

**AMENDED AGENDA
OF THE COUNCIL MEETING
CITY OF EAST GRAND FORKS
TUESDAY, OCTOBER 17, 2023 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF QUORUM:

PLEDGE OF ALLEGIANCE:

SWEARING IN OF OFFICER HESSE:

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 “Council Meeting” for the East Grand Forks, Minnesota City Council of October 3, 2023.
2. Consider approving the minute summary of the “Closed Meeting” for the East Grand Forks, Minnesota City Council of October 3, 2023.
3. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of October 10, 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.

4. Consider approving the Exempt Gambling Permit Application for the Northern Lights Figure Skating Club to hold a raffle on January 1, 2024 at the VFW Memorial Arena located at 711 3rd St SE East Grand Forks, MN 56721 and waive the 30-day waiting period.
5. Consider adopting Resolution 23-10-64 authorizing the transfer of the funds in the 681 Demers Professional Fund to the General Fund to be utilized in the 2024 budget.

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.

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

6. Regular meeting minutes of the Water, Light, Power, and Building Commission for September 20, 2023.

COMMUNICATIONS: NONE

OLD BUSINESS:

7. Consider adopting Ordinance No. 40, 4th 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. (2nd Reading)

NEW BUSINESS:

8. Consider adopting Resolution No. 23-10-65 setting the fees for the licensing for pedal pub businesses, drivers, and vehicles.
9. Consider approving the ordinance summary for Ordinance No. 40, 4th Series to be used for publication in place of the full ordinance.
10. Consider approving the proposal and contract agreement from Roof Spec Inc doing business as RSI Building Envelope to prepare plans and specifications, assist through the bidding process, and perform construction administration and quality assurance of the City Hall roof project.
11. Consider authorizing the Mayor to propose a limited reconstruction of 5th Ave NW and 20th St NW to the property owners affected by the project and begin the special assessment process at which time a petition is received by at least 35% of those property owners affected by the project.
12. Consider adopting Resolution 23-10-66 formally requesting a total of \$7.016 Million be included in the 2024 Bonding Bill with \$4.637 Million of that being appropriated to the Civic Center Sports Complex site, and \$2.379 Million of that being appropriated to the VFW Memorial Arena project site.

CLAIMS:

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

COUNCIL/STAFF REPORTS:

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.

ADJOURN:

Upcoming Meeting

Work Session – Tuesday, October 24, 2023 – Training Room – 5:00 PM
Council Meeting – Tuesday, November 7, 2023 – Council Chambers – 5:00 PM
Work Session – Tuesday, November 14, 2023 – Training Room – 5:00 PM
Council Meeting – Tuesday, November 21, 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 COUNCIL MEETING
CITY OF EAST GRAND FORKS
TUESDAY, OCTOBER 3, 2023 – 5:00 PM**

CALL TO ORDER:

The Council Meeting of the East Grand Forks City Council for Tuesday, October 3, 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, 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, Parks & Recreation Superintendent; Keith Mykleseth, Water and Light General Manager; 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 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.

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO APPROVE ITEMS ONE (1) THROUGH FOUR (4).

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

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.

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.
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.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER HELMS, TO APPROVE ITEMS FIVE (5) THROUGH NINE (9).

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

Voting Nay: None.

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.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT 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.

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

Voting Nay: None.

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.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT RESOLUTION NO. 23-10-63 APPROVING THE HIRING OF MICHAEL KRAUSE AS A POLICE OFFICER AT A SALARY OF \$32.68 PER HOUR.

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

Voting Nay: None.

14. Consider approving Ordinance No 40, 4th 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 (1st Reading).

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO APPROVE ORDINANCE NO 40, 4TH 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 (1ST READING).

Mr. Galstad told the Council there was a modification to allow public parking for two hours and he would make sure all the areas for parking were the same by the next meeting.

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

Voting Nay: None.

15. Consider approving Proposal _____ to address snow removal along Bygland Road and 13th Street SE.

Council President asked when the motion was made to include which proposal. Ms. Nelson reminded the Council Proposal One was to turn over snow removal on the west side of Bygland to property owners and Proposal Two was to continue with snow removal as it has been done in previous years.

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO APPROVE PROPOSAL ONE TO ADDRESS SNOW REMOVAL ALONG BYGLAND ROAD AND 13TH STREET SE.

Council member Helms said he would be voting no because all the snow removal should be done by the property owners like it was done every else in the city.

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

Voting Nay: Helms and Pokrzywinski.

CLAIMS:

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

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

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Gander thanks the crews that were working on the streets and sidewalks, the projects were progressing nicely, he was impressed with their work, and was glad the City was continuing to work on ADA improvements. He also thanked residents for their patience while the work was being done. He then read an email from a resident thanking Assistant Chief Ryan Swang and Engineer Thomas Hajicek for performing lifesaving measures and they wanted to thank the Fire Department for their quick actions. Mayor Gander thanked the police and fire departments for always being ready to respond and how a minute or two can make a difference.

Council Vice-President Riopelle commented how the Fire Department Open House was a great success and both the kids and parents enjoyed the activities.

Council Member Larson informed everyone on October 19th the North Country Food Bank was going to hold a 40th Anniversary party, he invited everyone from the City to attend, commented how the food bank helped with food security issues in the region, and he would be there to help celebrate the 40th anniversary.

Mr. Huttunen stated he had attended a Greater Minnesota Parks and Trails Commission meeting where possible additional funding for the LaFave Park project was discussed. He explained the did not receive

a recommendation, but the applications were ranked with the LaFave Park project listed as 5th out of 20 projects, and there should be funding for 10 to 12 projects so he was confident the City would receive a full funding recommendation. He added they should know by the end of October.

Mr. Emery informed the Council striping should be completed by the end of the week on Demers Avenue weather permitting and then they were going to try to open a stretch of Demers Avenue up to Central Avenue. He stated 5th Avenue NE between 17th and 20th should be opening the following week, so they were getting to the end of some of the projects. He told the Council the manufacturer was where the hold up was for the HAWK system, they were trying to get a commitment on when the parts would be available, but they have not had much success so they will have to wait things out.

Mr. Gorte told the Council the Economic Development Strategy meeting was going to start at noon on October 26th at the Fairfield Inn. He said members of the business community would be invited along with members of the local government.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER VETTER, TO ADJOURN THE OCTOBER 3, 2023 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:12 P.M.

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

Voting Nay: None.

Megan Nelson, City Clerk

**UNAPPROVED MINUTES
OF THE CLOSED MEETING
CITY OF EAST GRAND FORKS**

**TUESDAY, OCTOBER 3, 2023 – FOLLOWING THE COUNCIL MEETING
CALL TO ORDER:**

The Closed Meeting of the East Grand Forks City Council for Tuesday, October 3, 2023 was called to order by Council President Olstad at 5:16 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: Ron Galstad, City Attorney; Reid Huttunen, City Administrator; and Megan Nelson, City Clerk.

DETERMINATION OF QUORUM:

The Council President Determined a Quorum was present.

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.

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO MOVE INTO CLOSED SESSION.

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

Voting Nay: None.

Discussion followed in closed session.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO MOVE INTO OPEN SESSION.

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

Voting Nay: None.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER LARSON, TO ADJOURN THE OCTOBER 3, 2023 CLOSED MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:34 P.M.

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

Voting Nay: None.

Megan Nelson, City Clerk

**UNAPPROVED MINUTES
OF THE WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, OCTOBER 10, 2023 – 5:00 PM**

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for Tuesday, October 10, 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, 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, Parks and Recreation Superintendent; Keith Mykleseth, Water and Light General Manager; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present.

1. Discussion on Demers Professional Building Fund – Reid Huttunen

Mr. Huttunen stated that fund 681 was an inactive account that had a balance of \$73,034.68, the funds were from the sale of the Demers Professional Building, and suggested transferring the funds to the general fund or use it on a project. Council President Olstad said he would prefer to use this funds on the 2024 budget. Discussion followed about how that was the cash balance and it did earn interest. Council member Vetter suggested putting it in the general fund and they should specify what the funds would be used on in the budget. Council member Helms asked about the accounts and if they were all separate at the bank. Ms. Anderson explained there was only one bank account but the funds or different accounts were set up by the State regarding how they were used. Council member Helms asked about interest. Ms. Anderson said the City did collect interest and how the City also had CD investments. There were no other questions.

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

2. Discussion on 5th Ave NW & 20th Street Partial Reconstruction Plan – Mayor Gander

Mayor Gander said there might be some strong feelings amongst the Council that the next step in this process should come from the neighborhood, but they might not know what to request. He explained they could look at replacing failed curb and gutter, failed storm sewer, failed sanitary sewer, replace any driveway aprons tied to failed curb and gutter, replace sidewalks tied to failed curb and gutter, and street repairs. He stated failed curb and gutter was a part of the storm water system, they could prioritize projects, and complete some of the project using enterprise funds while other parts of the project being

assessed to the property owners. He said they are looking to put information together on project costs and give the information to the residents, so it was being brought forward for discussion and feedback from the Council. He said based on cost constraints this might be the best thing that could be done and there had been a question about a State program for street funding but this area did not qualify for that program.

Council Vice-President Riopelle said most of the area was in his ward, the last proposed project had funds from various areas to help pay for the project, and the residents were told they needed to come forward when they wanted the street done since they did not support the project. He stated how the costs would only increase the longer it took to complete the project. Discussion followed about how the utility infrastructure would also need to be replaced, they were trying to anticipate things within the cost constraints, and information for the proposed project was to be shared with the neighborhood. Council member Vetter said he agreed with Council Vice-President Riopelle, this would set a bad precedent for the city, and they were not doing this in any other area of town so it would need to be initiated by the neighborhood. He added that was not the Council's position. Discussion followed about how many times a street project had been brought up for this neighborhood but was not supported by the neighborhood, the street had not had maintenance for over 30 years, how proposed projects had been turned down, and the proposed project could be used in different areas of the city. Council member Vetter said again it was a bad precedent, that this should not move forward, and if needed it could be voted on next week not to move forward. Mayor Gander said to because it was the only way to move forward.

Council member Peterson asked about the sanitation issue and how that would be handled. Mr. Emery said there was not a lot of sanitary sewer under the street, there was clay tile sewer, and it looked good. He said what was being proposed was a 10-year project, so if it moved forward, he would not recommend replacing the sanitary sewer. He added they were still reviewing the storm sewer, but they would not be addressing everything unless it was a full reconstruction of the street. Mr. Huttunen stated that sanitary and storm sewer repairs would be covered by the enterprise funds with the fee that was collected monthly. He added if the street had to be removed to fix a utility, that section of street would also be covered by the enterprise funds.

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

3. Indigenous Peoples' Day and Columbus Day – Mayor Gander

Mayor Gander explained he had a request to have recognition of Indigenous Peoples' Day and Columbus Day and he was as respectful as possible to all parties concerned. He asked for everyone to listen to everything and not fixate on one part. Mayor Gander reviewed when each day became a recognized holiday, he read about the theories of how people came to be in the Americas, how there was 574 tribes, he listed regional tribes, how there was much to learn from the different tribes, and listed many things that had already been learned or shared from the tribes. He commented how Leif Erickson reached North American around year 1000 and he was followed by Christopher Columbus. He reviewed what he had done prior to sailing west, how his expedition was funded by Spain, and he ended up in the Bahamas but thought he was in Asia. He added how if it was not Columbus, it would have been someone else, and continued reviewing other areas that explorers ventured to. He listed what America represented, how it did not erase past mistakes, but served as a foundation moving forward.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER RIOPELLE, TO ADJOURN THE OCTOBER 10, 2023 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:29 P.M.

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

Voting Nay: None.

Absent: Larson.

Megan Nelson, City Clerk

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Northern Lights Figure Skating Club Previous Gambling Permit Number: X- 94318-23-004

Minnesota Tax ID Number, if any: 41-1674893 Federal Employer ID Number (FEIN), if any: _____

Mailing Address: PO Box 132

City: East Grand Forks State: MN Zip: 56721 County: Polk

Name of Chief Executive Officer (CEO): Deon Wawrzyniak

CEO Daytime Phone: 701-739-0059 CEO Email: nlfscpresident@yahoo.com
(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of 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.)

- A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
60 Empire Drive, Suite 100 www.sos.state.mn.us
St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - 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.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): VFW Arena

Physical Address (do not use P.O. box): 711 3rd St SE

Check one:

City: East Grand Forks Zip: 56721 County: Polk

Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 1/31/24

Check each type of gambling activity that your organization will conduct:

- Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of licensees** tab, or call 651-539-1900.

LG220 Application for Exempt Permit

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

CITY APPROVAL for a gambling premises located within city limits

- Three checkboxes for city approval: no waiting period, 30-day waiting period, or denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

COUNTY APPROVAL for a gambling premises located in a township

- Three checkboxes for county approval: no waiting period, 30-day waiting period, or denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: [Signature] Date: 10/03/2023

Print Name: Deon Wawrzyniak

REQUIREMENTS

Complete a separate application for: all gambling conducted on two or more consecutive days; or all gambling conducted on one day. Only one application is required if one or more raffle drawings are conducted on the same day. Financial report to be completed within 30 days after the gambling activity is done. A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board. Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with: a copy of your proof of nonprofit status; and application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota. To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113 Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.

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.

This form will be made available in alternative format (i.e. large print, braille) upon request.

Request for Council Action

Date: October 10, 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: Reid Huttunen

RE: DeMers Professional Building fund

Background:

In our cash accounts, fund 681 titled DeMers Professional Building, is an inactive account with funds remaining from the contract for deed sale of the building on the corner of Demers Ave and 4th St to Palmisco Financial Services. This account and these funds have been inactive since the deed became paid in full some time ago.

Since this fund has remained inactive, it is worth a City Council discussion on how to best use the funds.

These funds can be transferred to the General Fund for any use you see fit. Staff recommendation is to transfer to the General Fund and allocate the account balance for use to cover the cost of a planned project or equipment purchase within our 2024 budget.

Budget Impact:

Total account balance of \$73,034.68

Recommendation:

Seeking discussion and direction on how to use the funds in this account.

Enclosures:

August 2023 Monthly Cash Report

Update - since the 2024 budget is still being worked on, the funds can be dedicated once the budget has become finalized so at this time the resolution only is transferring the funds to the general fund.

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	PoliceForfeiture Fund	23,231.78	0.00	0.00	23,231.78
280	HousingLot 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

Fund	Description	Beg Bal	Debits	Credits	End Bal
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

RESOLUTION NO. 23 – 10 - 64

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

WHEREAS, Fund 681 listed as the Demers Professional Building is an inactive fund account; and

WHEREAS, there are funds from the sale of the building still in the account; and

WHEREAS, the recommendation from staff is to transfer the remaining funds into the General Fund to help with the 2024 budget; and

NOW THEREFORE BE IT RESOLVED the City Council of the City of East Grand Forks authorizes the transfer of the funds from 681 into the General Fund for use in the 2024 Budget.

Reason	Amount	Transfer To	Transfer From
681 Demers Professional Building Transfer	\$73,034.68	101-39-000-39201	681-49-300-47240

Voting Aye:
Voting Nay:

The President declared the resolution passed.

Passed: October 17, 2023

Attest:

City Clerk

President of the Council

I hereby approve the foregoing resolution this 17th day of October, 2023.

Mayor

Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held on September 20, 2023, at 8:00 am in the City Council Chambers.

Present: Quirk, Grinde, Beauchamp, Riopelle

Absent: None

Also present: Ron Galstad, Todd Grabanski, Steve Emery, Todd Forster, Corey Thompson, Tyler Tretter, Kristen Shipes

It was moved by Commissioner Beauchamp seconded by Commissioner Grinde to approve the minutes of the previous regular meeting held on September 6, 2023.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

It was moved by Commissioner Grinde seconded by Commissioner Beauchamp to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$1,487,503.30.

Voting Aye: Quirk, Grinde, Beauchamp, Riopelle

Voting Nay: None

The Commission recognized Lori Maloney on her retirement and presented her with a plaque for her 33 plus years of dedicated service to the Water and Light Department.

It was moved by Commissioner Grinde seconded by Commissioner Beauchamp to adjourn at 8:18 am to the next regular meeting on October 4, 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

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 MULTIPASSENGER BICYCLES AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS DOES ORDAIN AS FOLLOWS:

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

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

CHAPTER 119 LICENSING AND REGULATION OF COMMERCIAL PEDAL BIKES

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

- (1) *Permitted commercial pedal car beverages* means beer, wine, seltzer, water, soda, juice, or non-alcoholic beverages contained in a can or plastic container not exceeding 16 ounces.
- (2) *Commercial pedal car* means a multi-passenger bicycle, as defined in Minn.Stat 169A.35 Sub 6 (a)2.
- (3) *Commercial pedal car business* means the operating of one (1) or more commercial pedal cars, whether for profit or not-for-profit.
- (4) *Commercial pedal car business operator* means a person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization operating a commercial pedal car business pursuant to a commercial pedal car business license.
- (5) *Commercial pedal car driver* means a person who has been issued a commercial pedal car driver license under this Article, is employed by a commercial pedal car business and is responsible for the safe operation of a commercial pedal car, including but not limited to the steering and braking and maintaining compliance with all federal, state and local traffic rules and regulations.
- (6) *Street* shall have the same meaning as given under East Grand Forks City Code § 70.02

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

- (1) No person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization may operate or engage in a commercial pedal car business

within the City of East Grand Forks without a commercial pedal car business license and full compliance with this Article.

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

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

- (1) *License - Commercial pedal car driver.* No person shall drive or operate a commercial pedal car within the City of East Grand Forks without first making application to City Administration, paying all fees provided for in this Article and being issued a commercial pedal driver license in accordance with this Article.
 - (A) Each submitted written application for a commercial pedal car driver license shall be on a form prescribed by City Administration and shall contain all the following:
 - (1) Name, address, date of birth of the applicant.
 - (2) All residing addresses of the applicant during the five (5) year period immediately preceding the date of the application are received by the City Administration.
 - (3) The name of the driver's license issuing state and driver's license number of the applicant.
 - (4) A copy of the person's certificate of alcohol server training issued under East Grand Forks City Code § 117.80 et al. A commercial pedal car driver

license shall not be issued to any person who does not have a valid and existing certificate of alcohol server training issued under City Code § 117.80 et al. The revocation, termination, cancellation, suspension, or expiration of a person's certificate of alcohol training shall cause the person's commercial pedal car driver license to be automatically and immediately revoked and terminated.

- (5) The applicant's consent for the City to conduct a criminal background and driving record check.
 - (6) Payment of the non-refundable commercial pedal car driver's license fee. In the event the application is denied, this payment is non-refundable.
- (B) A commercial pedal car driver's license may only be issued to an individual who is at least twenty-one (21) years of age.
 - (C) A commercial pedal car driver's license may only be issued to a person who possesses a valid driver's license, which is not suspended, revoked, cancelled, or expired. The suspension, revocation, cancellation, or expiration of a state driver's license shall cause the person's commercial pedal car driver license under this Article to be immediately and automatically revoked and terminated.
 - (D) A commercial pedal car driver license may not be issued to a person who has had more than two (2) motor vehicle moving violations during the twelve (12) month period of time immediately preceding the date the application is received by City Administration or more than three (3) motor vehicle moving violations during the thirty-six (36) month period of time immediately preceding the date the application is received by City Administration.
 - (E) A commercial pedal car driver license may not be issued to a person who has been convicted, plead guilty or nolo contendere to careless or reckless driving or for any offense of driving under the influence of alcohol or drugs during three (3) calendar years immediately preceding the date the application is received by City Administration.
- (2) *License - Commercial pedal car.* No person, firm, corporation, company association, limited liability company, partnership, limited liability partnership, limited partnership, limited liability limited partnership or other entity or organization shall operate a commercial pedal car within the City of East Grand Forks without first making application to City Administration, paying all fees provided for in this Article and have a commercial pedal car license issued for the commercial pedal car.
- (A) Each submitted written application for a commercial pedal car license shall be on a form prescribed by City Administration and shall contain all the following:
 - (1) Owners and Signatures.

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

- (ii) For a partnership (whether a general partnership, limited partnership, or limited liability partnership), the name and address of the partnership, the names and addresses of all of the partners. The general partner or managing partner shall sign the application.
 - (iii) For a limited liability company (LLC), the name and address of the LLC, and the names and addresses of all the members of the LLC. For an LLC that is a manager-managed limited company, the applicant shall also provide the names and addresses of all the managers and be signed by one of the managers. For an LLC that is a member-managed limited liability company, the managing member shall sign the application.
 - (iv) For a corporation, company, association, or other entity or organization, the name and address of the corporation, company, association, or other entity or organization, and the names and addresses of the shareholders, owners, members, and principal officers. The president or chief executive officer shall sign the application.
- (2) The name, phone number, street address (and mailing address if different) of the commercial pedal car business operator's agent for service of legal process.
 - (3) The identity and license number of each commercial pedal car the commercial pedal car business operator intends to operate within the term of the license. Any increase in the number of commercial pedal cars to be used for the commercial pedal car business shall require an amended application and payment of the fee for filing an amended application shall be submitted for such increase in the number of commercial pedal cars.
 - (4) A written plan to maintain each commercial pedal car in a safe and operable condition and to meet the minimum equipment and safety standards and requirements under City Code § 119.08.
 - (5) A document executed by the person required to sign the application under City Code § 119.03(3)(A) certifying that each commercial pedal car to be operated in the commercial pedal car business complies the requirements of this Article.
 - (6) Proof of current coverage or insurance as required under this Article.
 - (7) A declaration that the person required to sign the application under City Code § 119.03(3)(A) has read the provisions of this Article and has required each of its officers and employees to read the provisions of this Article.
 - (8) A statement of indemnification of the city and its officials, officers, agents, volunteers, and employees by the commercial pedal car business.

- (9) Any changes in the application, following approval of the license, must be approved by the City Administrator or the designee of the City Administrator.

119.04 - License Number.

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

119.05 - Term.

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

119.06 - Fees.

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

119.07 - Insurance requirements.

- (1) No commercial pedal car business license shall be issued or renewed a license without proof of commercial general liability insurance for the commercial pedal car business as the insured that is issued by a company authorized to do insurance business in the State of Minnesota in the minimum amount of two million dollars (\$2,000,000.00). Proof of insurance shall provide insurance coverage for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of the commercial pedal car arising out of the ownership, operation, use, or maintenance of a commercial pedal car.

- (2) The City of East Grand Forks, and its officers, officials, employees, boards, commissions, volunteers, and agents shall be named as additional insureds on the insurance policy described in City Code § 119.07(1).
- (3) In addition to the requirement set forth in City Code § 119.07(1), at the request of the City Administrator or the designee of the City Administrator, the commercial pedal car business operator shall provide proof of valid insurance within ten (10) business days of receiving such request.
- (4) In addition to the general liability insurance required under City Code § 119.07(1), no commercial pedal car business shall be operated in the City, nor shall any license be issued therefor, until and unless the commercial pedal car operator also deposits with City Administration a certificate of insurance or such other proof of insurance issued by a company authorized to do insurance business in the State of Minnesota covering each commercial pedal car and each passenger of commercial pedal car with no less than the minimum insurance limits required for motor vehicles pursuant to Minnesota Statutes.
- (5) Any license issued under this Article for a commercial pedal car business shall automatically and immediately be revoked and terminated upon the lapse or termination of any the insurance coverage required herein.

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

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

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

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

- (1) *Area of Operation. (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 two (2) hours continuously, provided, however, if the continuous parking time limit for the designated parking area is less than two (2) hours, 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 car 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.

119.12. – 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:

ATTEST:

PASSED: October 17, 2023

City Administrator

President of Council

I hereby approve the foregoing Ordinance this 17th day of October, 2023.

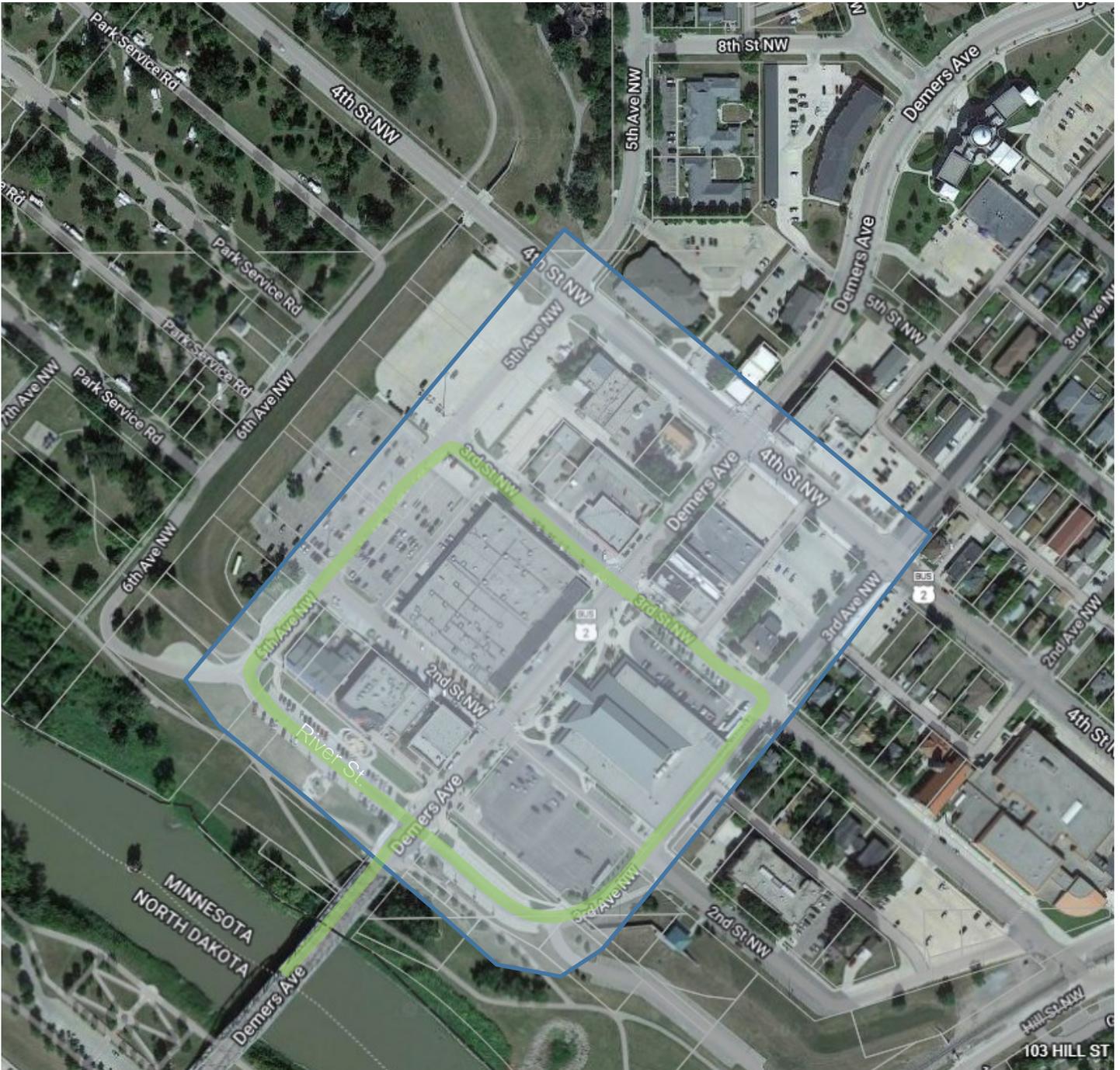
Mayor

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

RESOLUTION NO. 23 – 10 - 65

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

WHEREAS, the City Council has approved and adopted ordinances to regulate the licensing and operation of pedal pubs within the city limits; and

WHEREAS, the ordinances state the licensing fees shall be set by resolution; and

NOW, THEREFORE, BE IT HEREBY RESOLVED the East Grand Forks City Council approves setting the following fees for licensing of the pedal pub business, drivers, and vehicles:

Pedal Pub Business	Issuance Fee	\$	200.00
	Annual Renewal Fee	\$	100.00

Pedal Pub Driver License	Application Fee	\$20 plus the cost of required background check	
	Annual Renewal	\$	20.00

Pedal Pub (Vehicle License)	Annual Fee	\$	35.00
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Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed:

Passed: October 17, 2023

ATTEST:

City Administrator

President of Council

I hereby approve the foregoing resolution this 17th day of October, 2023.

Mayor

OFFICIAL SUMMARY OF 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 MULTIPASSENGER BICYCLES AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

The following is the official summary of Ordinance No. 40, 4th Series, conforming to MN Statue 331A.01 Subd 10, which was passed by the City Council on October 17, 2023. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at www.egf.mn.

The sections of the Licensing & Regulation of Commercial Pedal Car and to amend City Code sections relating to alcohol consumption on multipassenger bicycles ordinances are as follows:

CHAPTER 119 LICENSING AND REGULATION OF COMMERCIAL PEDAL BIKES

119.01 – Definitions - define permitted commercial pedal car beverages, commercial pedal car, commercial pedal car business, commercial pedal car business operator, commercial pedal car driver, and street.

119.02 – License Required - non-exclusivity; regulatory power of the city council; non-transferability.

119.03. Commercial Pedal Car License and Commercial Pedal Car Vehicle

Qualifications for licenses - Describes qualifications of license for commercial pedal car driver license, for a commercial pedal car, and commercial pedal car business.

119.04. License Number - Describes how the driver and business will be assigned a license number.

119.05 Term – The license expires annually on December 31st of each year and renewal process.

119.06 Fees – To be set by the Council.

119.07 Insurance Requirements – Describes coverages necessary to protect the City.

119.08 Equipment and Safety Standards and Requirements for Commercial Pedal Cars – Lists minimum equipment and safety standards for commercial pedal cars

119.09 Operating Standards and Requirements for Commercial Pedal Car – Describes area of operation, the requirement of a plan for the operation of the commercial pedal car, hours of operation, no operation allowed on sidewalks or greenway, the speed limit, what is expected for operations and license display requirements.

119.10 Commercial Pedal Car Inspections – Describes the annual and periodic inspections.

119.11 License Denial and Revocation – Describes when a license would be denied or revoked.

119.12 Penalty – States the penalty for operation of a commercial pedal car without licensing.

Section 2: Amending Clause to Amend East Grand Forks City Code 70.02 - *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 –

(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 –

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.

Request for Council Action

Date: October 17, 2023

To: East Grand Forks City Council Mayor Steve Gander, Council members Clarence Vetter, Dale Helms, Tim Riopelle, Tim Johnson, Mark Olstad, Marc DeMers, and Brian Larson.

Cc: File

From: Nancy Ellis, Community Development Director

RE: Approve the proposal and contract agreement from Roof Spec Ince, RSI building envelope to develop plans and specifications/bid for City Hall roof project

RECOMMENDATION:

Approve Proposal and contract agreement from Roof Spec, Inc. DBA RSI Building Envelope to prepare plans and specifications for an RFB to complete the 2024 City Hall roof project; help with the bid process; and perform construction administration and quality assurance of the roof project.

BACKGROUND INFORMATION:

A few years ago, the City of East Grand Forks received an assessment from RSI on the condition of roof/building envelopes of several City facilities. From this assessment, it was determined that many of these roofs needed to be redone or re-roofed. They have been scheduled in our Capital Improvement Plans and the City Hall roof is up for re-roofing in 2024.

To bid this project, we need to hire a consultant to prepare the design specifications and drawings for the project, prepare bid packages and contract agreements, contact the bid process and provide construction administration and quality assurance observation (QAO). We have received a proposal from Roof Spec, Inc DBA RSI Building Envelope to complete the above-mentioned tasks. Because of their familiarity with our building and their specialized knowledge of roofing and construction, I feel that we should enter into a contract with RSI to begin the process immediately and get this project out for bids at the beginning of 2024. (After discussion with Karla, we have the funds available this year for the design and bidding portion of the contract with RSI.)

SUPPORT MATERIALS:

- Proposal and contract agreement from RSI

October 3, 2023

Nancy Ellis
Community Director
City of East Grand Forks
600 Demers Avenue
East Grand Forks, MN 56721



**2400 Prior Avenue N.
St. Paul, MN 55113
651-639-0644
www.rsi-be.com**

Phone: 218-773-0124
Email: nellis@ci.east-grand-forks.mn.us

**SUBJECT: CITY OF EAST GRAND FORKS
CITY HALL
600 DEMERS AVENUE
EAST GRAND FORKS, MN 56721
PROPOSAL #P23-13928-02 & 03**

Dear Nancy

Enclosed please find our proposal for development of plans and specifications for the above-referenced facility. We have also provided an estimated cost for Construction Administration services and Quality Assurance Observation to be performed during the reroofing activities. Our Construction Administrative Services are based on 6 weeks of construction duration assuming 6 site visits for observation for the duration of construction.

This proposal includes the following documents:

- Scope of Services/Fee Schedule
- Proposal and Contract Agreement
- Indemnification and Waiver Relating to Asbestos

If you find this proposal acceptable, please sign, date and return the attached Proposal and Contract Agreement to our office at your earliest convenience.

If you should have any questions or require further information, please contact our office.

Respectfully,

RSI BUILDING ENVELOPE

A handwritten signature in blue ink, appearing to read 'Dan Trenda', written over a horizontal line.

Dan Trenda, RRO, RRC
Senior Consultant

DT/wt



October 3, 2023

Proposal #P23-13928-02 & 03

Plans and Specifications, Construction Administration, and Quality Assurance Observation Services For:

**City of East Grand Forks
City Hall
600 Demers Avenue
East Grand Forks, MN 56721**

Prepared for:

Nancy Ellis
Community Director
City of East Grand Forks
600 Demers Avenue
East Grand Forks, MN 56721

Prepared By:

Dan Trenda, RRO, RRC
Senior Consultant
RSI Building Envelope

Email: dant@roofspec.com
Phone: 651-769-5537



**2400 Prior Avenue North
St. Paul, MN 55113**
www.rsi-be.com



INTRODUCTION

RSI Building Envelope (RSI) is an independent engineering/consulting firm specializing in evaluation, design, and construction administration (observation) services of the building envelope.

RSI’s Roofing and Building Envelope Group provides general consulting, document review, investigation, testing, construction administration (observation) services to building owners, contractors, and design professionals. RSI focuses on inspecting/consulting on unique air/vapor/thermal barrier, claddings, waterproofing, flashing, roofing and wall issues related to moisture intrusion and longevity.

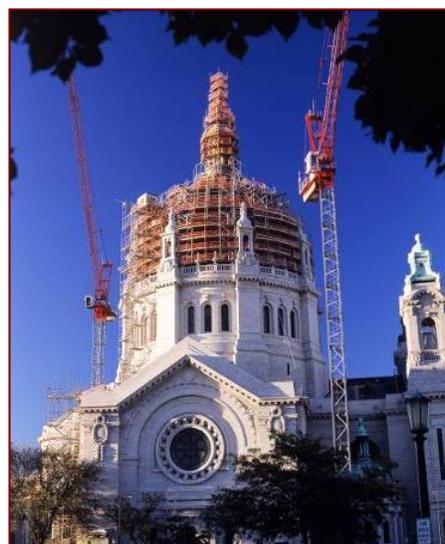
As an independent engineering firm, we have no obligations to contractors, architects, or manufacturers which allow RSI to provide unbiased counsel to you, our client. Our engineering, consulting, and field support staff have extensive hands-on experience and knowledge. This expertise ensures the services you receive are timely, accurate and delivered to meet the highest professional standards. We are committed to providing our clients with timely answers and quality solutions.

delivering solutions exceeding expectations

RSI is a corporation of less than 40 employees. Our focus is on quality rather than quantity. Our skilled and highly trained technical staff has performed work on many specialized, higher education, historical and high profile projects throughout the United States.

Disciplines include:

Professional Engineers	3
Registered Architects	1
Registered Roof Consultants	5
Registered Waterproofing Consultant	1
Facade (masonry) Consultants/Observers	4
Roof & Waterproofing Observers	8
Certified Infrared Thermographers	3
Computer-aided Design (CAD) Specialists	3
Curtain Wall Consultant	1

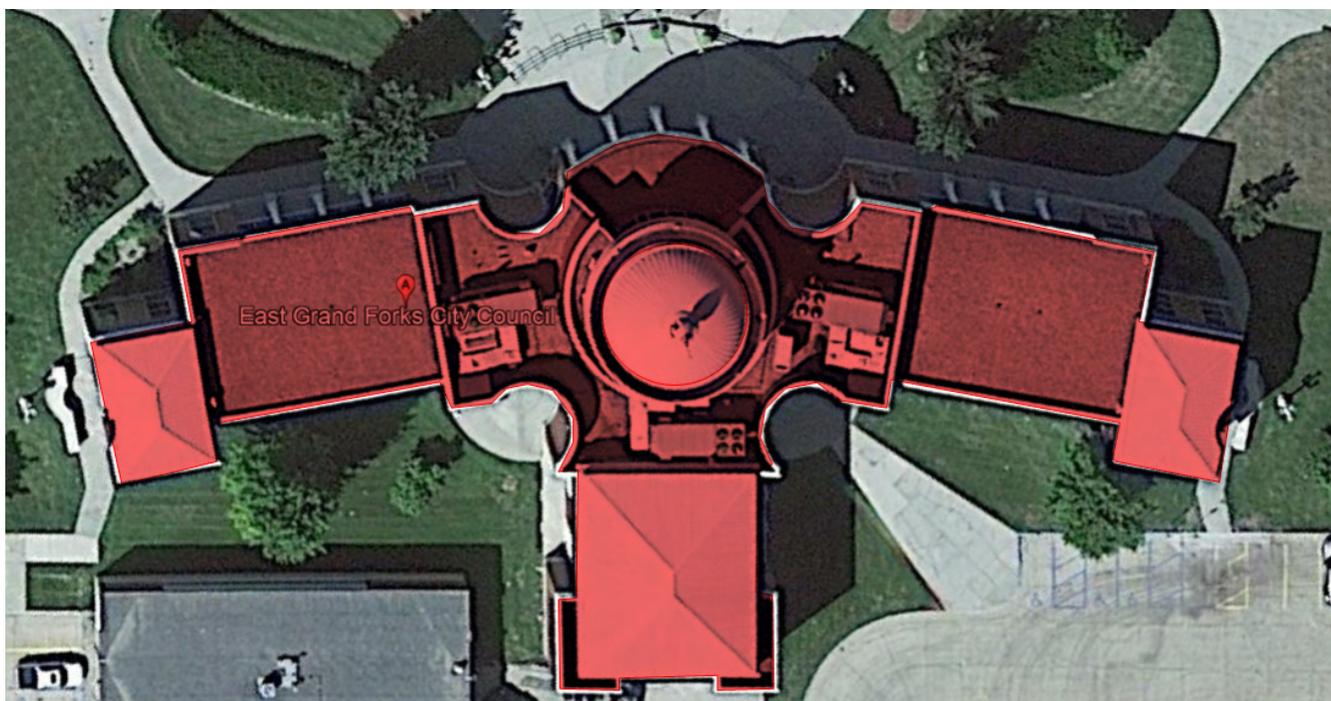


Saint Paul’s Cathedral, St. Paul, MN



PROJECT UNDERSTANDING

The roof areas in need of replacement are shown highlighted below.



Based on the information received we plan to provide engineering services for design and specifications for reroofing of the areas highlighted above. For the completion of design documents, we would request that any existing drawings for the original construction be made available and we would also need to gain access to the roof areas to perform test cuts at various locations to verify existing conditions prior to bidding.

- **If structural engineering and/or mechanical engineering is necessary this is not included within this proposal.**



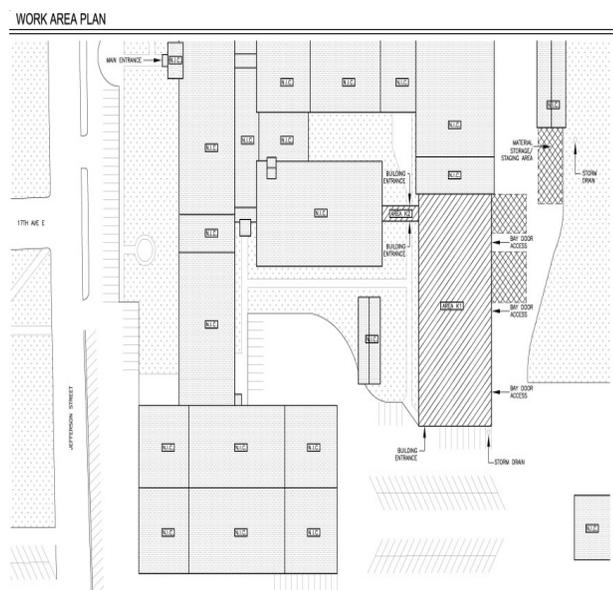
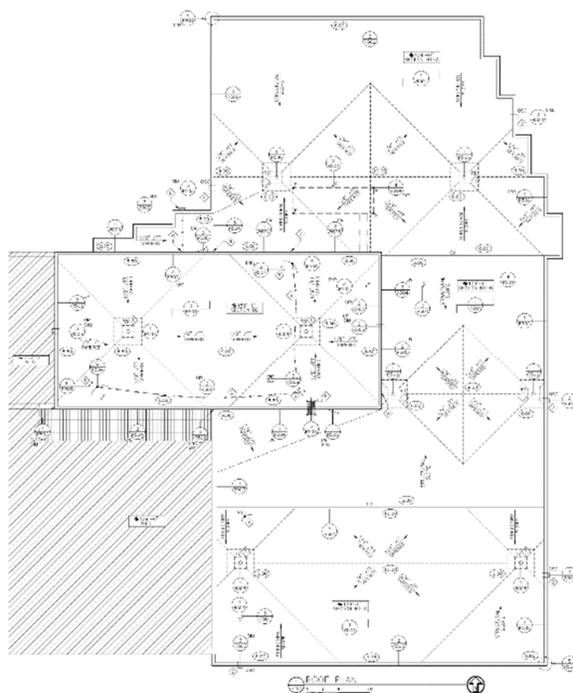
SCOPE OF SERVICES

SPECIFICATION PREPARATION

Project Design and Bidding

This phase will consist of preparing re-roofing specifications and drawings that define the scope of demolition work, identify the appropriate materials and quality control procedures, and address details.

RSI will begin the process with a kick-off meeting to discuss the scope of work and establish a clear line of communication between the stakeholders and RSI personnel. RSI will then interview facility personnel to discuss the history of the subject area(s) and concerns to be overcome within the design. RSI will then review all existing documentation relative to existing construction and materials to help address concerns with existing construction and compatibility of materials.



RSI will verify the scope of work and existing construction through our field verification process where access is available. A drafting team will make test openings at various locations to verify the existing conditions. This allows for accurate detailing of the existing conditions and enables us to provide a design package for the new roof system obtaining bids on an apples-to-apples basis. We will then attempt to verify our findings with any existing documentation available. Whenever possible, the existing insulation and roof system components are re-used to minimize both the impact of re-roofing on the interior operations of the facility, the local environment, and to reduce the overall project costs. RSI has a thorough understanding of energy code requirements and will provide options that meet or exceed current codes as desired by the owner and key stakeholders.

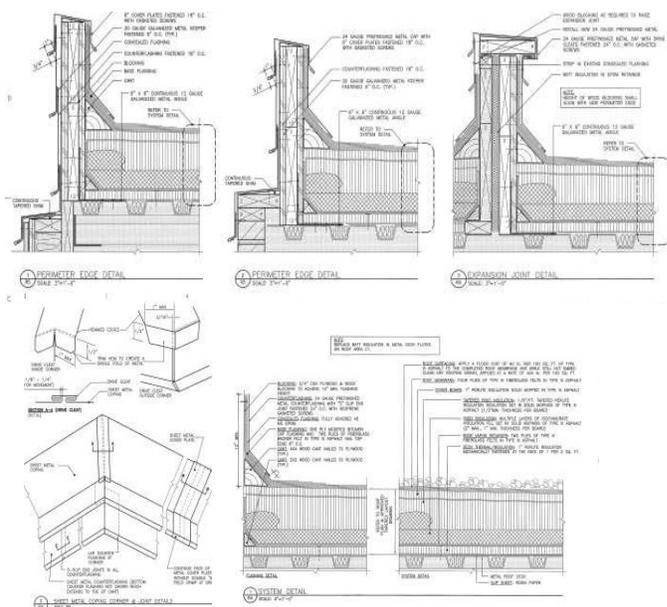


City of East Grand Forks
 City Hall
 600 Demers Avenue, East Grand Forks, MN 56721

October 3, 2023
 RSI Proposal #P23-13928-02 & 03
 Page 5

Samples of the existing roof system and flashings are taken by a Minnesota Certified Asbestos Inspector and submitted for laboratory analysis. The removal of any asbestos containing roofing materials is then addressed in the project specifications.

RSI will design the new roof system by preparing a project manual with job specific references to the roof areas. A set of detail drawings consisting of a site plan, roof plan, general notes and pages of project specific details will also be provided in electronic format as well as hard copies as required. During the finalization of the construction documents, RSI will consult with key stakeholders to include all alternates and unit prices as necessary to work within the budget before and after bids are received.



RSI will conduct a pre-bid meeting with qualified contractors to familiarize them with specific requirements of the contract documents.

Upon receipt of the bid packages, we review bids with contractor to gain verification from the bidder that their bid meets the bidding requirements as stated in the project manual and correctly addresses the Scope of Work defined. A summary of bids received is supplied to the owner and a recommendation is made for award of the contract.

RSI will provide a formal AIA Document A101 Standard Form of Agreement Between Owner and Contractor if owner does not have standard contract documents.



CONSTRUCTION ADMINISTRATION/OBSERVATION

- Provide periodic roofing installation observation utilizing the attached documents
- Provide daily Observation Reports to project team during roofing activity.
- Work with project team as needed to resolve any issues

Quality Assurance Observation (QAO) of roofing projects is an important process for determining if the removal, installation, repair, or maintenance of roofing materials or systems follows the scope and intent of the contract document. QAO assures that roofs are installed and executed in accordance with accepted roofing practices and the contract documents. The QAO's function is to provide on-site observation and reporting of the roof construction process in a clear, accurate, and objective manner, using procedures outlined in RSI's internal quality control program and in ASTM standard *D7186 Standard Practice for Quality Assurance Observation of Roof Construction and Repair*.

Throughout the entire project, the RSI Quality Assurance Observer will conduct periodic site visits to assist in documenting the quality of work and whether it is proceeding according to the contract documents in accordance with ASTM D7186.

Observation and Recording Procedures

- Documentation shall include both a written and photographic record for historical file purposes and shall be made available to all parties involved in the roofing project. Project documentation may begin at the pre-construction conference or earlier and shall be continuous for the duration of the roofing project. Written documentation shall be clear, concise, and present an accurate, objective account of the roof construction project. Reports shall accurately describe the sequence of events, installation methods, workmanship by the contractor, problems encountered and corrective actions taken.
- Pre-construction Damage Reporting – Thorough examination of building surfaces, equipment, and other property items is necessary to document preexisting damages prior to commencing construction. The report shall be distributed to all parties and shall be generated, whenever possible, with the contractor's representative and building personnel to indicate preexisting damage. It shall include photographic documentation of the areas viewed and damages noted. The report shall include, but is not limited to inspection of the roof areas under contract; interior spaces directly below the project areas; condition of related rooftop equipment and adjacent building(s), as well as building facades; pavement and landscaping in staging areas.
- Material Delivery and Examination Reporting – Prior to the start or during the initial staging of the project, and following the delivery of materials thereafter, the QAO shall examine the materials delivered to verify conformance with the contract documents.
 - The report shall note the condition of materials, the manufacturer, specific product designations, approximate quantity, lot or batch numbers, and if the materials are stored properly, noting the use of pallets, dunnage, tarpaulins, and so forth, in the report.
 - The report shall include photographic documentation of the general condition of the material, including any damages or defects in the material.
 - The QAO shall immediately notify the contractor or its representative if any materials are determined to be damaged or defective.



- Daily Construction Reporting – A report documenting the nature of roofing work performed, progress, problems encountered, and actions taken by given individuals shall be completed each day.
 - The report shall include, but is not limited to: crew size, daily temperatures, wind, weather conditions, roof removal procedures (if applicable), structural deck or substrate condition, deck/substrate preparation, application and securement of any vapor retarders, base sheets, insulation layers, roofing and flashing membranes, sheet metal components, and other related roof accessories.
 - The report shall record the size of the roof area(s) completed each day, deck repair or replacement dimensions, application temperatures of bitumens or adhesives, fastening pattern and spacing used to secure roof system components, exposure, headlap, side and end lap, dimensions of felt or membranes, and approximate linear footage of flashing membrane and sheet metal installation.
 - The report shall record the use and construction of temporary weather protection (for example, night seals or tie-offs).
 - If workmanship defects are noted, or if the installation of a specific material does not appear to meet the project specifications, the QAO will notify the contractor, or its representative, immediately.
 - The report will note on the same day the final resolution of all variances listed in the report. If this is not possible, the QAO shall track these variances daily in the daily construction reports until such time as the final resolution can be documented.
 - Photographic documentation of the project shall accompany daily reports.
 - A roof plan shall be attached to the progress report showing the location of work and date for each day of construction.

Construction Observation Report										
Date: May 3, 2017										
 <p>Roof Spec. Inc. 2400 Prior Ave. N. St. Paul, MN 55113 651-639-4644 www.roofspec.com</p>					Project Name: Sample Project		Reporting To:			
					Contractor: Kendrick Bros. Roofing (KBR)		RSI Project #:			
					Roof Consultant: Roof Spec. Inc. Wes Thone W.Thone@roofspec.com		RSI Representative: Sean Gage s.gage@roofspec.com			
					Trade Designation: Roofers		Crew Size: 10	Work Location: Various	Start Time: 7:00 A.M.	End Time: 7:30 P.M.
									A.M.	P.M.
Project Status										
Working Day:	15	Percent of Work Complete:	85%							
Allowed Working Day:		Anticipated Project Completion:	5/5/2017							
Substrate of Deck										
Type: Concrete Deck	Deck Preparation: Swept Clean of Debris									
Base Insulation: Isocyanurate	Thickness: 2"	Fastening Pattern: Spray Foam Adhesive								
Surface Insulation: Dens Deck	Thickness: 1.4"	Fastening Pattern: Spray Foam Adhesive								
Membrane										
Membrane Type: 60 mil	Membrane Adhesive Type: PVC									
Number of Plies: Single-ply	Flashing Material: PVC									
Manufacturer: Sarnafil										
Field Check										
Head Laps: 6"	Bitumen/Felt Application: Not Applicable									
Bitumen/Kettle Temp: Not Applicable										
Work Location(s): Various Locations										
Drainage Conditions: Structural Slope to Perimeter Gutter Edge										
Remarks										
<ul style="list-style-type: none"> • Upon our arrival, the contractor had approx. 80% of the new fully adhered Sarnafil 60-mil PVC membrane installed. Approx. 272 squares (27,235 sq. ft.) of new roof membrane had been installed. • Contractor first removed the existing roof membrane down to the structurally slope concrete deck. Concrete deck was swept clean of any remaining debris. 										



REPORT EXAMPLES

Project Name: Sample Project Roof Replacement
RSI Project #: 17-Sample-03
Date: 5/3/17
Page 2 of 8

- Using low-rise spray foam (Sarnacol 2163), Contractor adhered the first layer of 2" isocyanurate insulation to the concrete deck, followed by another layer of 2" isocyanurate insulation, and then a layer of 1/2" dens deck cover board. All joints in the insulation boards were staggered.
- Contractor installed a 1/2" per foot tapered cricket on the upslope side of any large roof curb/unit to promote positive drainage around the unit.
- Once the insulation was installed, the Contractor then fully adhered the new 60 mil PVC membrane to the Dens Deck cover board using Sarnacol 2121 (water-based adhesive).
- The membrane was set into position and rolled in half the long way. Contractor applied the adhesive to the substrate using rollers at which point the membrane was rolled into the adhesive. The membrane was then "beamed out" to assure adhesion to the substrate.
- With the membrane in place, all head laps (6") and all side laps (3") were welded together using both hand welders and a robotic welder. A pull test was performed before welded the field seams and passed. The robot was set to a temperature of 1040F and a speed of 7.2.
- Upon allowing the seams to cool, the Contractor probed all seams to locate any cold welds. Any cold welds were reworked or patched.
- Around all roof penetrations, the Contractor welded PVC boot flashing in place. Along the top edge of the flashing, a stainless steel drawing band and caulking were installed.
- At the transition between the existing ballasted 45-mil EPDM roof and the new 60-mil PVC membrane, 2x wood blocking was first secured down to the concrete decking to match the height of the existing insulation. Once the wood blocking was in place, the transition joint was covered with PVC-coated metal secured staggered 6" O.C. Along the PVC seam, Contractor stripped in the edge of the coated metal with 8" PVC cover strip, welding the side lap with hand welders. Welds were then probed upon cooling. Additionally, along the EPDM edge of the transition, 8" wide uncured EPDM peel-n-stick flashing was used to strip in the edge of the coated metal. The flashing was then hand rolled to assure adhesion and to remove any air bubbles. (Refer to diagram below)
 - Note: This is a temporary transition between the two roof membranes and will require annual inspections and maintenance such as checking all seams and replacing any deteriorated caulking until the remainder of the roof is replaced.
- Along all roof-to-wall transitions, the new 60-mil PVC membrane was fully adhered to the concrete block substrate. At the top edge of the membrane, sealant was first installed behind the membrane and then an aluminum termination bar was secured using lead anchors. The top edge of the termination bar was also coated with sealant. (Refer to detail below)
- Along perimeter edges of the work area, 24 ga. PVC-coated metal (Sarnaclad) was secured to the perimeter wood blocking and stripped in with an 8" PVC cover strip. 24 ga. "Sherwood Green" kynar finished metal was then clipped onto the Sarnaclad gravel stop metal.
- The Contractor expects the work to be completed by the end of the week, May 5th, 2017.

Temporary Roof Membrane Transition

Project Name: Early Childhood and Community Center
RSI Project #: 17-12456-01
Date: 12/7/17
Page 4 of 8

Work Area

Project Name: Sample Project Roof Replacement
RSI Project #: 17-Sample-03
Date: 5/3/17
Page 4 of 8

85- View of the new membrane tying into the existing metal panels and support columns along the NW roof edge.

86- 24 ga. PVC coated (Sarnaclad) metal was secured along the perimeter edges of the work area(s). A "Sherwood Green" metal cover clip was then applied over the top of the Sarnaclad upon completion.

87- Overview of the work area on May 3rd, 2017. All layers of insulation were adhered in place using Sarnacol 2163 adhesive.

88- Using Sarnacol 2121 water-based adhesive, the 60-mil PVC membrane was adhered to the Dens Deck substrate.

Project Name: Early Childhood and Community Center
RSI Project #: 17-12456-01
Date: 12/7/17
Page 4 of 8

87- Moreover, near any walls and around the drains, Contractor used hot mops to install the new BUR membrane.

88- Overview of the roof membrane after it had been partially installed.

Material Delivery Report

Product Name	Manufacturer	Description	Meets Submittals	See Comments
Clad-Gard SA	Firestone	Self-adhering Membrane	N/A	Not in Submittals
Fleegly 6	GAF	Fiberglass Roofing Felts	Yes	
Matrix 202 SBS	GAF	Roofing Cement	Yes	
#12 Standard Hex Head (7") Fasteners	OMG	Fasteners		
Recessed Arcuate Plate (3")	OMG	Galvalume Plates		
EnergyGuard	GAF	Polyiso Insulation		



COSTS

A. DESIGN & BIDDING

ITEM	DESCRIPTION	COST
I	Schematic Design/ Design Development Phase including Formal Design Meeting	\$13,500.00
II	Construction Documentation Phase	\$8,500.00
III	Bidding	\$2,500.00
Design Subtotal (lump sum)		\$24,500.00

- RSI will access via roof hatch, ladder if possible, or lift provided by the City. If necessary for RSI to need/provide a lift it would be billed at actual cost.

B. CONSTRUCTION ADMINISTRATION AND QUALITY ASSURANCE OBSERVATION

ITEM	DESCRIPTION	COST
I	Services of Quality Assurance Observer to perform observation services of re-roofing/repair procedures, review all contractor's invoice and submittals: Estimated 60 hours @ \$102.00/hour =	\$6,120.00
II	Senior Roof Consultant to attend meetings prepare final report of membrane condition and punch list: Estimated 32 hours @ \$155.00/hour =	\$4,960.00
III	Clerical Staff to prepare and assemble final reports for distribution: Estimated 5 hours @ \$70.00/hour =	\$350.00
IV	Mileage: Estimated 2,501 miles @ \$0.585/mile =	\$1,463.08
V	Miscellaneous Expenses: (photos, copies, etc.) Estimated Cost =	\$800.00
CA/QAO Subtotal (T & E)		\$13,693.08



REMARKS

In RSI's past 37 years in business, we have successfully worked with numerous construction managers, general contractors, architects/engineers, and building owners on a national basis. RSI ability to work as a team with other project stakeholders while still maintaining our independent status is a key component of our success in past projects.

We look forward to the opportunity of working with you to assist in completing the subject project. For any additional services requested by the client not specifically identified on this proposal, we would bill the client at an hourly rate based on the attached fee schedule.

This proposal is valid for ninety (90) calendar days. If you should have any questions or require additional information, please contact our office. Thank you.

Respectfully,

RSI BUILDING ENVELOPE

A handwritten signature in blue ink, appearing to read 'Dan Trenda', is written over a horizontal line.

Dan Trenda, RRO, RRC
Senior Consultant



2023 RSI FEE SCHEDULE

I	Principal/Senior Engineer/Architect:	\$170.00/hour
II	Litigation Services: Preparation: Testimony:	\$210.00/hour \$260.00/hour
III	Senior Wall/Roof/Waterproofing Systems Consultant/RRC/RWC	\$155.00/hour
IV	Project Manager/RRO: (Portal to Portal) Consulting, Review & Report	\$102.00/hour
V	Project Designer	\$102.00/hour
VI	Field Technician: Full Time/Part Time (Portal to Portal)	\$85.00/hour
VII	CAD/ Design Draftsperson:	\$85.00/hour
VIII	Administration/Clerical Staff	\$70.00/hour
IX	Mileage (Portal to Portal):	\$0.585/mile
X	Per Diem:	\$49.00/day

Laboratory Analysis ®

I	New Construction Built-up Roof Samples – ASTM D3617 Without Surfacing With Glaze/Surface Coat	\$350.00 \$400.00
II	Softening Point of Bitumen (Asphalt/Coal Tar Pitch) (ASTM D2398 & ASTM D36)	\$225.00
III	ASTM D1863 Gradation	\$200.00
IV	Moisture Tests: Thermal Insulation by Weight Felt – ASTM D95	\$100.00 \$170.00
V	Pick Up Charge	\$150.00



**2400 Prior Avenue N.
St. Paul, MN 55113
(651) 639-0644
www.rsi-be.com**

PROPOSAL AND CONTRACT AGREEMENT

This agreement is made this 3rd day of October 2023, between Roof Spec, Inc. D/B/A RSI Building Envelope, 2400 Prior Avenue North, St. Paul, MN 55113, and The City of East Grand Forks (hereinafter referred to as the “Owner/Client”).

In consideration of this Contract Agreement (“Contract”), and other valuable consideration, the receipt of which is acknowledged, the parties agree to the following terms and conditions.

ARTICLE I – Project and Scope of Work

This Contract covers the labor and services to be performed and/or supplied by Roof Spec, Inc. D/B/A RSI Building Envelope to the Owner/Client for the following Project (“Project”):

RSI Project No.: P23-13928-02 & 03
Project Name: East Grand Forks City Hall
Project Location: 600 Demers Avenue, East Grand Forks, MN 56721

The Owner/Client agrees to pay Roof Spec, Inc. D/B/A RSI Building Envelope for all labor, material, and services provided on the Project, as stated below.

The scope of work for this Project is incorporated by this reference (“Scope of Services”).

ARTICLE II – Contract Documents

The Contract documents, which constitute the entire agreement between Owner/Client and Roof Spec, Inc. D/B/A RSI Building Envelope, consist of the following:

- This Contract
- Scope of Services
- Indemnification and Waiver Relating to Asbestos
- Change orders and modifications to this Contract executed after date hereof.
- Any Written Amendments to this Contract.



ARTICLE III – The Owner/Client’s Duties and Representations

1. Owner/Client will provide Roof Spec, Inc. D/B/A RSI Building Envelope immediate access to the building for review purposes at all times during regular business hours.
2. Owner/Client agrees to pay Roof Spec, Inc. D/B/A RSI Building Envelope all amounts due under this Contract.
3. Owner/Client agrees that the balance of all sums due under this Contract shall be immediately due and payable upon completion of services by Roof Spec, Inc. D/B/A RSI Building Envelope, and Roof Spec, Inc. D/B/A RSI Building Envelope may charge the maximum legal rate of interest upon any sum due under this agreement which is not paid within 15 days of its due date. Owner/Client agrees to pay reasonable attorney fees and costs incurred in collecting overdue accounts.
4. Owner/Client may make any changes or additions to the Scope of Services in this Contract without invalidating the Contract, as long as the changes are agreed to by all parties and are made in writing. When the Owner/Client makes changes or additions to the Scope of Services, the parties shall create a written Change Order that details the additional work and costs associated with the addition or change to the Contract. The Change Order shall also specify the amount of time that shall be given to Roof Spec, Inc. D/B/A RSI Building Envelope to perform this additional or changed work. This Change Order shall be agreed upon, in writing, and signed by the parties before the work is started by Roof Spec, Inc. D/B/A RSI Building Envelope.

ARTICLE IV – Roof Spec, Inc. D/B/A RSI Building Envelope s Duties and Representations

1. Roof Spec, Inc. D/B/A RSI Building Envelope agrees to perform all work described in the Scope of Services.
2. Roof Spec, Inc. D/B/A RSI Building Envelope represents that data as to the building conditions provided to Owner/Client in an Investigative Report or Evaluation Report will be valid for 60 days only from the date of such report, unless otherwise stated or confirmed in writing.
3. Roof Spec, Inc. D/B/A RSI Building Envelope makes no representation as to the structural adequacy of the building to support the repairs or replacement recommended, except upon the basis of written opinion of an independent structural engineer, provided by Owner/Client.

ARTICLE V – Indemnification

Roof Spec, Inc. D/B/A RSI Building Envelope agrees to indemnify and hold the Owner/Client harmless from claims for damages, losses, and expenses arising out of or resulting from Roof Spec, Inc. D/B/A RSI Building Envelope’s performance of the work provided for in this Contract, provided that any such claim, damage, loss or expense (1) is attributable to body injury, sickness, disease or death or to injury to or destruction of tangible property including the loss of use thereof, and (2) is caused in whole or in part by any negligent act or omission of Roof Spec, Inc. D/B/A RSI Building Envelope anyone directly or indirectly employed by any of Roof Spec, Inc. D/B/A RSI Building Envelope, or (3) is attributable to injuries sustained by any employee of Roof Spec, Inc. D/B/A RSI Building Envelope during the performance of work under this Contract, for any cause whatsoever.

Roof Spec, Inc. D/B/A RSI Building Envelope, however, is not liable to the Owner/Client for damages, losses, expenses, or claims which arise out of the Owner/Client’s acts or omissions, negligent or otherwise. Roof Spec, Inc. D/B/A RSI Building Envelope is also not liable to the Owner/Client, or any other person or entity, for damages, losses, expenses, or claims which arise out of this Project and that are caused by the acts or omissions, negligent or otherwise of parties not under the direct control of Roof Spec, Inc. D/B/A RSI Building Envelope.

Owner/Client is responsible for indemnifying Roof Spec, Inc. D/B/A RSI Building Envelope from all damages and circumstances involving asbestos or asbestos containing materials (“ACM”), as specifically described in the attached “Indemnification and Waiver Relating to Asbestos”.



ARTICLE VI – Warranties and Disclaimers

Roof Spec, Inc. D/B/A RSI Building Envelope will exercise reasonable skill and judgment in providing its consulting services. Roof Spec, Inc. D/B/A RSI Building Envelope will not be a guarantor of the Project to which its services are directed, and its responsibility shall be limited to work specifically performed by Roof Spec, Inc. D/B/A RSI Building Envelope for the Owner/Client. Roof Spec, Inc. D/B/A RSI Building Envelope shall not be responsible for acts or omissions of the Owner/Client or contractors, subcontractors, or third parties not under the direct control of Roof Spec, Inc. D/B/A RSI Building Envelope.

Roof Spec, Inc. D/B/A RSI Building Envelope makes no other representations or warranties, express or implied.

ARTICLE VII – Limitation of Damages

In no event shall Roof Spec, Inc. D/B/A RSI Building Envelope, or its agents or employees, be liable to the Owner/Client, or anybody else, for any special, punitive, incidental, indirect or consequential damages of any kind, whatsoever, including, without limitations, those resulting from the Project, whether or not Roof Spec, Inc. D/B/A RSI Building Envelope has been advised of the possibility of such damages, and regardless of the theory of liability, arising out of or in connection with the Project.

Roof Spec, Inc. D/B/A RSI Building Envelope’s maximum liability for damages arising from the Project, under any legal theory, shall not exceed the amount paid by the Owner/Client to Roof Spec, Inc. D/B/A RSI Building Envelope for the work it provided on this Project. The existence of one or more claims or suits or parties will not enlarge this limit. Each party acknowledges that this is the sole remedy that the Owner/Client may obtain from Roof Spec, Inc. D/B/A RSI Building Envelope. Each party also acknowledges that this is an appropriate allocation of risks for the Project.



ARTICLE VIII – Miscellaneous

1. This Contract shall be governed and constructed in accordance with the laws of the State of Minnesota.
2. If one or more paragraphs of this Contract are found to be unenforceable, illegal, or contrary to public policy, or are in some other manner declared to be unenforceable by a court of competent jurisdiction, then the remainder of the Contract shall remain in full force and effect to the extent possible.
3. This Contract represents the entire agreement of the parties and supersedes all prior oral or written agreements.
4. This Contract may not be amended, unless the amendment is agreed to by both parties in writing.
5. Execution of this Contract by Owner/Client, or issuance of a purchase order by Owner/Client will constitute acceptance of each and every term and condition of this Contract. Any additional terms or conditions stated in Owner/Client’s purchase order, or other written communication accepting this Contract, or contained in any general or special conditions issued by Owner/Client, or by alteration by Owner/Client of this contract form, shall not be valid under any circumstances unless specifically adopted or proved by written response of Roof Spec, Inc. D/B/A RSI Building Envelope. Failure to respond by Roof Spec, Inc. D/B/A RSI Building Envelope shall be deemed a denial of any additional terms or conditions stated in Owner/Client’s acceptance or counter-proposal of Owner/Client.

Accepted and agreed to:

By (Signature)

Title

Company

Date

By (Signature)

Senior Consultant
Title

Roof Spec, Inc. D/B/A RSI Building Envelope
Company

Date



INDEMNIFICATION AND WAIVER
RELATING TO ASBESTOS

In engaging Roof Spec, Inc. D/B/A RSI Building Envelope to consult on the project which is the subject of the Contract between the parties, the Owner/Client, acknowledges that Roof Spec, Inc. D/B/A RSI Building Envelope is not contracting to discover, contain, or clean up asbestos or asbestos containing materials (“ACM”). The Owner/Client also agrees that, although asbestos or ACM may be encountered in the building construction or parts of the building construction and areas adjacent thereto, and although activities by Roof Spec, Inc. D/B/A RSI Building Envelope, its employees, agents, or subcontractors (including but not limited to, sampling, and corrective work) may disturb asbestos in the building construction and cause such asbestos or ACM to be a hazard, the Owner/Client (i) will not hold Roof Spec, Inc. D/B/A RSI Building Envelope liable under any legal theory including those based upon any failure to discover or to attempt to discover the presence of asbestos or ACM, failure to contain, remove, or clean up asbestos or ACM or any other act of omission arising from the presence of asbestos or ACM (including disturbing any such presently existing materials); and (ii) will defend and indemnify, to the greatest extent allowable under the law, Roof Spec, Inc. D/B/A RSI Building Envelope, its director, officers, employees, agents, successors and assigns against, and hold them harmless from and in respect of, any claim, demand, loss, liability, cost, or exposure, including, but not limited to, reasonable attorney’s fees and property damage related to the presence of asbestos or ACM in the building, or any disturbance of the same, excepting only claims by employees, agents, or subcontractors of Roof Spec, Inc. D/B/A RSI Building Envelope.

In the event Roof Spec, Inc. D/B/A RSI Building Envelope, learns of the existence of asbestos or ACM in connection with its work, Roof Spec, Inc. D/B/A RSI Building Envelope’s sole obligation is to use diligent efforts to notify Owner/Client of the existence of materials. Roof Spec, Inc. D/B/A RSI Building Envelope shall have the right to discontinue its work and remove its employees from the project (or that portion of the project in which such materials were encountered), without any monetary or time penalty, until those materials (or any hazards related thereto) are abated, encapsulated or removed, and/or it is determined that no hazard exists.

This indemnification and waiver shall govern over conflicting or inconsistent clauses of the General Contract, general conditions of the contract, special or supplementary conditions, technical conditions, plans and specifications.

Request for Council Action

Date: October 17, 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: Mayor Gander

RE: Consider 5th Ave & 20th St NW Limited Reconstruction plan

Background:

Mayor Gander and City Staff have been discussing an approach to plan for potential street improvements along 20th St NW and 5th Ave NW. We want to update the City Council on our planning efforts and discussion points in an effort to find a street improvement solution that will be supported by residents along these streets.

We'd like to consider a "partial reconstruction" of the street. Project Scope of this nature would include:

- Replacement of failed curb & gutter (approx. 674 linear feet of 4,724 total linear feet in the project area)
- Replacement of failed Storm-sewer catch basins
- Replacement and repair of sanitary manhole covers within the street
- Replacement of driveway aprons that are tied to sections of failed curb & gutter
- Sidewalk replacements or removal that are tied to sections of failed curb & gutter
- Street repair sections of Overlay, Mill & Overlay or complete replacement; based on degree of dis-repair/asphalt condition.

Mayor Gander has worked with City Staff on creating a Limited Reconstruction estimate, which represents an estimate of the total project cost for the above described work using current industry pricing. The estimate included in the RCA does not include engineering fees. That needs to be added to this before being sent to residents.

The next step in the process would be to share this proposed project scope and estimate of cost with residents impacted by the project along 5th and 20th. Then at least 35% of the residents that would be affected by the proposed project of limited reconstruction will need to bring forward a valid petition, in order for the City to engage in the Special Assessment process.

Recommendation:

No recommendation at this time.

Enclosures: Limited reconstruction process

**Limited Reconstruction Estimate
5th Ave & 20th St NW
EAST GRAND FORKS, MN**

10/11/2022				Engineers Estimate	
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
01 1000	Mobilization	LS	1	\$ 30,000.00	\$ 30,000.00
01 5526	Traffic Control	LS	1	\$ 10,000.00	\$ 10,000.00
01 5713	Inlet Protection	EA	12	\$ 200.00	\$ 2,400.00
02 4100	Remove Pavement	SY	150	\$ 30.00	\$ 4,500.00
02 4100	2" Mill & Overlay	SY	3500	\$ 3.50	\$ 12,250.00
02 4100	Full Depth Mill and Overlay	SY	3200	\$ 6.00	\$ 19,200.00
02 4100	Remove Concrete Pavement	SY	177	\$ 30.00	\$ 5,310.00
02 4100	Remove Concrete Curb & Gutter	LF	675	\$ 8.00	\$ 5,400.00
02 4100	Remove Concrete Driveway Pavement	SY	211	\$ 15.00	\$ 3,165.00
02 4100	Remove Concrete Sidewalk	SF	1180	\$ 2.00	\$ 2,360.00
32 1216	2" Bituminous Overlay	Ton	1156	\$ 150.00	\$ 173,400.00
32 1216	2" Leveling Coarse	Ton	387	\$ 150.00	\$ 58,050.00
32 1216	Bituminous Patching with conc. Underlayment	SY	150	\$ 200.00	\$ 30,000.00
32 1600	4" Concrete Sidewalk	SF	1180	\$ 16.00	\$ 18,880.00
32 1600	Concrete Curb & Gutter, Design B624	LF	675	\$ 50.00	\$ 33,750.00
32 1600	6" Concrete Driveway	SY	211	\$ 150.00	\$ 31,650.00
32 9219	Topsoil Borrow (LV)	CY	11	\$ 25.00	\$ 275.00
32 9219	Turf Establishment	SY	100	\$ 8.00	\$ 800.00
33 3100	Sanitary Sewer Manhole Casting Assembly	EA	4	\$ 1,500.00	\$ 6,000.00
33 4111	Storm Sewer Manhole Casting Assembly	EA	5	\$ 1,500.00	\$ 7,500.00
33 4111	Catch Basin Casting Assembly	EA	12	\$ 2,000.00	\$ 24,000.00
SUBTOTAL					\$ 478,890.00
CONTINGENCIES (20%)					\$ 138,878.10
ESTIMATED TOTAL PROJECT COST					\$ 617,768.10

City Cost

*Need to add estimates for cost to Prepare Plans & Specifications, Project Bidding, Construction Administration and Inspection. An updated estimate with this info. will be provided at the meeting on Oct. 17.

Request for Council Action

Date: October 17, 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: Reid Huttunen

RE: Update resolution with project funding breakdown for separate project sites

Background:

The MN State Capital Budget process is on-going and we have had site visits from members of both the Senate and the House of Representatives. Capital Budget staff have provided feedback to our bonding request, and have recommended we edit our request, breaking the project into two separate project requests. One for the Civic Center Sports Complex site, and two for the VFW Memorial Arena project site.

In our June 2023 submission, we submitted a resolution for a single project appropriation request at a total of \$7.379 million.

In creating an amended project budget to fit our bonding request, with two separate projects, I am recommending the following Bonding Request totals.

- 1) Civic Center Project site: \$4.637 Million
 - 2) VFW Memorial Arena site; \$2.379 Million
- TOTAL FUNDING REQUEST: \$7.016 Million

Recommendation:

Approve the updated resolution of support for bonding request, ranking the Civic Center project as the top priority and the VFW Memorial Arena project as the 2nd priority.

Enclosures:

Resolution of support

Project budget summary including items included in the bonding request estimate

RESOLUTION NO. 23 – 10 - 66

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

WHEREAS, the City of East Grand Forks has determined that its Civic Center Sport Complex and VFW Memorial Arena are in need of major repair and reinvestment to continue serving the growing needs of our residents in a safe and healthy manner, and

WHEREAS, the most cost effective and feasible long term plan is to renovate these existing facilities, including replacing parking lots, roof replacement, R-22 Freon Ice Refrigeration systems, and various energy efficiency projects for lighting and heating and cooling systems, and

WHEREAS, the overall estimated project cost of the proposed improvements is 21,760,000.00, and

WHEREAS, the total cost of repairing and constructing the Facility Improvements would be a heavy burden upon the taxpayers of East Grand Forks, and

WHEREAS, the City of East Grand Forks plans to bring a Local Sales tax generating \$14,745,000; in project construction funds to a city wide vote in November 2024, with project construction funds being set for the ballot question at \$6.745 Million for the Civic Center Sports Complex, and \$8 Million for the VFW Memorial Arena project site, and

WHEREAS, the City of East Grand Forks has placed the Civic Center Sports Complex as its 1st ranked priority project, and the VFW Memorial Arena as its 2nd ranked priority project in requesting Bonding Program support from the State of Minnesota, and

WHEREAS, the State of Minnesota has a Bonding Program to assist with this type of project.

NOW, THEREFORE, BE IT RESOLVED the City Council of East Grand Forks, Minnesota formally requests a total of \$7.016 Million be included in the 2024 Bonding Bill with \$4.637 Million of that being appropriated to the Civic Center Sports Complex site, and \$2.379 Million of that being appropriated to the VFW Memorial Arena project site.

Voting Aye:

Voting Nay:

The President declared the resolution passed.

Passed: October 17, 2023

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 17th day of October, 2023.

Mayor

PROJECT RANK #1; Civic Center Sports Complex	Phase 1 GO Bonding Request Items
SE Parking Lot & Stormwater Reconstruction	\$ 369,549.03
W Parking Lot & Stormwater Reconstruction	\$ 1,214,606.29
South Parking Lot Construction	\$ 378,862.43
Frontage Road/Parking access reconstruction	\$ 1,185,351.56
Provide Fire Rating at west side seating area	\$ 53,187.22
Add Fire Sprinkler to existing arena areas	\$ 155,258.43
Install Hot water heating plant w/high efficiency boilers	\$ 433,579.77
Replace Air Handling units	\$ 704,597.12
Addressable Fire Alarm System	\$ 141,780.57
Construction	\$ 4,636,772.42

Project Rank #2; VFW MEMORIAL ARENA PROJECT	Phase 1 GO Bonding Request Items
Replace existing AHU, re-use ductwork	\$ 270,818.86
Replace Ice Plant Refrigeration System	\$ 751,778.50
Replace Ice Rink Floor	\$ 831,820.10
Roof Replacement	\$ 525,000.00
Construction	\$ 2,379,417.46

**Bonding Funding
Request**

Civic Center Bonding Request	\$ 4,636,772.42
VFW Arena Project Site Bonding Request	\$ 2,379,417.46
Total Bonding Request	\$ 7,016,189.88

PROJECT COSTS BREAKDOWN

CIVIC CENTER

Construction	\$ 4,500,657.72
Infrastructure/Roads/Utilities	\$ 3,148,369.31
Construction Subtotal	\$ 7,649,027.03
Construction Contingency (10.95%)	\$ 837,568.46
General Conditions and Project Design (21.5%)	\$ 1,644,540.81
Project Subtotal	\$ 10,131,136.30
Inflation Adjustment (11.89%)	\$ 1,204,592.11
PROJECT TOTAL	\$ 11,335,728.41

**VFW MEMORIAL
ARENA**

Construction	\$ 6,973,930.88
Infrastructure/Roads/Utilities	\$ -
Construction Subtotal	\$ 6,973,930.88
Construction Contingency (10.95%)	\$ 763,645.43
General Conditions and Project Design (21.5%)	\$ 1,499,395.14
Project Subtotal	\$ 9,236,971.45
Inflation Adjustment (11.89%)	\$ 1,098,275.91
PROJECT TOTAL	\$ 10,335,247.36

Accounts Payable

Check Register Totals Only

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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
41352	10/17/2023	ACM001	Acme Electric Companies	821.02	0
41353	10/17/2023	ADV007	Advanced Auto Parts	47.34	0
41354	10/17/2023	ADV001	Advanced Business Methods Inc	651.66	0
41355	10/17/2023	PET005	Allstate Peterbilt of Grand Forks	1,348.70	0
41356	10/17/2023	ALL011	Allstream	138.98	0
41357	10/17/2023	AME005	Aramark Uniform Services	853.59	0
41358	10/17/2023	ATV001	Auto Value Grand Forks	176.49	0
41359	10/17/2023	BAL001	Balco Uniforms Co Inc	158.62	0
41360	10/17/2023	BOR001	Border States Electric Supply	1,770.63	0
41361	10/17/2023	BRE016	Bryan Brenden	47.00	0
41362	10/17/2023	BCA003	Bureau of Crim Apprehension	6,120.00	0
41363	10/17/2023	C&R001	C&R Cleaners & Laundry	278.80	0
41364	10/17/2023	CIN001	Cintas Corporation No. 2	137.77	0
41365	10/17/2023	GFC002	City of Grand Forks	59,201.00	0
41366	10/17/2023	COL004	Coldspring Memorial	1,147.00	0
41367	10/17/2023	COL002	Cole Papers Inc	1,247.13	0
41368	10/17/2023	COM003	Complete Pest Control Inc	1,900.00	0
41369	10/17/2023	CON001	Conway Shield	5,638.99	0
41370	10/17/2023	COP002	Copy Cat Printing	894.00	0
41371	10/17/2023	CUS002	Custom Stripes Inc	20.00	0
41372	10/17/2023	DAY002	Daydreams Specialties, LLC	30.00	0
41373	10/17/2023	DIS004	District 16 Hockey	700.00	0
41374	10/17/2023	EAG001	Eagle Electric	380.63	0
41375	10/17/2023	EGF006	EGF City Petty Cash Ckng	2,467.89	0
41376	10/17/2023	EME001	Emergency Apparatus Maintenance In	664.98	0
41377	10/17/2023	FOR004	Forx Radiator	60.98	0
41378	10/17/2023	FOS004	Travis Foster	107.00	0
41379	10/17/2023	GAL003	Galstad Jensen & McCann PA	25,605.66	0
41380	10/17/2023	GGF001	GGF Convention & Visitors Bureau	6,980.03	0
41381	10/17/2023	GFH001	Grand Forks Heating A/C & Sheetmet	1,734.00	0
41382	10/17/2023	GFW001	Grand Forks Welding & Machine	231.28	0
41383	10/17/2023	REY001	Harbott Knutson Larson & Holten PLI	252.00	0
41384	10/17/2023	HOM001	Home of Economy	95.97	0
41385	10/17/2023	HUG001	Hugo's	78.89	0
41386	10/17/2023	INT013	Interstate Billing Service	328.12	0
41387	10/17/2023	JOH026	Johnson Controls	6,490.00	0
41388	10/17/2023	KIN005	Chelsea King	705.00	0
41389	10/17/2023	KOS003	Nick Kostel	127.00	0
41390	10/17/2023	HAR081	Local Ace	224.32	0
41391	10/17/2023	HAR086	Local Ace	211.94	0
41392	10/17/2023	HAR087	Local Ace	631.92	0
41393	10/17/2023	LUM001	Lumber Mart	1,456.18	0
41394	10/17/2023	MAR008	Marshall and Polk Rural Water System	9.00	0
41395	10/17/2023	MCF001	McFarlane	410.97	0
41396	10/17/2023	BIG002	Albert Meagher	17,400.00	0
41397	10/17/2023	MEN001	Menards	315.84	0
41398	10/17/2023	MID003	Midcontinent Communications	75.42	0
41399	10/17/2023	MND003	MN Dept of Labor & Industry	20.00	0
41400	10/17/2023	MND013	MN Dept of Transportation	9,455.00	0
41401	10/17/2023	MNF001	MN Fire Service Certification Board	252.00	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41402	10/17/2023	MNM002	MN Municipal Utilities Assoc	490.00	0
41403	10/17/2023	MSC005	MSC Industrial Supply Co	276.00	0
41404	10/17/2023	MTI001	MTI Distributing Company	42.31	0
41405	10/17/2023	NEL010	Nelson International	2,470.77	0
41406	10/17/2023	NOR045	NorMinn Industrial, LLC	2,638.14	0
41407	10/17/2023	ORE001	O'Reilly Automotive, Inc.	40.31	0
41408	10/17/2023	OFF002	ODP Business Solutions, LLC	104.16	0
41409	10/17/2023	OPP001	Gregory T Opp	56.45	0
41410	10/17/2023	ORC002	Orchard Oil Company	988.15	0
41411	10/17/2023	OSI001	OSI Environmental Inc.	100.00	0
41412	10/17/2023	EXP002	Page 1 Publications, Inc.	686.66	0
41413	10/17/2023	PDQ001	PDQ Sanitary Services	590.00	0
41414	10/17/2023	HOU002	Damon & Bridget Pearson	185.00	0
41415	10/17/2023	PET001	Peterson Veterinary Clinic P.C.	655.50	0
41416	10/17/2023	PKM001	PKM Electric Cooperative, Inc	1,004.12	0
41417	10/17/2023	PIS001	Plan It Software LLC	800.00	0
41418	10/17/2023	POM001	Pomp's Tire Service, Inc	1,939.67	0
41419	10/17/2023	PRE001	Premium Waters Inc	32.39	0
41420	10/17/2023	RIG001	Right Choice Electric Inc	1,383.06	0
41421	10/17/2023	RIV005	Riverview Healthcare	357.00	0
41422	10/17/2023	SAN005	Sanford Health OccMed	263.00	0
41423	10/17/2023	MIK001	SJA Thunder Corp	725.91	0
41424	10/17/2023	SPR002	Spray Advantage	78.74	0
41425	10/17/2023	SRF001	SRF Consulting Group Inc	10,420.86	0
41426	10/17/2023	STA005	Strata Corp	422.94	0
41427	10/17/2023	CHA001	The Chamber of EGF/GF	80.00	0
41428	10/17/2023	PRA005	The Practice Place, PLLC	400.00	0
41429	10/17/2023	THU002	Thur-O-Clean	2,035.32	0
41430	10/17/2023	USB005	US Bank Corporate Payment System	39,761.33	0
41431	10/17/2023	VER001	Verizon Wireless	857.43	0
41432	10/17/2023	VOE002	Kyle Voeller	77.00	0
41433	10/17/2023	WAT001	Water & Light Department	36,780.52	0
41434	10/17/2023	WID001	Widseth Smith Nolting & Associates	43,214.25	0
41435	10/17/2023	XCE001	Xcel Energy	24.88	0
Check Total:				310,082.61	

Accounts Payable
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City of East Grand Forks

P. O. Box 373
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(218) 773-2483

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41436	10/17/2023	NEL101	Nelson Auto	2,470.77	0
				<u>2,470.77</u>	
Check Total:				<u>2,470.77</u>	