,177,190.48	\$	697,153.40	\$	1,480,037.08	67.98%
	Expense	\$	2,177,190.48	\$	697,153.40	\$	1,480,037.08	67.98%
<b>609</b>	<b>Storm Water</b>							
43	Public Works	\$	1,030,409.67	\$	218,280.27	\$	812,129.40	78.71%
	Expense	\$	1,030,409.67	\$	218,280.27	\$	812,129.40	78.71%

<b>620 EDA General</b>						
49 Unallocated	\$	229,306.22	\$	129,531.79	\$	99,774.43 43.51%
Expense	\$	229,306.22	\$	129,531.79	\$	99,774.43 43.51%
<b>627 MN DEED MIF</b>						
47 Dept	\$	-	\$	7,095.96	\$	(7,095.96) 0.00%
Expense	\$	-	\$	7,095.96	\$	(7,095.96) 0.00%
<b>630 Sunshine Terrace</b>						
46 Community Development	\$	569,216.79	\$	319,458.33	\$	249,758.46 43.88%
Expense	\$	569,216.79	\$	319,458.33	\$	249,758.46 43.88%
<b>633 Downpayment Assistance</b>						
46 Community Development	\$	-	\$	26,100.00	\$	(26,100.00) 0.00%
Expense	\$	-	\$	26,100.00	\$	(26,100.00) 0.00%
<b>635 Town Square</b>						
46 Community Development	\$	-	\$	185,392.05	\$	(185,392.05) 0.00%
Expense	\$	-	\$	185,392.05	\$	(185,392.05) 0.00%
<b>682 Infill Building</b>						
46 Community Development	\$	90,273.96	\$	34,254.93	\$	56,019.03 62.05%
Expense	\$	90,273.96	\$	34,254.93	\$	56,019.03 62.05%
<b>703 Central Equipment</b>						
47 Other L-T Debt	\$	-	\$	800.00	\$	(800.00) 0.00%
Expense	\$	-	\$	800.00	\$	(800.00) 0.00%
<b>705 Benefit Accrual</b>						
49 Unallocated	\$	-	\$	29,939.00	\$	(29,939.00) 0.00%
Expense	\$	-	\$	29,939.00	\$	(29,939.00) 0.00%
<b>849 Perpetual Care Cemetery</b>						
49 Unallocated	\$	20,000.00	\$	-	\$	20,000.00 100.00%
Expense	\$	20,000.00	\$	-	\$	20,000.00 100.00%
<b>851 Campbell-Olson</b>						
45 Dept	\$	-	\$	671.40	\$	(671.40) 0.00%
Expense	\$	-	\$	671.40	\$	(671.40) 0.00%

General Ledger  
Council Monthly Cash Report



# City of East Grand Forks

P. O. Box 373  
East Grand Forks, MN 56721  
(218) 773-2483

User: kanderson  
Printed: 09/26/23 14:06:24  
Period 01 - 08  
Fiscal Year 2023

Fund	Description	Beg Bal	Debits	Credits	End Bal
101	General	6,469,967.04	17,791,829.99	18,769,650.29	5,492,146.74
201	ARPA	795,139.90	0.00	90,700.00	704,439.90
204	Community & Economic Growth	72,490.97	0.00	1,475.00	71,015.97
209	State Aid Street	389,800.74	183,804.37	2,160.00	571,445.11
210	Transit	-120,000.00	298,794.00	569,659.13	-390,865.13
212	Sales Tax Pool	399,743.93	0.00	39,863.27	359,880.66
214	Resurrection Cemetery	0.00	26,825.00	44,174.91	-17,349.91
215	Insect	279,501.38	31,580.93	2,393.95	308,688.36
217	Greenway Maint	4,848.73	65,906.33	0.00	70,755.06
222	Police/Forfeiture Fund	23,231.78	0.00	0.00	23,231.78
280	Housing/Lot Sale	59,859.93	335,042.20	196,540.36	198,361.77
400	Grants	235,108.46	59,971.54	80,726.25	214,353.75
401	Infrastructure Projects	944,793.64	110,303.18	0.00	1,055,096.82
405	Parks Grants	0.00	3,000.00	0.00	3,000.00
414	City AJ Projects	467,153.46	189,790.43	614,600.45	42,343.44
415	City Capital Projects	-283,748.71	952,509.62	367,220.07	301,540.84
419	CP's 23rd St NW Construction	171,691.18	156,539.53	200,079.06	128,151.65
425	Building Improvements	64,101.40	355,023.01	146,474.59	272,649.82
434	Dwntwn CDBG Close 493496	18,262.58	795.00	5,977.50	13,080.08
527	04-01-04 Refunding '95 Bond	256,044.77	0.00	0.00	256,044.77
531	12-01-01 Improvement Bond	521,910.33	8,528.81	0.00	530,439.14
532	12-01-03 Improvement Bond	382,927.15	27,050.02	0.00	409,977.17
533	12-01-04 Improvement Bond	158,113.58	153,684.12	209,814.14	101,983.56
534	03-01-06 Improvement Bond	186,034.84	22,816.82	46,575.00	162,276.66
535	12-1-07 Improvement Bond	969,044.47	136,207.81	219,558.56	885,693.72
537	2012 Imp Bond	310,921.12	29,462.60	40,257.50	300,126.22
538	2015 Improvement Bond	108,947.11	62,222.61	153,150.00	18,019.72
539	2017 Improvement Bond	186,229.29	120,343.20	366,280.00	-59,707.51
601	Electric	17,384,282.77	22,677,639.20	22,351,715.20	17,710,206.77
602	Water	987,752.04	2,337,436.73	2,331,208.39	993,980.38
603	Refuse	358,164.06	753,874.43	745,141.37	366,897.12
605	Sewage	2,222,364.60	1,321,636.71	1,318,741.79	2,225,259.52
609	Storm Water	947,888.91	748,655.74	420,212.41	1,276,332.24
620	EDA General	0.00	16,820.05	138,373.67	-121,553.62
623	EDA TIF 1-2 E of BN Tri	371,350.29	12,290.55	0.00	383,640.84
625	EDA IRP Loan Subfund	286,533.97	39,883.76	0.00	326,417.73
626	MIF (DRLF-97-0003-V-FY98)	1,677,917.08	203,022.87	152,528.12	1,728,411.83

<b>Fund</b>	<b>Description</b>	<b>Beg Bal</b>	<b>Debits</b>	<b>Credits</b>	<b>End Bal</b>
627	MN DEED MIF	16,294.22	9,198.42	6,307.52	19,185.12
630	Sunshine Terrace	1,487,399.83	536,045.81	325,300.51	1,698,145.13
633	Downpayment Assistance	237,129.77	8,700.00	34,800.00	211,029.77
635	Town Square	185,392.05	0.00	185,392.05	0.00
681	DeMers Professional Building	73,034.68	0.00	0.00	73,034.68
682	Infill Building	474,590.64	52,507.50	34,924.89	492,173.25
703	Central Equipment	431,069.43	167,810.00	460,970.96	137,908.47
705	Benefit Accrual	672,699.58	0.00	29,939.00	642,760.58
849	Perpetual Care Cemetery	278,618.68	0.00	0.00	278,618.68
851	Campbell-Olson	80,978.23	0.00	671.40	80,306.83
852	Employee Flex Benefits	11,684.13	0.00	0.00	11,684.13

# Request for Council Action

Date: 09/18/2023

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

Cc: File

From: Michael S. Hedlund – Chief of Police

RE: Resolution to accept the 2024 TZD Enforcement Grant

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**Background:** The East Grand Forks Police Department, in conjunction with the Crookston Police Department and the Polk County Sheriff's Office have applied for and received a traffic safety grant through the Minnesota Office of Traffic Safety's TZD (Toward Zero Deaths) program. The grant funding totals \$34,900.00 of which \$28,900.00 is for overtime expenses for enforcement and there is no match (other than the use of each agency's squad cars during the enforcement) for that portion of the grant. This grant also provides funding for traffic safety training for our officers (\$1,500.00 per agency or \$4,500.00 total) and \$500.00 for the Administration of the grant. The grant also designates \$1,000.00 for the purchase of portable breath testing devices and requires a 100% match (\$1,000.00). The Crookston Police Department is the agency who will be making the equipment purchase and who will be responsible for the match. One of the requirements of the grant is that the City Council of the lead agency (East Grand Forks Police Department) approve a resolution authorizing the acceptance of the grant and approving Chief of Police Michael Hedlund as the grant administrator.

**Recommendations:** Approve the resolution to accept the grant and authorize Chief Michael Hedlund to serve as the grant administrator.

**Enclosures:** Enforcement Budget Sheet

**RESOLUTION NO. 23 – 10 - 62**

**CITY OF EAST GRAND FORKS RESOLUTION  
AUTHORIZING EXECUTION OF AGREEMENT**

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

BE IT RESOLVED that the East Grand Forks Police Department is authorized to enter into a grant agreement with the Minnesota Department of Public Safety, for traffic safety projects during the period of October 1, 2023 through September 30, 2024.

East Grand Forks Chief of Police Michael Hedlund (or his designee) is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the East Grand Forks Police Department and to be the fiscal agent and administrator of the grant.

*Voting Aye:*

*Voting Nay:*

*Absent:*

The President declared the resolution passed.

Passed: October 3, 2023

Attest:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 3<sup>rd</sup> day of October, 2023.

\_\_\_\_\_  
Mayor

# 2024 Enforcement Budget



## East Grand Forks Police Department

Impaired Driving Enforcement	\$	-
Seat Belt Enforcement	\$	4,000.00
Speed Enforcement	\$	15,000.00
Distracted Enforcement	\$	5,500.00
Move Over Enforcement	\$	1,400.00
Pedestrian	\$	-
Special Projects Enforcement and Education	\$	3,000.00
<b>Total Overtime Enforcement Funding</b>	<b>\$</b>	<b>28,900.00</b>

Dispatch, Administration & Corrections:	\$	500.00				
Training	\$	4,500.00				
Equipment	\$	1,000.00				
	<table border="1" style="display: inline-table; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Grant Funded</th> <th style="text-align: left;">Agency Match</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">\$ 1,000.00</td> <td style="text-align: right;">\$ 1,000.00</td> </tr> </tbody> </table>	Grant Funded	Agency Match	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Grant Funded	Agency Match					
\$ 1,000.00	\$ 1,000.00					
<b>Subtotal</b>	<b>\$</b>	<b>6,000.00</b>				

**Total Grant Award** **\$ 34,900.00**

Agency Match Required \$ 1,000.00

# Request for Council Action

Date: 9/25/2023

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: Michael S. Hedlund – Chief of Police

RE: Request to Hire Michael Krause for the Position of Police Officer

---

**Background:** The East Grand Forks Police Department has conducted a hiring process and we are requesting the approval to hire Michael Krause for the position of Police Officer. The Department is currently one officer short, and Mr. Krause will fill that position. If the School Resource Officer situation gets resolved, we will then be one officer short again. Mr. Krause has completed all phases of the Background. His start date is still being determined but will be mid to late October, 2023 pending Council approval. Mr. Krause has a combined eight years of experience with the Cascade County (MT) Sheriff's Office and the Great Falls (MT) Police Department. Based upon his experience and current salary we are requesting that Mr. Krause be hired at Step 5 of the 2023 Wage Scale.

**Recommendation:** That the East Grand Forks City Council authorize the hiring of Michael Krause as a Police Officer at Grade 15 Step 5 of the 2023 Wage Scale at a date to be determined (tentatively mid to late October, 2023).

**Enclosures:** None.

**RESOLUTION NO. 23 – 10 - 63**

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 “Police Officer”, and

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

WHEREAS, City Staff has recommended the hiring of Michael Krause as Police Officer, and

WHEREAS, due to his experience Mr. Krause would be placed on the current Grade 15 Step 5 which is \$32.68 per hour; and

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

1. Approve the hiring of Michael Krause as a Police Officer at a salary of \$32.68 per hour.

*Voting Aye:*

*Voting Nay:*

*Absent:*

The President declared the resolution passed.

Passed: October 3, 2023

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 3<sup>rd</sup> day of October, 2023.

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 40, 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 31<sup>st</sup> 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. (See Appendix A)*
  - (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 on Appendix A: Approved Pedal Pub Route; attached to this ordinance.
  - (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 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. However, the commercial pedal car is authorized to use the public parking lot for loading or unloading but only while on tour and the commercial pedal car shall not be parked in the city parking lot for more than 2 continuous hours. No overnight parking is allowed in the City parking lot or on city owned property.

- (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 40, 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.

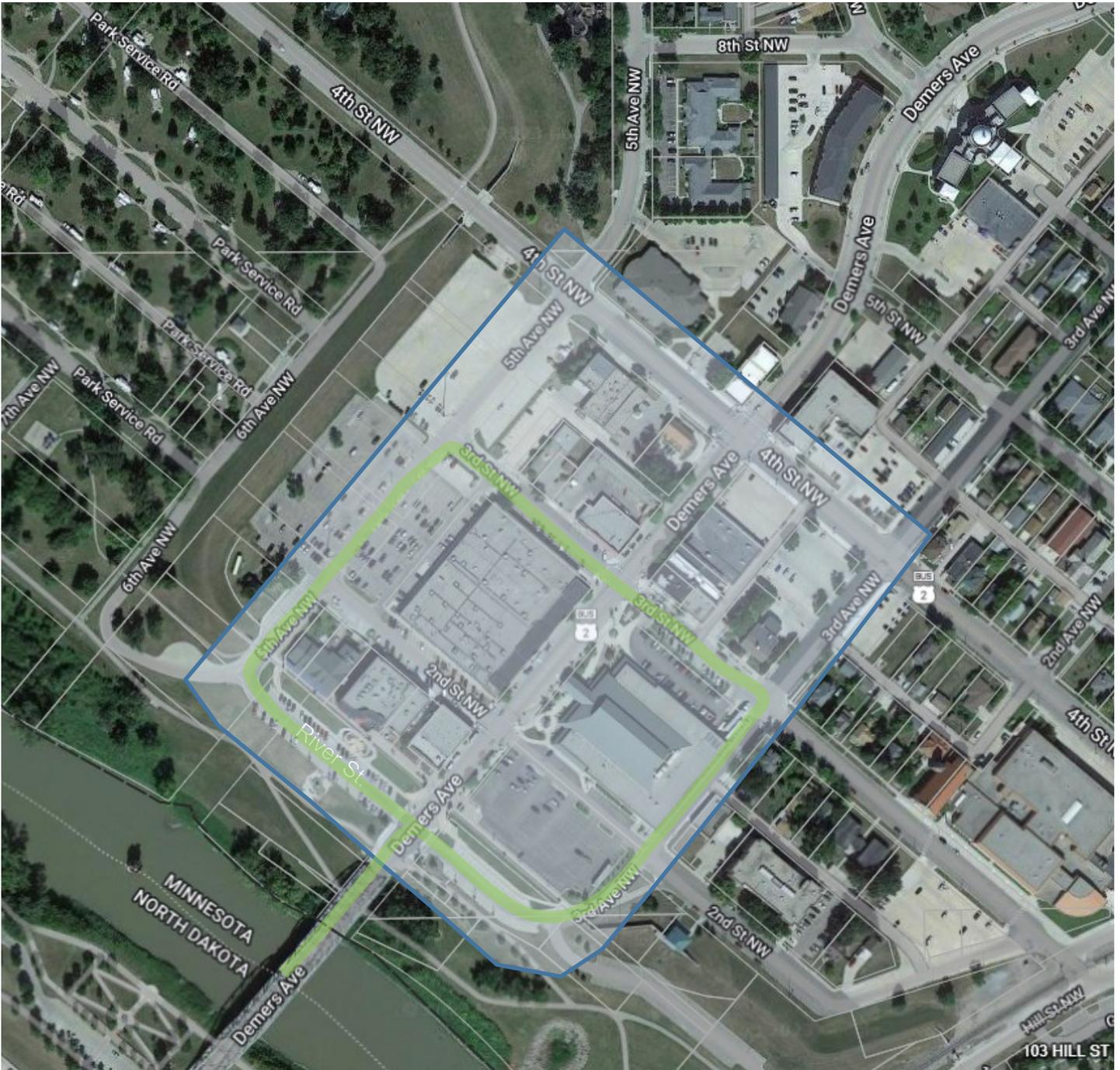
\_\_\_\_\_  
\_\_\_\_\_  
**Mayor**

**APPENDIX A: Pedal Pub Ordinance Approved Route**

**City of East Grand Forks Downtown Street Map**

**LEGEND**

-  Proposed Pedal Pub Route
-  Proposed Pedal Pub Approved Area of Operation



October 3, 2023

# 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 13<sup>th</sup> St SE

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**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:**

Maps of Proposal One and Proposal Two

# Proposal One



# Proposal Two



# Accounts Payable

## Check Register Totals Only

User: mnelson  
 Printed: 9/29/2023 - 9:40 AM



# City of East Grand Forks

P. O. Box 373  
 East Grand Forks, MN 56721  
 (218) 773-2483

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41292	10/03/2023	ACM001	Acme Electric Companies	234.87	0
41293	10/03/2023	ADV007	Advanced Auto Parts	7.74	0
41294	10/03/2023	ADV001	Advanced Business Methods Inc	156.50	0
41295	10/03/2023	AME005	Aramark Uniform Services	640.85	0
41296	10/03/2023	B&R001	B&R Parking Lot Maintenance	7,752.00	0
41297	10/03/2023	BAK001	Baker & Taylor Co	669.46	0
41298	10/03/2023	EXT001	Boushee Enterprises, LLC	1,619.00	0
41299	10/03/2023	CEN006	Century Link	245.83	0
41300	10/03/2023	CIN001	Cintas Corporation No. 2	90.70	0
41301	10/03/2023	CLA004	Clarke Mosquito Control Products	9,350.00	0
41302	10/03/2023	TIT002	CNH Industrial Retail Accounts	557.91	0
41303	10/03/2023	COL004	Coldspring Memorial	395.00	0
41304	10/03/2023	COL002	Cole Papers Inc	216.07	0
41305	10/03/2023	COM033	COMPAS, Inc	1,515.00	0
41306	10/03/2023	COM003	Complete Pest Control Inc	3,515.00	0
41307	10/03/2023	COP002	Copy Cat Printing	282.00	0
41308	10/03/2023	DOM001	Domson BG Service	900.00	0
41309	10/03/2023	DOY001	Patrick & Betsy Doyle	500.00	0
41310	10/03/2023	FAR005	Farm & Home Publishers, LTD	167.25	0
41311	10/03/2023	GCC001	Gold Childcare Center	15,000.00	0
41312	10/03/2023	HEN004	Ronnie Hendrickson	125.00	0
41313	10/03/2023	HUG001	Hugo's	18.54	0
41314	10/03/2023	ING003	Ingram Library Services	1,377.71	0
41315	10/03/2023	K&H001	K&H Custom	4,400.00	0
41316	10/03/2023	LEA008	League of Minnesota Cities Insurance	1,565.74	0
41317	10/03/2023	HAR081	Local Ace	25.56	0
41318	10/03/2023	HAR087	Local Ace	263.04	0
41319	10/03/2023	HAR088	Local Ace	23.75	0
41320	10/03/2023	HAR089	Local Ace	6.59	0
41321	10/03/2023	LOO001	Lookout Books	123.70	0
41322	10/03/2023	LUN001	Lunseth Plumbing & Heating	6,900.00	0
41323	10/03/2023	MARCD1	Marco Technologies LLC	91.61	0
41324	10/03/2023	MCF001	McFarlane	475.00	0
41325	10/03/2023	MEN001	Menards	25.17	0
41326	10/03/2023	MID003	Midcontinent Communications	2,820.69	0
41327	10/03/2023	MND020	Minnesota DEED	788.44	0
41328	10/03/2023	MND006	MN Dept of Revenue	1,200.00	0
41329	10/03/2023	MSC001	MSC Industrial Supply Co	611.13	0
41330	10/03/2023	MTI001	MTI Distributing Company	2,593.56	0
41331	10/03/2023	NEL101	Nelson Auto	118.93	0
41332	10/03/2023	ORE001	O'Reilly Automotive, Inc.	128.20	0
41333	10/03/2023	OFF002	ODP Business Solutions, LLC	104.37	0
41334	10/03/2023	OPP001	Gregory T Opp	576,208.70	0
41335	10/03/2023	ORC002	Orchard Oil Company	600.00	0
41336	10/03/2023	EXP002	Page 1 Publications, Inc.	947.94	0
41337	10/03/2023	PIP005	Pipe Detectives	7,800.00	0
41338	10/03/2023	POM001	Pomp's Tire Service, Inc	906.80	0
41339	10/03/2023	POW003	Powerplan OIB	77.22	0
41340	10/03/2023	PSD001	PS Garage Doors	693.31	0
41341	10/03/2023	RIV002	Rivards Turf & Forage	79.19	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41342	10/03/2023	ROT001	Schwinger Enterprises, Inc.	250.00	0
41343	10/03/2023	SPR002	Spray Advantage	1.40	0
41344	10/03/2023	SWA002	Swanston Equipment Corporation	724.39	0
41345	10/03/2023	TER002	Terry's Tree Service	350.00	0
41346	10/03/2023	THU002	Thur-O-Clean	3,952.05	0
41347	10/03/2023	TIZ002	Ti-Zack Concrete Inc	126,536.30	0
41348	10/03/2023	VAL002	Valley Truck Parts and Services Inc.	449.57	0
41349	10/03/2023	WAT001	Water & Light Department	15,066.45	0
41350	10/03/2023	WIL008	William E. Young Company	375.00	0
41351	10/03/2023	XCE001	Xcel Energy	916.60	0
				<hr/> <hr/>	
Check Total:				803,536.83	
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