

**AGENDA
OF THE WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, SEPTEMBER 24, 2024 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

- 1. Consider Solar Energy System Ordinance – Ron Galstad**
- 2. Consider Updates to Business Regulations in City Code – Megan Nelson**
- 3. Request for Approval to Purchase Two Police Interceptor SUVs – Michael Hedlund**
- 4. Request to Hire Recreation Coordinator – Jeremy King**
- 5. Presentation on Recreation Facility Improvement & Sales Tax Vote – Jeremy King**

ADJOURN:

Upcoming Meetings

Council Meeting – Tuesday, October 1, 2024 – Council Chambers – 5:00 PM
Work Session – Tuesday, October 8, 2024 – Training Room – 5:00 PM
Council Meeting – Tuesday, October 15, 2024 – Council Chambers – 5:00 PM
Work Session – Tuesday, October 22, 2024 – Training Room – 5:00 PM

Individuals with disabilities, language barriers or other needs who plan to attend the meeting and will need special accommodations should contact Nancy Ellis, ADA Coordinator at (218)-773-2208. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements. Also, materials can be provided in alternative formats for people with disabilities or with limited English proficiency (LEP) by contacting the ADA Coordinator (218)-773-2208 five (5) days prior to the meeting.

ORDINANCE NO. _____ 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE CHAPTER 152: BY ADDING SECTION 152.400 CONCERNING SOLAR ENERGY SYSTEMS WITHIN THE EAST GRAND FORKS CITY LIMITS AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS DOES ORDAIN AS FOLLOWS:

SECTION 1: The East Grand Forks City Code is amended to include the following:

Sec. 152.400. - Solar energy systems.

(A) Purpose. It shall be the purpose of this section to permit, as an accessory use, solar energy systems, while protecting the health, safety and welfare of city residents and the property interests of adjacent and surrounding land uses through appropriate zoning and land use controls.

(B) Definitions.

(1) Building-integrated solar energy system. A solar energy system that is directly integrated into the building by replacing typical building materials.

(2) Ground-mounted solar energy systems. A solar energy system that is installed directly onto the ground by means of brackets or poles.

(3) Interconnection. When a customer-owned solar energy system is connected to or has access to the electric grid.

(4) Roof-mounted solar energy systems. A solar energy system where the panels are mounted to a house or other building.

(5) Solar energy system. A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

(6) Solar thermal system. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

(C) Permitted accessory use. *Roof-mounted solar energy systems* are allowable as an accessory use in all zoning districts. *Ground-mounted solar energy systems* are prohibited in residential districts and are a conditional use in all other zoning districts, subject to the following requirements:

(1) *Height.* Roof-mounted solar energy systems shall not project beyond the peak elevation of a pitched roof and shall not project more than 10 feet above the surface of a flat roof to which they are attached. Ground-mounted solar energy systems shall not exceed 20 feet in height or the height of the principal structure, whichever is less.

(2) *Location.* Ground-mounted solar energy systems must be in the rear yard only. Ground-mount systems' total collector area shall not exceed half the building footprint of the principal structure.

(3) *Setbacks.* Ground-mounted solar energy systems, at minimum design tilt, setback distance from property lines shall be equivalent to the setback requirements of the underlying district or as otherwise needed so as not to impair sight distance for safe access to the property or other traffic or properties in the vicinity. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Roof-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(4) *Feeder lines.* All power exterior electrical, or other service lines, must be buried below the surface of the ground.

(5) *Exemption.* Building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(6) *Standards.* Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.

(7) *Abandonment.* Any solar energy system that ceases to produce energy on a continuous basis for 6 months will be considered abandoned, unless the property owner provides substantial evidence to the Community Development director or their designee of the intent to maintain and reinstate the operation of that solar energy system within an acceptable designated time. Upon abandonment of a solar energy system, the property owner must remove all components of the solar energy system and restore the real property to its condition prior to development and installation of the solar energy system. If the property owner does not remove the abandoned solar energy system within 180 days of receiving written notice from the zoning administrator, the city may remove the solar energy system, sell any removed materials and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the solar energy system and restore the site to a non-hazardous condition. All end-of-life disposal of solar products must comply with the Federal Resource Conservation and Recovery Act and any state policies governing solar product waste. If an applicant has received a permit but has not completed construction of the solar energy system within 18 months from the date of issuance of the permit, the system shall be deemed abandoned.

(8) *Restoration.* Upon abandonment, the property owner must ensure the site is restored to a useful, non-hazardous condition in a timely manner, including, but not limited to the following:

(a) Removal of aboveground and below ground equipment, structures and foundations.

(b) Restoration of the surface grade and soil after removal of solar energy equipment.

(c) Re-vegetation of restored soil areas with native seeds mixes, excluding any invasive species.

(9) *Design plan.* Any permit submittal shall include a site or design plan indicating the adequacy, location, arrangement, size, design and general site compatibility of the proposed solar energy system.

(a) *Historic Buildings* - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(D) *Safety.*

(1) *Compliance with building code.* All solar energy systems shall comply with all local and state building codes.

(2) *Compliance with electrical code.* All solar energy systems shall comply with the national electrical code.

(3) *Compliance with state plumbing code.* All solar energy systems shall comply with the Minnesota state plumbing code requirements.

(4) *Compliance with state fire code.* All solar energy systems shall comply with the Minnesota state fire code requirements.

(5) *Certifications.* Solar energy system components shall be certified by Underwriters Laboratories Inc. and the solar rating and certification corporation. The city reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

(6) *Batteries.* When solar storage batteries are included as part of a solar energy system, they must meet the requirements of the Minnesota state building code.

(E) Approval.

(1) *Permits.* The erection, alteration, improvement, reconstruction, and movement of all solar energy systems shall require a building permit from the city. The city council shall set the solar energy system permit fee by resolution.

(2) *Utility notification.* All solar energy systems that will interconnect with the electric grid shall have an agreement with the local utility prior to the issuance of a building permit. Any connection with a local utility must be inspected by the local utility prior to use.

(3) *Aviation.* If the solar energy system is over 1/2 acre in size and located within 5 nautical miles of an airport, or is located within the airport zoning district, airport or FAA notification shall be provided and approval obtained.

SECTION 2. City Code 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 3. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number _____, 4th Series.

VOTING AYE: _____

VOTING NAY: _____

ABSENT: _____

The President declared the Ordinance passed.

ATTEST:

PASSED: _____, 2024

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing Ordinance this ____ day of _____ 2024.

Mayor

Request for Council Action

Date:

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: Administration Office

RE: Request for Input on General Business Licensing & Regulations Chapter of City Code

It has been some time since the General Business Licensing & Regulations chapter of the City Code has been reviewed. This chapter has been reviewed and some suggestions are being brought forward for the Council to consider.

Here is the link to the business licensing chapter: [EastGrandForks11](#) and the suggestions for the Council to consider.

Code Information & Suggested Changes/Updates to Business Licensing & Regulations

Chapter 110 General Business Licensing & Regulations

110.02 – Applications – this section lists the information to be included on a city application

Suggestion – Not all information is necessary for all applications and the League of MN Cities recommends to only ask for as much information that would be relevant to the license being sought. Update the license applications to what is needed for the license.

110.03 – This section states all applications be approved by the City Council.

Suggestion – This is not the current practice and hasn't been for many years. Would the Council like to approve the initial application or continue to have the initial and renewal licenses approved through staff?

110.07 – This section sets the fees by resolution

Suggestion – Continue with this practice so it is easier to make changes without having to adopt a new ordinance.

110.25 Shows – Current fee \$200 per year

I don't have any suggestions for this item but do have the question if the Council would like to continue with license.

110.26 Tobacco – Current fee \$50 per year

I would suggest removing this section because Chapter 116 is all about Tobacco and was updated with Ordinance 28, 4th Series that was adopted on February 18, 2020.

110.27 Junk Dealers – Current fee \$115 per year

I was not able to find in the records that this license has ever been issued. Does the Council want to keep this license?

110.28 Second Hand Dealer – Current fee \$80 per year

Suggestion – Change the wording to match the auto dealer and have the merchandise information available for the Police Department to inspect at reasonable times.

110.29 Second Hand Auto Dealer – Current fee \$80 per year

I don't have any suggestions for this item other than do we have just one 2nd hand license or keep the current two licenses.

110.30 Photographers – Current fee \$0 per year

Suggestion – remove license requirement. I was not able to find in the records that this license has ever been issued.

110.31 Vending Wagon – Current fee \$25 per day or \$100 for the year

Suggestion – Need to update definition, current practice which was started prior to 2012 is to license all food trucks that come into the city. Also, could include the information about the State inspection for either the Dept of Health or Dept of Agriculture and fire inspection required for license to be issued.

110.32 Garbage & Refuse Haulers – Current fee \$200 per year

Suggestion - Never issued license, the Administration Office does not know when people contract with another business other than city or business that holds current contract. Do we want to continue with this? I was not able to find in the records that this license has ever been issued.

110.33 Installation, Alterations, Servicing, & Repairing of Gas & Oil Piping, Appliances, and Appurtenances – Current fee \$100 per year

Suggestion – Change to Mechanical Contractor or add HVAC system.

110.34 Plumbers –

Suggestion - The city license requirement needs to be removed. The license requirement was put in place starting 1954, MN State Statute 326B.44 states that “no such entity shall prohibit plumbing contractors licensed by the commissioner from engaging in or working at the business of plumbing, except cities, prior to April 21, 1933, by ordinance required the licensing of plumbers. The bond is done through the MN Dept of Labor like the mechanical contractor bonds and does not restrict the need for permits to have work done.

110.35 Dances – Current fee \$30 per Dance or \$175 per year

Does the Council want to continue with licensing dances? If it is kept, certain sections need to be updated.

Chapter 111 Amusement Centers & Machines – Current fee is \$20 per machine or \$20 for amusement license for three or more machines

This is not a well-known requirement. I have sent letters to businesses and it usually takes more than one letter to get a response from them. The City is not contacted when businesses have set up machines. Is this something that the City would like to continue to license?

Chapter 112 Peddlers & Solicitors – Current fee is \$100 per day or \$500 for 14 days

Suggestion – I would like to remove the County license requirement and change the name of annual license to 2 week license because it was a maximum of 14 days or the Council could consider making a change to this. I would also like to update what is required on the license application.

Chapter 113 Taxicabs – Current fee is \$50 per year

Suggestion – Decide if this is something that should continue or not. I was not able to find in the records that this license has ever been issued. A big reason for that is because a license is required if the business has its principal offices and is headquartered within the city.

Chapter 114 Massage Parlors – Current fee is \$200 per year for a parlor license and \$30 per year for massage therapist

The State does not currently regulate this industry. Over the years there have been times where the legislation was introduced but did not go anywhere but there is a possibility it will change in the future. We also need to update the background check information because we use a service instead of the Police Department and charge them the cost of the background.

Chapter 115 Alarm Systems – Current fees include \$0 for agent, business, user, and false alarms up to 5 times, there is a \$100 fee for false alarms that take place six or more times

Suggestion – This is a very difficult thing to regulate so this might be something to consider ending other than keeping the fees for false alarms. Businesses were getting business licenses, but State law prohibits a city from requiring a city permit if they were already licensed from the State which was the case.

Chapter 116 Tobacco – Current fee is \$50 per year

This chapter was updated in 2020 to update the age that it could be purchased and updated the verbiage to cover vaping materials. The only question would be if the Council would like to consider making a change to the yearly fee.

Chapter 117 Alcoholic Beverages – Current fees are as follows:

Off-sale Weekday	\$150.00
Off-sale 3.2 Beer	\$137.50
On-sale Weekday	\$3800.00
On-sale Sunday	\$200.00
On-sale Beer	\$275.00
On-Sale Wine	\$550.00
Temporary Liquor License (per day)	\$100.00
Caterers Permit	\$200.00
On-sale Beer and On-sale Wine can be sold together	\$825.00

This section was updated with Ordinance 18 4th Series in May of 2017. Any changes to the liquor fees would require a public hearing

Other Suggestions

- **Incorporate the Sidewalk Café Ordinance into the Alcoholic Beverages Chapter**
- **Add a Chapter for Pedal Pub Businesses in the**
- **Add a Chapter for Cannabis Businesses – this is still being drafted.**

Request for Council Action

Date: 09/18/2024

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: Chief Michael Hedlund

RE: Request Approval to Order Two 2025 Police Interceptor SUVs

Background: The 2025 Police Department Capital Expense line in the 2025 Preliminary Budget has \$130,000.00 designated for the purchase and outfitting of two Police SUVs. These vehicles will be 2025 Ford Police Interceptor AWD SUVs. In the 2024 budget we had funding for one new Police SUV. That vehicle has just been delivered to the dealer and will be outfitted in the near future. Ford is currently shipping 2025 models, and they are still accepting orders at the same pricing level as the vehicle that was just delivered. Per Tenvoorde Ford they expect Ford to stop taking orders for the 2025 models sometime this Fall. They have not received any updates on when Ford will begin accepting orders for a new model. The three current squads that are being replaced (by the 2024 budget purchase and the two 2025 budget purchases) are all 2021 or 2022 Ford Police SUVs. They are; Squad #3 (2021) which currently has 102,716 miles, Squad #4 (2021) which currently has 96,719 miles and Squad #5 (2022) which currently has 96,990 miles. Per Tenvoorde Ford, if we place an order for two squads now and the final budget only allows for one we can change our order to one squad without any penalty.

Budgetary Impact: Tenvoorde Ford has the State Bid for Police SUV's . Per Tenvoorde, vehicles that are ordered now will not be delivered until sometime in 2025. The total cost for the vehicle and our selected options is \$44,861.94. This price does not include the pricing for any needed striping, additional equipment, or the changeover from our existing squad. Those costs will be determined later but are estimated to total approximately \$20,000.00 per vehicle.

Recommendation: Approve the Purchase of two 2025 Ford Police Interceptor AWD SUVs.

Attachments:

1. Tenvoorde Ford Vehicle Quote (This quote is from the 2024 Budgetary purchase and is provided as an example of what the per vehicle cost will be.)

Request for Council Action

Date: September 24, 2024

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

Cc: File

From: Jeremy King, Parks & Recreation

RE: Request to advertise for Recreation Coordinator Position

Background:

The Parks Department has received a resignation from the full-time Recreation Coordinator to take effect January 31st 2025.

Seeking approval to advertise and open a Civil Service hiring process for this position.

This position is vital to the department's success by overseeing all recreation programming and performing key administrative tasks, including planning, preparing, and scheduling events. Responsibilities also include hiring, scheduling, and supervising seasonal staff, managing communication with staff and stakeholders, and ensuring compliance with national governing bodies. The role supports the department through public relations, customer service, marketing, and overseeing recreational and cultural activities.

Budget Impact:

The position is budgeted at a Grade 15, Step 1 for the 2025 budget.

Recommendation:

Authorize staff to start the hiring process and advertise for the hire of Recreation Coordinator.

Enclosure:

None

Request for Council Action

Date: September 24, 2024

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

Cc: File

From: Jeremy King, Parks & Recreation

RE: Presentation on Recreation Facility Improvement and Sales Tax Vote

Background:

The Recreation Facility Improvement and Sales Tax Vote is fast approaching. It's been a long process with many challenges, and now is a great time to recap how we've arrived at this point and outline the plan moving forward.

At the upcoming meeting, we will discuss why the sales tax option was selected as the preferred method for funding recreation facility improvements, the importance of these facilities to our community, the next steps and timelines if the sales tax is approved, and the plan if it is not.

Budget Impact:

None at this time.

Recommendation:

None at this time. Information sharing and an opportunity for questions/discussion.

Enclosure:

No enclosures or attachments. Presentation will be shared at the meeting.