

**AGENDA
OF THE CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, OCTOBER 1, 2024 – 5:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

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

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of September 17, 2024.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of September 24, 2024.

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.

3. Consider adopting Resolution No. 24-10-71 appointing election judges for the November 5th General Election.
4. Consider approving the Exempt Gambling Permit Application for the East Grand Forks Home Run Club to hold a raffle on November 7, 2024 at the Eagles Club located at 227 10th St NW East Grand Forks, MN 56721 and waive the 30-day waiting period.
5. Consider adopting Resolution No. 24-10-72 approving the Food Shelf program allowing for street maintenance tickets issued until the end of December 2024 to be paid with either food items or case, all of which will be donated to the East Grand Forks Food Shelf.

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

6. Consider approving the parade application for the Hollydazzle Parade scheduled for November 24, 2024 contingent upon the Minnesota Department of Transportation approval for the closure of the Sorlie Bridge.
7. Consider approving the Special Event Application for the Hollydazzle Festival of Lights event and authorize the closure of the parking lot by restaurant row on November 24, 2024.
8. Consider approving the Fireworks/Pyrotechnic Special Effects Permit Application for the fireworks display for the Hollydazzle event scheduled for November 24, 2024.
9. Consider approving the Exempt Gambling Permit Application for the Knights of Columbus Christ the King Council 53541 to hold a raffle on June 6, 2025 at the Sacred Heart Catholic Church & School located at 200 3rd St NW East Grand Forks, MN 56721 and waive the 30-day waiting period.
10. Consider approving the Exempt Gambling Permit Application for the East Grand Forks Home Run Club to hold a bingo event on November 8, 2024 at the Eagles Club located at 227 10th St NW East Grand Forks, MN 56721 and waive the 30-day waiting period.
11. Consider declaring the 30 library chairs as surplus and authorize the disposal of them.
12. Consider adopting Resolution No. 24-10-75 approving the appointment and reappointments to the Charter Commission.
13. Consider adopting Resolution No. 24-10-76 approving the Civic Center celebration as a community festival and authorizing The Spud Jr. to serve at the event.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

14. Regular meeting minutes of the Water, Light, Power, and Building Commission for September 4, 2024.

COMMUNICATIONS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

15. Consider approving Ordinance 42, 4th Series amending City Code Chapter 152 by adding section 152.400 concerning Solar Energy Systems within city limits and by adopting reference city code Chapter 10 and Section 10.99 which among other things, contain penalty provisions (1st Reading).
16. Consider approving the purchase of two 2025 Police Interceptor SUVs from Ten Voorde Ford for a total of \$89,723.88.
17. Consider approving the request to start the hiring process for the position of Recreation Coordinator.

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.

18. Consider adopting Resolution No. 24-10-73 granting Border City Development Zone Tax Credits up to \$67,000 and approving a business subsidy agreement between the City of East Grand Forks and Northern Valley Investments LLC.
19. Consider adopting Resolution No. 24-10-74 granting Border City Development Zone Tax Credits up to \$130,000 and approving a business subsidy agreement between the City of East Grand Forks and Lumber Mart Inc.
20. Consider approving the Facility Use Agreement between the City of East Grand Forks and the East Grand Forks Arts & Crafts Council for the use of the Civic Center and Blue Line Club Arena for the annual Arts & Craft Show for a rental fee of \$1,500 for both facilities.

CLAIMS:

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

COUNCIL/STAFF REPORTS:

ADJOURN:

Upcoming Meetings

- 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
- Council Meeting – Wednesday, November 6, 2024 – 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 CITY COUNCIL
CITY OF EAST GRAND FORKS
TUESDAY, SEPTEMBER 17, 2024 – 5:00 PM**

CALL TO ORDER:

The Council Meeting of the East Grand Forks City Council for Tuesday, September 17, 2024 was called to order by Council President Olstad at 5:00 P.M.

CALL OF ROLL:

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

Staff Present: Karla Anderson, Finance Director; Nancy Ellis, City Planner; Steve Emery, City Engineer; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Michael Hedlund, Police Chief, Charlotte Helgeson, Library Director; Reid Huttunen, City Administrator; 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.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Ms. Ellis reminded the Council they had hired a consultant for building inspections back in June, they had been doing great work, and they were available on Tuesdays and Thursdays. Mr. Greg Hufnagle introduced himself as the building official and Mr. Alec Jalowiec introduced himself as the building inspector. They thanked the Council for the opportunity to serve the community. They were welcomed by the Council.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of September 3, 2024.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of September 10, 2024.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE ITEMS ONE (1) AND TWO (2).

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

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.

3. Consider adopting Resolution No. 24-09-65 authoring the City Administrator/Clerk-Treasurer to certify the listed account for mowing to the County Auditor for collection with the 2025 real estate taxes.
4. Consider approving the Exempt Gambling Permit Application for the East Grand Forks Home Run Club to hold a raffle on December 20, 2024 at the Spud Jr located at 302 Demers Ave NW East Grand Forks, MN 56721 and waive the 30-day waiting period.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER PETERSON, TO APPROVE ITEMS THREE (3) AND FOUR (4).

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

Voting Nay: None.

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS AND COMMISSIONS:

5. Regular meeting minutes of the Water, Light, Power, and Building Commission for August 22, 2024.

COMMUNICATIONS:

6. The council meeting scheduled for Tuesday, November 5th will be moved to Wednesday, November 6th starting at 5pm in the council chambers.
7. The Voter Participation Center and Center for Voter Information have informed the Minnesota Secretary of State they will be mailing out absentee applications to voters so we would like to inform residents that they might be receiving an absentee application in the mail they did not request.

OLD BUSINESS: NONE

NEW BUSINESS:

8. Consider adopting Resolution No. 24-09-66 accepting and awarding the bid for the 2024 City Project No. 1 for SCADA System Improvements to Sun Electric Inc for a total of \$336,450.00.

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER VETTER, TO ADOPT RESOLUTION NO. 24-09-66 ACCEPTING AND AWARDING THE BID FOR THE 2024 CITY PROJECT NO. 1 FOR SCADA SYSTEM IMPROVEMENTS TO SUN ELECTRIC INC FOR A TOTAL OF \$336,450.00.

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

Voting Nay: None.

9. Consider adopting Resolution No. 24-09-67 authorizing city staff and Widseth to close out the project and issue the payment of the final retainer for the 2022 City Project No. 6 for the installation of the HAWK System.

A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER LARSON, TO ADOPT RESOLUTION NO. 24-09-67 AUTHORIZING CITY STAFF AND WIDSETH TO CLOSE OUT THE PROJECT AND ISSUE THE PAYMENT OF THE FINAL RETAINER FOR THE 2022 CITY PROJECT NO. 6 FOR THE INSTALLATION OF THE HAWK SYSTEM.

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

Voting Nay: None.

10. Consider authorizing the remodel of the Community Development/Economic Development Office for approximately \$39,050.

A MOTION WAS MADE BY COUNCIL MEMBER LARSON, SECONDED BY COUNCIL MEMBER PETERSON, TO AUTHORIZE THE REMODEL OF THE COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT OFFICE FOR APPROXIMATELY \$39,050.

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

Voting Nay: None.

11. Consider approving and authorizing staff to host a celebration commemorating the 50th anniversary of the Civic Center scheduled to be held on Friday, October 11th from 5pm to 9pm and allocating funds not to exceed \$4,000 to cover costs associated with the event.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO APPROVE AND AUTHORIZE STAFF TO HOST A CELEBRATION COMMEMORATING THE 50TH ANNIVERSARY OF THE CIVIC CENTER SCHEDULED TO BE HELD ON FRIDAY, OCTOBER 11TH FROM 5PM TO 9PM AND ALLOCATING FUNDS NOT TO EXCEED \$4,000 TO COVER COSTS ASSOCIATED WITH THE EVENT.

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

Voting Nay: None.

12. Consider adopting Resolution No. 24-09-68 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. 24-09-68 AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A GRANT AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR TRAFFIC SAFETY PROJECTS.

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

Voting Nay: None.

13. Consider adopting Resolution No. 24-09-69 approving the preliminary 2024 tax levy collectable in 2025 for a total of \$7,623,089 and set the Public Budget Meeting for December 3, 2024 at 6pm with a continuance hearing, if necessary, for December 17, 2024.

A MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO ADOPT RESOLUTION NO. 24-09-69 APPROVING THE PRELIMINARY 2024 TAX LEVY COLLECTABLE IN 2025 FOR A TOTAL OF \$7,623,089 AND SET THE PUBLIC BUDGET MEETING FOR DECEMBER 3, 2024 AT 6PM WITH A CONTINUANCE HEARING, IF NECESSARY, FOR DECEMBER 17, 2024.

Mayor Gander said there had been a lot of conversation about the levy, if they approved the resolution the maximum amount the levy could be was 10%, they all knew it would be going down, and the preliminary levy needed to come down as far as to 5%. Council President Olstad stated they had talked about how they would like the final levy to be at 3%, they could always come down from the preliminary levy, he did not want to have a negative levy, and they needed to be very cognizant of the reserves. He added they did not know how the Family Medical Leave Act would affect things in the coming years and health insurance was still being worked on. He said staff always worked the levy down, but the Council needed to make sure they were taking care of the reserves.

Council member Larson said he was comfortable with the fund balance at 50% and requested to use a measured approach to reducing the reserves to 50%. Council Vice-President Riopelle said he agreed with Council member Larson and said he would be fine with an 8% preliminary levy because the final levy would be worked down to 3% or 4%. Council member Peterson stated she agreed it should be higher because they could not foresee the future. She added they had done a lot of work on the budget process so even if it was set higher, it would be worked down for the final levy. Council President Olstad informed the group he did not want the reserves to go below 50% because of things that were being proposed, things came up, and how they ended up with higher levies in previous years because of trying to build up the reserves.

Council member Helms said he agreed with the mayor because they were also going to be asking for a 1% referendum, the residents would be paying that, so they needed to keep the levy down. He commented how people were tired of the 5% to 7% increases and wages were not increasing that much so he suggested a 5% preliminary levy. Council President Olstad clarified the request was for a 1% sales tax and it would not be included with the levy. Mayor Gander said the previous year had unusual savings, it wouldn't happen again, so they should find responsible ways to spend down the surplus.

Mr. Huttunen reminded the Council they were working through health insurance, and it could be a 2% swing either way depending on what was decided. He added it was not in the current budget so there could be an additional \$120,000 to \$130,000 or if there was a change to ICHRA it could decrease costs. He stated the proposed rates came out October 1st so with the items that were still undecided, he asked for the Council to move forward with the 8% preliminary levy. He reviewed the timeline for the preliminary levy, how it had to be submitted by the end of September, and asked if they were not able to reach a consensus to table this item to a special meeting because if it was not approved before the end of the month, they would revert back to the 2024 levy which would be a 0% increase. He added how staff had the track record of working the levy down and asked for additional time to get it there. Council President Olstad said he did not want to go backwards and asked if the motion would be amended.

Mayor Gander said if insurance could be a 2% change and he wanted no more than a 5% levy, he would go with 7%. Council member Pokrzywinski said he agreed with the comments from Council members Larson and Peterson and was comfortable with an 8% preliminary levy. Council Vice-President Riopelle said he would prefer an 8% preliminary levy and requested to amend the motion to \$7,484,488. Council member Larson said he would also amend the second of the motion and asked if it would stand. Mayor Gander said the 8% would not stand. Council President Olstad said if the resolution was vetoed there would not be enough time because the next regular meeting was in October. Mr. Huttunen said \$69,300 was 1% so a 7% levy would total \$7,415,188.00. Council President Olstad asked if there were any comments.

AN AMENDED MOTION WAS MADE BY COUNCIL MEMBER RIOPELLE, SECONDED BY COUNCIL MEMBER LARSON, TO ADOPT RESOLUTION NO. 24-09-69 APPROVING THE PRELIMINARY 2024 TAX LEVY COLLECTABLE IN 2025 FOR A TOTAL OF \$7,415,188 AND SET THE PUBLIC BUDGET MEETING FOR DECEMBER 3, 2024 AT 6PM WITH A CONTINUANCE HEARING, IF NECESSARY, FOR DECEMBER 17, 2024.

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

Voting Nay: None.

CLAIMS:

14. Consider adopting Resolution No. 24-09-70 authorizing the City of East Grand Forks to approve purchases from Border States Trophy the goods referenced in check number 43148 for a total of \$42.00 whereas Council member Riopelle is personally interested financially in the contract.

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER LARSON, TO ADOPT RESOLUTION NO. 24-09-70 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM BORDER STATES TROPHY THE GOODS REFERENCED IN CHECK NUMBER 43148 FOR A TOTAL OF \$42.00 WHEREAS COUNCIL MEMBER RIOPELLE IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.

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

Voting Nay: None.

Abstain: Riopelle.

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

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

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

Voting Nay: None.

COUNCIL/STAFF REPORTS:

Mayor Gander thanked everyone involved with the city showcase, how it reminded him of the taste of

Chicago, and would welcome more participation from the businesses and different organizations in the city.

Council Vice-President Riopelle reminded the mayor he would need to appoint a Water & Light Commissioner. Mr. Mykleseth stated he had been sent some names. Mayor Gander said they could discuss things and find someone who would work well with the team.

Council Member Helms thanked the Council for approving a 7% preliminary levy showing where they wanted to be, how it sent a good message, and introduced Mr. Don Casmey who was in attendance and running for the Ward 5 position.

Mr. Huttunen stated anyone who was interested in serving on one of the boards or commissions could complete the interest form that was available on the city website. He added that he would be out of the office the following week at an economic development conference.

Mr. Emery told the Council the signage for the quiet zone project was going to be completed the following day and the fencing was going to be put up the following week. He stated the contractor was focusing on the boat ramp replacement for the LaFave Park project, they would also be working on the park shelter, and the mill and overlay. He added the signal poles for the intersection at 4th Street and Demers Avenue should be getting set this week and the project should be wrapped up by the end of September. He also informed the Council the gas main project should be wrapping in a couple weeks. Council member Helms said he was asked about the railroad project and why the horns were still blowing. Mr. Emery said BNSF still had to replace some gates before the quiet zone could take affect so it would be next spring before the horns would stop.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER LARSON, TO ADJOURN THE SEPTEMBER 17, 2024 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:35 P.M.

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

Voting Nay: None.

Megan Nelson, City Clerk

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

CALL TO ORDER:

The Work Session of the East Grand Forks City Council for Tuesday, September 24, 2024 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; Ron Galstad, City Attorney; Paul Gorte, Economic Development Director; Michael Hedlund, Police Chief, Charlotte Helgeson, Library Director; Jeremy King, Parks and Recreation Superintendent; Megan Nelson, City Clerk; and Jason Stordahl, Public Works Director.

DETERMINATION OF A QUORUM:

The Council President Determined a Quorum was present.

1. Consider Solar Energy System Ordinance – Ron Galstad

Mr. Galstad stated an application was received for solar energy system installation, it was withdrawn, but staff was bringing forward an ordinance to address it. He explained the different departments had reviewed the proposed ordinance, the proposed ordinance was different than the model ordinance, ground installed systems were limited to the commercial or industrial zones, and residential zones allowed roof top installations. Council member Helms asked if there had been many inquiries. Mr. Galstad there were some over time, but this was the first time an application had been received. Discussion followed about how the solar systems were allowed on rooftops in residential areas and the ground mounted systems were restricted.

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

2. Consider Updates to Business Regulations in City Code – Megan Nelson

Ms. Nelson told the Council it had been some time since the business regulations had been reviewed, some of the requirements were not needed for all city licenses and she had made some suggestions for changes. She added she wanted to update the online applications and try to allow for online payments to help streamline the process. She asked if there were any questions. Council Vice-President Riopelle said he had met with Ms. Nelson to discuss this, there was a lot of work put into this already, and suggested letting staff review and make proposed changes for the Council to consider. Council member Pokrzywinski asked about online payments and who paid the fee. Ms. Nelson said the City paid the fee. Council member

Pokrzywinski asked to change that because if the transactions were 3% up to 5% of the transaction, that could really add up in costs for the City. Mr. Galstad requested to be a part of the process. Mayor Gander said the proposed changes would make the process more customer friendly to help remove what was not needed. There were no other comments.

This item will be brought back to a future meeting.

3. Request for Approval to Purchase Two Police Interceptor SUVs – Michael Hedlund

Chief Hedlund told the Council the time to order police vehicles was going to be closing, he was unsure when it would be opening back up again, the price was remaining the same, and there was still a delay in getting the vehicles because the outfitters had so many to complete. He requested to get the vehicles ordered because he was not sure when they would be able to use the vehicles and how the vehicles that would be replacing would both be over 100,000 miles. He added the budget had not been finalized at this time, currently there were two police SUVs included in the budget, and requested to order two police SUVs. Mayor Gander asked if the request was for two and ended up at one the previous year. Chief Hedlund said yes. Mayor Gander said it was important to move ahead with this. There were no other comments.

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

4. Request to Hire Recreation Coordinator – Jeremy King

Mr. King informed the Council he had received the retirement papers from Mr. Mark Dragich who would be retiring in January of 2025. He stated the importance of the position and requested the Council to authorize the hiring process to fill the position. There were no questions.

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

5. Presentation on Recreation Facility Improvement & Sales Tax Vote – Jeremy King

Mr. King started by reviewing how this had been a long process, the conversation for this had started some time ago, and the request for the feasibility study was approved in 2019. He reminded everyone how COVID has stopped the process because the State did not allow for any sales tax to move forward and finally in 2023 the State Legislature approved the city to bring the questions to the vote at a general election which was taking place in November. He reviewed the general overview of the projects at both locations, how the proposed sales tax would be up to 20 years, there were two questions on the ballot that were site specific, and that was required by State Statute. He continued saying the reason why a sales tax was being requested was because it would be paid for by both residents and visitors and a survey showed how visitors would help pay for 30% up to 50% of the projects. He added how the rehab of the pool was a great example of a project utilizing sales tax and how they have over 20,000 visitors per year. He stated some of the reasons for the proposed projects included it would help the youth, local pride, and there would be an economic impact.

Mr. King listed the project goals that included transforming the experience and updating systems, he reviewed the project budget, showed the breakdown of the costs for the different items, how there were shortfalls, and they were planning on fundraising for the additional funds needed for the baseball field. He said they would fundraise for extra amenities and the building committee had spent a lot of time

reviewing the projects to get things to this point and how the budget information was in 2025 costs. He showed before and after pictures of an arena in White Bear Lake after it had been updated and it could be similar to what could happen with the proposed projects. He added the baseball field portion would be completed in two phases, the first being the field, and if enough funds were raised, they would continue with the addition to the Civic Center.

Mr. King stated if the sales tax was approved, from November to March would be the design and planning phase, April they would request bids, May would be preparing for the project, and in June or July the construction would start. He told the Council if the sales tax was not approved there were three projects that should be completed in the next three to five year which included the replacement of the VFW Arena ice plant, the replacement of the Civic Center ice floor, and the other item was the replacement of the VFW Arena roof. He said all three projects were estimated to cost \$5.2 million and could be funded through property tax, the building maintenance fund, or by using reserves. He added if the sales tax did not pass, the items would be put on the residents, with the sales tax, the visitors would help pay for the repairs. He asked for questions.

Council member Helms said there was a company that could help pinpoint where the leaks were in the Civic Center floor. Discussion followed about how the floor at the Civic Center was close to the end of its life, what the makeup of the ice floor was, how pressuring testing lines could cause more of an issue, and the company could help fix leaks instead of having to replace the floor. Council member Helms said the sales tax would be on everything including a cell phone bill, groceries, and on campers. Mr. King said there was tax on processed foods at the grocery store. Council member Helms said the ballfield was included in the information, but it was not listed in the referendum, and he had gotten questions about the wording of the sales tax questions. He asked for an explanation of the questions. Mr. King said the questions had been approved by the State and Council before the questions were sent into the County. He stated the verbiage was as such that if the sales tax was approved, if they were able to complete a simple repair to the floor at the Civic Center, they would be able to utilize the funding that had been set aside for the floor on a different aspect of the project, so it did not tie the funding to a specific item of the project. He reminded the Council the funding for each specific location could only be spent on those specific projects and not used anywhere else. Council member Helms asked about the ballfield. Mr. King said it would be done if additional funds were raised.

Mayor Gander commented how he had been visiting with residents and had also received the question about the language of the questions. He stated the project had been scaled down, any added features would come through fundraising efforts, and this was taking care of maintenance and setting the buildings up for the future. Council member Peterson said they never thought twice about crossing the river and spending money in Grand Forks which raises sales tax on the same items they were going to be asking of the city, it was something she would also have to pay, she did see it as a reinvestment into the community, not just for youth, but the programs help build the community and drew families back to the city. She added how the programs and facilities put the kids to work so it was for more than just sports. Council Vice-President Riopelle said he agreed with Council member Peterson and how the teams that came to town for events would be spending money in a variety of ways that would be taxed, so not all the funding would be coming from the residents. He stated it was a win/win with a sales tax. Council member Helms said he wasn't trying to be negative and just wanted to make people aware of what would all be taxed.

ADJOURN:

A MOTION WAS MADE BY COUNCIL MEMBER HELMS, SECONDED BY COUNCIL MEMBER RIOPELLE, TO ADJOURN THE SEPTEMBER 24, 2024 WORK SESSION OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:39 P.M.

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

Voting Nay: None.

Absent: Larson.

Megan Nelson, City Clerk

RESOLUTION NO. 24 – 10 – 71

RESOLUTION APPOINTING JUDGES

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

BE IT RESOLVED, the City Council of East Grand Forks appoints the following judges in each respective ward or as alternate judges for the November 5th General Election.

1st Ward: Jeff McMaines, Rick Audette, Jill Ozaki, Lyvia Juarez, Ron Pape
Polling Place: Senior Center; 538 Rhinehart Drive SE

2nd Ward: Brian Smith, Susan Bakke, Jan Boe, Kendra Hatcher, Roger Nelson, Denise Gordon-Piker
Polling Place: City Hall Training Room, 600 Demers Avenue NW

3rd Ward: Katie Boespflug, Kelly Hegg, Terry Fore, Amy Ryan, Laurie Holtman
Polling Place: Senior High School 1420 4th Ave NW

4th Ward: Cassandra Hodek, Kathy Bushy, Michelle Quirk, Debbie Abar, Sheila Nelson
Polling Place: Senior High School 1420 4th Ave NW

5th Ward: Ryan Lisell, Michele Ostgard, Sharon Budge, Julie Norman, Marla Wolfe, Pamela Olson
Polling Place: Senior High School 1420 4th Ave NW

Alternate Judges: Kathy Twite, Dillon Nelson, Craig Molstad, Reid Huttunen, Brenda Ault, and Renee Kringlen.

BE IT FURTHER RESOLVED, the election administrator is authorized to re-balance judges to different wards as needed in order to comply with state election laws; and

BE IT FURTHER RESOLVED, the judge’s hourly compensation is fixed at the following: chair or head judge at \$14.00 per hour, and regular judge at \$13.00 per hour.

Voting Aye:

Voting Nay:

The President declared the resolution passed.

Passed: October 1, 2024

Attest:

City Administrator

President of the Council

I hereby approve the foregoing resolution this 1st day of October, 2024.

Mayor

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: EAST GRAND FORKS HOME RUN CLUB Previous Gambling Permit Number: X- 05570-24-18

Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: 41-1846179

Mailing Address: PO BOX 611

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

Name of Chief Executive Officer (CEO): DEANE STINAR

CEO Daytime Phone: 218-779-7780 CEO Email: EGFHOMERUNCLUB@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): Eagles

Physical Address (do not use P.O. box): 227 10th ST NW

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): 07 NOV 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.

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

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 20px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>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. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
--	---

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. 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: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: DEANE STINAR

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days; or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>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.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <p>_____ a copy of your proof of nonprofit status; and</p> <p>_____ 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.</p> <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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<p>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</p>	<p>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 Depart-</p>	<p>ment 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.</p>
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This form will be made available in alternative format (i.e. large print, braille) upon request.

RESOLUTION NO. 24 – 10 - 72

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

WHEREAS, the Police Department is requesting permission to run a program from the start of the winter season through the end of December 2024 that will benefit the East Grand Forks Food Shelf;

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

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

NOW THEREFORE, BE IT RESOLVED BY THE Council of the City of East Grand Forks, Minnesota that the City Council approves the Food Shelf Program and allows for street maintenance tickets issued from the start of the winter season until the end of December 2024 to be paid with either food items or cash all of which will be donated to the East Grand Forks Food Shelf.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: October 1, 2024

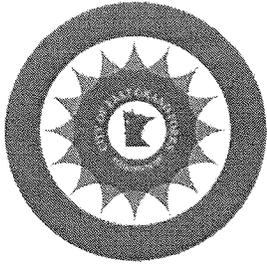
Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 1st of October, 2024.

Mayor



City of East Grand Forks

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

APPLICATION FOR PARADE

License Fee: _____

Organization Information	
<u>Downtown Development Association</u> <i>Organization Name</i>	<u>701-757-4051</u> <i>Organization Phone Number</i>
<u>23 N 3rd St Suite 2</u> <i>Organization Address</i>	<u>Grand Forks ND 58203</u> <i>City State Zip</i>

Applicant Information	
<u>Sierra Jenson</u> <i>Applicant Name</i>	<u>701-757-4051</u> <i>Applicant Phone Number</i>
<u>23 N 3rd St Suite 2 Grand Forks, ND 58203</u> <i>Applicant Address City, State, & Zip</i>	<u>sierra@gfdda.com</u> <i>Email Address</i>

Parade Information		
<u>November 24th</u> <i>Date of Event</i>	<u>5:30pm</u> <i>Start Time</i>	<u>7pm</u> <i>End Time</i>
<u>Down Demers from GF, turns into Blue Moose parking lot</u>		
<u>Route of Parade Travel (include map)</u>		
<u>Cars, floats, etc</u> <i>Composition of Parade (cars, band, animals)</i>		
<u>Notes</u>		

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

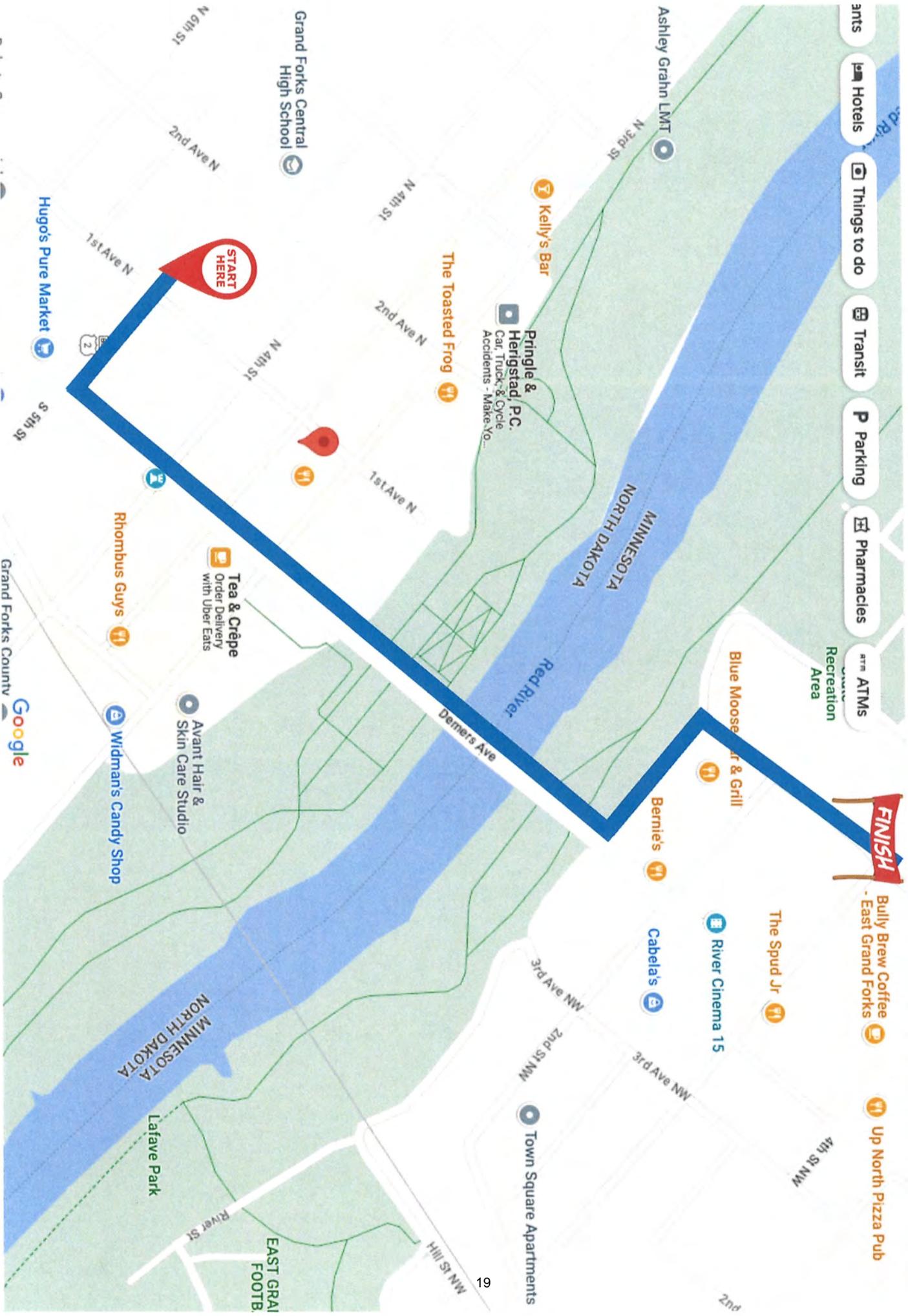
Sierra Jenson
Signature of Applicant

8/28/24
Date

Sierra Jenson
Print Name

VP of Events and Activation
Title

Route



Megan Nelson

From: noreply@civicplus.com
Sent: Wednesday, August 28, 2024 11:18 AM
To: Megan Nelson; City Administration
Subject: [EXTERNAL]Online Form Submittal: Special Event Application

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

Special Event Application

Please Submit 60 Days Prior to Event

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

Organization Name	Grand Forks Downtown Development Association
Phone Number	7015209764
Address1	23 North 3rd Street
Email Address	sierra@gfdda.com
City	Grand Forks
State	North Dakota
Zip	58203
Applicant Name/Contact Person	Sierra Jenson
Email Address	sierra@gfdda.com
Phone Number	7015209764
Second Contact Person	Jill Proctor
Email Address	jill@gfdda.com
Phone Number	7017415085

(Section Break)

Special Event Information

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

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

Event Title	HollyDazzle: Festival of Lights 2024
Type of Event	Other
Date(s) and Time of Event	11/24/2024 1:00 PM - 11/24/2024 7:00 PM
Description/Narrative of the Event	The Downtown Development Association is excited to bring our HollyDazzle: Festival of Lights back to Downtown Forks on Sunday, November 24th! Come kick off the holiday season with this tradition of holiday activities like s'mores, fireworks, ornament decorating, and a parade for the entire community! This event is FREE and open to the public! A schedule of events will be released closer to the event.

(Section Break)

Event Site Plan/Map	Parade Staging Map.pdf
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(Section Break)

Power & Water Requests

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

(Section Break)

River Access	No
If yes, complete the form	The Polk County Boat & Water Event Permit Application

(Section Break)



City of East Grand Forks

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

APPLICATION FOR FIREWORKS/PYROTECHNIC SPECIAL EFFECTS PERMIT

License Fee: _____

Applicant Information (Sponsoring Organization)

_____		_____	
<i>Applicant Name</i>		<i>Phone Number</i>	
_____		_____	_____
<i>Applicant Address</i>		<i>City</i>	<i>State</i> <i>Zip</i>
_____		_____	
<i>Federal Tax ID #</i>		<i>MN Tax ID #</i>	

Authorized Agent Information

_____		_____	
<i>Authorized Agent Name</i>		<i>Phone Number</i>	
_____		_____	_____
<i>Business Address</i>		<i>City</i>	<i>State</i> <i>Zip</i>

Fireworks/Pyrotechnic Special Effects Information

_____	_____	_____
<i>Date of Event</i>	<i>Start Time</i>	<i>End Time</i>

<i>Location of Event</i>		

<i>Manner and place of storage of fireworks/pyrotechnic special effects prior to display:</i>		

<i>Type & number of fireworks/pyrotechnic special effects to be discharged:</i>		

Minnesota state law requires that this display be conducted under the direct supervision of a pyrotechnic operator certified by the State Fire Marshal.

_____		_____	
<i>Name of supervising operator:</i>		<i>Certificate No:</i>	
_____		_____	_____
<i>Corporate Address</i>		<i>City</i>	<i>State</i> <i>Zip</i>

City of East Grand Forks
 Application for Fireworks/Pyrotechnic Special Effects License

I understand and agree to comply with all provisions of this application and the requirements of the issuing authority, and will ensure that the fireworks/pyrotechnic special effects are discharged in a manner that will not endanger persons or property or constitute a nuisance.

Jenny Horjasi
 Signature of Applicant (or agent)

 Date

 Print Name

 Title

Required Attachments
<p>The following items need to be completed and/or attached in order for the application to be processed:</p> <p>* Proof of a bond or certificate of insurance in amount of at least \$_____.</p> <p>*A diagram of the ground, or facilities (for indoor displays), at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks/pyrotechnic special effects are to be discharged; the location of ground pieces; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained. For proximate audience (e.g. indoor) displays, the diagram must also show the fallout radius for each pyrotechnic device used during the display.</p> <p>*Names and ages of all assistants that will be participating in the display.</p>

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions, if any: _____

Signature of fire chief/county sheriff: _____

Date:

Signature of issuing authority: _____

Date:

Internal Use Only
<p>The following items need to be completed and/or attached in order for the application to be processed:</p> <p>*Application fee paid in full: <input type="checkbox"/> yes <input type="checkbox"/> no Payment Type: <input type="checkbox"/> cash <input type="checkbox"/> check # _____ Receipt # _____</p> <p>*Application completed in full and signed with required attachments: <input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>*Fire Chief: <input type="checkbox"/> approved <input type="checkbox"/> denied</p> <p>Notes: _____</p> <p>Fire Chief Signature: _____ Date: _____</p> <p>*Approved <input type="checkbox"/> yes <input type="checkbox"/> no License Number _____</p>

City of East Grand Forks
Application for Fireworks/Pyrotechnic Special Effects License

Proof of Workers' Compensation Insurance Coverage

Minnesota Statute Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Section 176.181, Subd. 2. The information required is: The name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and put in their company file. It will be furnished, upon request, to the Department of Labor and Industry to check for compliance with Minnesota Statute Sec. 176.181, Subd. 2.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided and/or falsely reported, it may result in a \$1,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry payable to the Special Compensation Fund.

Provide the information specified above in the spaces provided, or certify the precise reason your business is excluded from compliance with the insurance coverage requirement for workers' compensation.

Insurance Company Name: _____
(Not the insurance agent)

Policy Number or Self-Insurance Permit Number: _____

Dates of Coverage: _____

(Or)

I am not required to have workers' compensation liability coverage because:

I have no employees covered by the law.

Other (specify)

I HAVE READ AND UNDERSTAND MY RIGHTS AND OBLIGATIONS WITH REGARDS TO BUSINESS LICENSES, PERMITS AND WORKERS' COMPENSATION COVERAGE, AND I CERTIFY THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.



Signature

Grand Forks Holly Dazzle (East Grand Forks site) November 24, 2024

Maximum Shell Size: 1.5"
NFPA 1123 Fallout Zone Radius: 120 ft



 Spectators

 Parking

 Shoot site

 Fallout zone



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: Knights of Columbus Christ the King Council 5341 Previous Gambling Permit Number: X- 05802-24-016

Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: 23-7543213

Mailing Address: 200 3rd St NW

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

Name of Chief Executive Officer (CEO): Corey Rohrich

CEO Daytime Phone: 218-779-2222 CEO Email: croh@gra.midco.net
(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): Sacred Heart Catholic Community

Physical Address (do not use P.O. box): 200 3rd St NW

Check one:
 City: East Grand Forks Zip: MN County: Polk
 Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 11/1/24-6/6/25 Drawing 6/6/25

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

Bingo Paddlewheels Pull-Tabs Tipboards Raffle

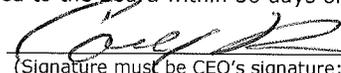
Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized 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.

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

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px; text-align: center;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>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. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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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:  Date: 9/24/2024
(Signature must be CEO's signature; designee may not sign)

Print Name: Corey Rohrich

REQUIREMENTS	MAIL APPLICATION AND ATTACHMENTS
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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 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.

<p>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</p>	<p>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 Depart-</p>	<p>ment 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.</p>
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LG220 Application for Exempt Permit

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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: East Grand Forks Home Run Club
Previous Gambling Permit Number: X-05570-24-18
Minnesota Tax ID Number, if any:
Federal Employer ID Number (FEIN), if any: 41-1846179
Mailing Address: PO BOX 611
City: EAST GRAND FORKS State: MN Zip: 56721 County: POLK
Name of Chief Executive Officer (CEO): DEANE STINAR
CEO Daytime Phone: 701-741-5331 CEO Email: EGFHOMERUNCLUB@YAHOO.COM
Email permit to (if other than the CEO):

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
[] Fraternal [] Religious [] Veterans [x] 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.)
[x] A current calendar year Certificate of Good Standing
IRS income tax exemption (501(c)) letter in your organization's name
IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): EAGLES
Physical Address (do not use P.O. box): 227 10th St NW
Check one:
[x] City: EAST GRAND FORKS Zip: 56721 County: POLK
[] Township: Zip: County:
Date(s) of activity (for raffles, indicate the date of the drawing): 08 NOV 24
Check each type of gambling activity that your organization will conduct:
[x] 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)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 10px; text-align: center; margin-top: 20px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>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. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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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: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: DEANE STINAR

REQUIREMENTS	MAIL APPLICATION AND ATTACHMENTS
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<p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days; or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>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.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>Mail application with:</p> <p>_____ 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.</p> <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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<p>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</p>	<p>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 Depart-</p>	<p>ment 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.</p>
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This form will be made available in alternative format (i.e. large print, braille) upon request.

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: Charlotte Helgeson, Library Director and the Library Board

RE: Request to Declare Chairs Surplus

Background: The Friends of the Campbell Library bought 50 chairs for the Library in 2001. They were well used. Twenty of the old chairs are broken and can no longer be used. The remaining chairs been repaired and cleaned numerous times. They are stained and severely worn.

The Friends bought a new set of 50 for the Library in 2023.

Recommendation: Declare the original chairs surplus and dispose of them.

RESOLUTION NO. 24 – 10 - 75

A RESOLUTION DESIGNATING THE MAYOR’S APPOINTMENT TO THE EAST GRAND FORKS BOARD AND COMMISSIONS FOR 2024

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

WHEREAS, the Mayor appoints citizens to fill vacancies on various Boards and Commissions of the City of East Grand Forks each year; and

WHEREAS, These Boards and Commissions are important to the operation of the City due to the value of citizen input on recommendations that are forwarded to the City Council on many important issues.

THEREFORE BE IT RESOLVED, that the City Council of the City of East Grand Forks ratifies the following appointments of Mayor Steven Gander to the respective Board and/or Commission for the designated term:

CHARTER COMMISSION – Commissioners shall be appointed by the Mayor, by approval of the majority of the City Council for 4 year terms. Vacancies shall be filled in the same manner.

<u>Members</u>	<u>Expires</u>
Bryan Perkins (Appointment replaced Erin Almlie)	12/31/26
Patricia Jacklitch (Reappointment)	12/31/26
William Straw (Reappointment)	12/31/26
Justin Hecht (Reappointment)	12/31/26

Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed.

Passed: October 1, 2024

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 1st day of October, 2024.

Mayor

RESOLUTION NO. 24 – 10 - 76

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

WHEREAS, the City of East Grand Forks is hosting a community event at the Civic Center to celebrate 50 years since the facility was built; and

WHEREAS, the East Grand Forks City Council is supportive of this event which is being organized by the Park and Recreation Department; and

WHEREAS, Minnesota Statutes Chapter 340A.404 Subd. 4(b) provides that as to a community festival, the governing body of a municipality may authorize the holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality; and

WHEREAS, the East Grand Forks City Council desires to authorize and establish the 50th Anniversary of the Civic Center as a community festival as defined in Minnesota Statute Section 340A.404 Subd. 4(b); and

NOW THEREFORE BE IT RESOLVED the City Council of East Grand Forks authorizes The Spud Jr. to dispense alcohol at the community festival as defined in Minnesota Statute Section 340A.404 Subd 4(b) and require The Spud Jr to follow the same rules and regulations set for their establishment.

Voting Aye:

Voting Nay:

Absent:

The President declared the resolution passed.

Passed: October 1, 2024

Attest:

City Administrator

President of Council

I hereby approve the foregoing resolution this 1st of October, 2024.

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 4, 2024, at 8:00 am in the City Council Chambers.

Present: Grinde, Quirk, Riopelle

Absent: None

Also present: Ron Galstad, Keith Mykleseth, Brian Johnson, Todd Grabanski, Steve Emery, Todd Forster, Brianna Feil, Corey Thompson, Karla Anderson, Tyler Tretter, Angela Perdew

It was moved by Commissioner Quirk supported by Commissioner Riopelle to approve the minutes of the previous regular meeting held on August 22, 2024.

Voting Aye: Grinde, Quirk, Riopelle

Voting Nay: None

It was moved by Commissioner Quirk supported by Commissioner Riopelle to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$287,272.02.

Voting Aye: Grinde, Quirk, Riopelle

Voting Nay: None

It was moved by Commissioner Quirk supported by Commissioner Riopelle to approve the DSC to hang a banner at Sorlie Bridge from September 9 – October 7 for the EGF Arts & Crafts Fair.

Voting Aye: Grinde, Quirk, Riopelle

Voting Nay: None

It was moved by Commissioner Quirk supported by Commissioner Riopelle to adopt the 2025 Operation & Maintenance Budget and the 2025-2029 Capital Plan, as presented on August 22, 2024.

Voting Aye: Grinde, Quirk, Riopelle

Voting Nay: None

It was moved by Commissioner Quirk supported by Commissioner Riopelle to adjourn at 8:17 am to the next regular meeting on September 18, 2024, at 8:00 am to be held in the City Council Chambers.

Voting Aye: Grinde, Quirk, Riopelle

Voting Nay: None

Kristen Shipes
Commission Secretary

ORDINANCE NO. 42, 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 ½ 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 42, 4th Series.

Voting Aye:
Voting Nay:
Absent:

ATTEST:

PASSED: June 18, 2024

City Administrator

President of Council

I hereby approve the foregoing Ordinance this 18th day of June, 2024.

Mayor

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 Ten Voorde 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 Ten Voorde 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: Ten Voorde Ford has the State Bid for Police SUV's. Per Ten Voorde, 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. Ten Voorde 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: October 1, 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: Economic Development Director

RE: Northern Valley Machine Use of Border Cities Tax Credits

NOTE: This item does not require a Public Hearing but is subject to comment under a Notice to Competitors

Northern Valley Investments (Northern Valley Machine) is one of the primary businesses in East Grand Forks. The business is a target for other cities and states to recruit because it is an excellent business to have in a community. It is important for the City to allocate resources to retain the business and the jobs it provides. One of the ways to do that is to reduce the property tax burden. The Border Cities tax credits provide a possible means to do that.

Northern Valley Machine is seeking tax relief for two years. To provide that relief, the Director recommends that \$67,000 in tax credits be allocated to Northern Valley Machine for 2 years of relief. The City has a balance of \$580,037.65 in available tax credits. The City receives about \$106,000 in additional tax credits each year. The use of the tax credits would retain the business and its 68 high-paying jobs as well as provide for steady job growth over the 2 years. The use of the tax credits will also provide resources for Northern Valley Machine to invest in the equipment it needs for its business.

On June 25, 2024, the EDA recommended approval of the request.

Recommendation

That the City Council approve the request to use \$67,000 Border Cities tax credits for Northern Valley Investments for two years of property tax relief.

**NOTICE TO COMPETITORS OF APPLICATION FOR
TAX INCENTIVES**

Notice is hereby given that the City Council Authority of the City of East Grand Forks, Minnesota (the "City") will meet at or after 5:00 p.m. on Tuesday, October 1, 2024, at City Hall, 600 East DeMers Ave, East Grand Forks, Minnesota, to consider the application of Walski Properties, L.L.C., Northern Valley Machine, or any affiliate thereof, for tax incentives to retain jobs and investment for a business located at 1510 Gateway Dr NE and 1124 15th Ave NE, all in the southeast quadrant of the intersection of 15th Avenue NE and the US 2 Frontage Road in the City, legally described as follows:

Block 2 Lot A INDUSTRIAL PARK 1ST ADDITION RE-PLAT, Section 31, T 152 N R49 W 5th PM

Parcel Number: 83.34394.00

and

Block 2 Lot B INDUSTRIAL PARK 1ST ADDITION RE-PLAT, Section 31, T 152 N R49 W 5th PM

Parcel Number: 83.34395.00

and

Block 2 Lot C INDUSTRIAL PARK 1ST ADDITION RE-PLAT, Section 31, T 152 N R49 W 5th PM

Parcel Number: 83.34396.00

All City Council meetings are open to the public. A competitor of the applicant or any other interested person or governmental unit may provide written comments to the City of East Grand Forks prior to the above referenced City Council meeting date by mailing the same to the City of East Grand Forks, Attention: City Administrator, 600 East DeMers Ave, East Grand Forks, Minnesota 55721. This notice is given by the above-named applicant/project operator pursuant to the provisions of Minnesota Statutes, Section 469.1734, Subdivision 7. Published 9/4/2024 and 9/11/2024.

Dated: September 4, 2024

**BY ORDER OF THE ECONOMIC
DEVELOPMENT AUTHORITY OF THE
CITY OF EAST GRAND FORKS,
MINNESOTA**



Reid Huttunen
City Administrator
City of East Grand Forks, Minnesota

RESOLUTION NO. 24 – 10 – 73

RESOLUTION GRANTING BORDER CITY DEVELOPMENT ZONE TAX CREDITS AND APPROVING A BUSINESS SUBSIDY AGREEMENT BETWEEN CITY AND NORTHERN VALLEY INVESTMENTS LLC

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

WHEREAS, Northern Valley Investments LLC, doing business as Northern Valley Machine, or an affiliate thereof (the “Developer”) desires to remain doing business in East Grand Forks in a certain property containing buildings located at 1510 Gateway Dr. NE and 1124 15th Ave NE, all in the southeast quadrant of the intersection of 15th Avenue NE and the US 2 Frontage Road (Parcel Numbers 83.34394.00, 83.34395.00 and 83.34396.00) in the City of East Grand Forks, Minnesota (the “City”) for use by the Developer as a manufacturing facility and related office space as part of the Developer’s operation of its business (collectively, the “Minimum Improvements”); and

WHEREAS, the Developer has continued to expand and add quality jobs in the City and had continued to invest in the Minimum Improvements by adding equipment to the site in an amount of \$1,000,000; and

WHEREAS, the City has designated a Border City Development Zone (“BCDZ”) and has the authority pursuant to Minnesota Statutes, Section 469.1732, subd. 1 and 469.1734, subd. 3 to grant a partial or complete exemption from property taxation of all buildings, structures, fixtures, and improvements used in or necessary to a qualifying business within or outside the BCDZ; and

WHEREAS, under Minnesota Statutes, Section 469.169, subdivisions 14 through 21, the City has received an award of state funds to provide tax credits under Minnesota Statutes, Section 469.171, 469.1732, 479.1732, so long as the municipality determines that the granting of the tax reduction or offset is necessary to retain a business within or attract a business to the zone; and

WHEREAS, the Developer has represented that but for the public assistance it would be forced to relocate its current operations in the City out of the State of Minnesota and into another State, removing 68 jobs from the State as well as vacating a property with significant investment without the public assistance; and

WHEREAS, the City has received a completed application filed in accordance with applicable City procedures, policy, and guidelines from the Developer requesting a property tax exemption (the “Tax Incentives”) to make the Minimum Improvements economically feasible; and

WHEREAS, the application form filed with the City and all associated documentation have been reviewed and evaluated by City staff; and

WHEREAS, proper notice has been provided to competitors pursuant Minnesota Statute Chapter 469.1734, Subdivision 7; and

WHEREAS, granting the Tax Incentives is in the best interest of the City to enhance its property tax base, prevent an existing business from leaving the City and the State, and retain existing jobs and add new jobs in the City.

WHEREAS, the Tax Incentives requested by the Developer are a business subsidy under Minnesota Statutes, Sections 116J.993 through 116J.995, as amended; and

WHEREAS, the City Council has received and reviewed a Business Subsidy Agreement, between the City and Developer (the “Business Subsidy Agreement”) providing for the granting of the Tax Incentives to the Developer and the Developer’s duties and responsibilities related to the business subsidy; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of East Grand Forks, that:

1. Based on representations of the Developer, the Council finds that the job loss is specific and demonstrable. Granting the Tax Incentives to the Developer is necessary for the company to remain and retain jobs in the City and is in the best interests of the City.
2. The City hereby approves the application and grants the Developer an exemption from property taxation of building value subject to the terms and conditions in this resolution, the Business Subsidy Agreement, and Minnesota Statutes in the amount not to exceed \$67,000.
3. The City Clerk is hereby directed and authorized to certify this grant of exemption from property taxation to the City Assessor and County Assessor contingent upon the Developer and the City executing the Business Subsidy Agreement.
4. The Business Subsidy Agreement, together with any related documents in connection therewith (collectively, the “Development Documents”) is approved in substantially the forms on file in City Hall, subject to modifications that do not alter the substance of the transaction and are approved by the Mayor and the City Administrator; provided that execution of the documents will be conclusive evidence of their approval.
5. The Mayor and the City Administrator are authorized and directed to execute the Development Documents and any other documents or certificates necessary to carry out the transactions described in the Development Documents.

Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed.

Passed: October 1, 2024

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 1st of October, 2024.

Mayor

BUSINESS SUBSIDY AGREEMENT

between

THE CITY OF EAST GRAND FORKS

and

NORTHERN VALLEY INVESTMENTS LLC

Approved: October 2024

BUSINESS SUBSIDY AGREEMENT

THIS AGREEMENT made this ____ day of October 2024, by and between the City of East Grand Forks, Minnesota, a home rule city existing under its Charter and the Constitution of the State of Minnesota (“City” or “Grantor”) and Norther Valley Investments LLC, a Minnesota limited liability Company (“Developer”), doing business as Northern Valley Machine, Inc.

RECITALS

WHEREAS, the City, pursuant to Minnesota Statutes 469.1731 to 469.1735, the Border City Development Zone Act (the “BCDZ Act”), is authorized to grant certain tax incentives to qualifying new businesses located within the City; and

WHEREAS, the Developer has requested that the City exercise its authority and grant said tax incentives to the Developer; and

WHEREAS, the Developer is requesting a property tax exemption (the “Business Subsidy”); and

WHEREAS, the Developer desires to continue to use its existing buildings into which the Developer has invested in excess \$1,000,000 since its most recent physical expansion in the City in 2016; and;

WHEREAS, the Developer would not continue its operations within the City without the incentives and its location in the City would not occur “but for” incentives used to retain the business and avoid its relocation to another state; and

WHEREAS, the City has received a completed application for tax incentives under the City’s Border City Development Zone Program from the Developer; and

WHEREAS, granting the Developer’s application for tax incentives is within the best interest of the City because the Project is expected to help prevent specific and demonstrable job loss, keep an existing employer in the City and the State, maintain the City’s and the State’s; and

WHEREAS the City, when providing financial assistance to projects that provide a public benefit to the City and to the State, is subject to the requirements of Minnesota Statutes, Sections 116J.993 to 116J.995, inclusive, as amended (the “Business Subsidy Act”) and is defined therein as a Grantor; and

WHEREAS, the Grantor is required by the Business Subsidy Act, to enter into this subsidy agreement to set forth the terms and conditions of the Business Subsidy (the “Business Subsidy Agreement”); and

WHEREAS, the City and the Developer agree that the Developer will receive a Business Subsidy in accordance with the terms and conditions of this Agreement; and

WHEREAS, the Developer is required by the Business Subsidy Act to set forth in the Subsidy Agreement its goals, including job goals, that will result from receipt of the Subsidy; and

WHEREAS, the Council finds the Project will: (i) maintain 68 full-time equivalent jobs in the City and the State; (ii) maintain the tax base in the City; (iii) promote development of the Project; (iv) increase living wage employment opportunities; (v) retain an existing business within the City and prevent it from relocating to another state, (vi) provide secondary economic development benefits (vii.) provide resources for continued expansion and to invest in additional equipment of its business.

NOW, THEREFORE, in consideration of the premises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

(Remainder of this page intentionally left blank.)

Section 1. Definitions.

“Agreement” or “Subsidy Agreement” means this Subsidy Agreement.

“BCDZ” means the Border City Development Zone created by the City pursuant to its authority under Minnesota Statutes, Section 469.1731.

“BCDZ Act” means the Border City Enterprise Zone (BCDZ) Act, Minnesota Statutes, Sections 469.169 to 469.1735, inclusive, as hereinafter amended.

“Benefit Date” means, pursuant to Section 116J.993, Subd. 2, the date the Developer receives a business subsidy.

“Business Subsidy Act” means Minnesota Statutes, Sections 116J.993 to 116J.995, inclusive, as hereinafter amended.

“Business Subsidy” or “Subsidy” means the tax exemptions provided by the City to the Developer pursuant to the BCDZ Act as outlined in Section 3.

“City,” referred to under the Business Subsidy Law as the “Grantor,” means the City of East Grand Forks, Minnesota.

“DEED” means the Minnesota Department of Employment and Economic Development.

“Developer” means Norther Valley Investments LLC, doing business as Northern Valley Machine, a Minnesota limited liability company.

“Development Property” means the property described in Exhibit A attached hereto.

“Full Time Equivalent Jobs” means the total number of full-time jobs, plus the full-time equivalent of the part-time jobs created at the Project.

“Project” means the Developer’s existing manufacturing business located on the Development Property.

“Tax Incentives” has the meaning set forth in Section 3(a).

Section 2. Subsidy Agreement Requirements.

(a) The City and the Developer recognize and agree that the estimated financial benefit of the potential tax exemptions from the BCDZ to be received by the Developer pursuant to this Agreement are deemed to be a Business Subsidy under the Business Subsidy Act and are subject to the provisions thereof.

(b) The public purposes of the Business Subsidy is to facilitate the Project by assisting an existing business so it will remain in the City, which will result in the retention of jobs and job

creation, increasing living wage employment opportunities, providing secondary economic development benefits, and maintaining the City's tax base.

(c) The goals for the Business Subsidy are: (i) to continue the use of the property to retain an existing business that would relocate out of State but for the subsidy; (ii) to create the jobs and wage levels described in Section 3 for the duration of the Business Subsidy (iii) to provide resources to invest in additional equipment.

(d) The Business Subsidy is needed because the Developer has stated but for the public assistance it would not be able to finance the significant costs associated with maintaining the business in the State considering the space needed to accommodate its growing business and would be forced to relocate out of State. Public assistance in the form of a Business Subsidy allows for the retention of the space needed to meet the spatial needs of the business, allowing it to expand and add additional Full-Time Equivalent Jobs.

(e) The Developer does not have a parent corporation.

(f) The Developer has not received, and does not expect to receive, financial assistance from any other "grantor" as defined in the Business Subsidy Act, in connection with financing the Project.

(g) The Developer warrants and represents that, as of the date of this Agreement, it has not failed to meet the terms of any business subsidy agreement as defined in the Business Subsidy Act.

(h) This Agreement fully meets the statutory requirements of the Business Subsidy Act and if any provision of this Agreement is inconsistent or in conflict with any provision of the Business Subsidy Act, and in the event that any provision of the Business Subsidy Act provides additional requirements, the provisions of the Business Subsidy Act shall apply and govern.

Section 3. Tax Incentives.

(a) The City shall provide a property tax exemption to the Developer in the form of a property tax credit in accordance with the BCDZ Act over a period of 2 years, commencing with tax year 2024, payable in calendar year 2025, and continuing through tax year 2026, or until no more than \$67,000.00 of tax credits have been provided to the Developer, whichever occurs earlier (the "Tax Incentives"). The City makes no warranties or representations to the Developer regarding the amount of the tax credits to be provided to the Developer. The Developer understands and agrees that the provision of tax credits in accordance with this paragraph are subject to approval by the Minnesota Department of Employment and Economic Development and Polk County in their sole and absolute discretion.

(b) Pursuant to Minnesota Statutes 116J.994, Subd. 3(b), the estimated value of the Tax Incentive approved by the City Council to the Developer is \$67,000.00. This calculation is based on expected taxes of \$33,500 per year using a projected value of \$1,394.300 and a current tax rate

of 1.6000%. The City will provide the tax incentives each year for a period of two (2) years or until the total Tax Incentive totals \$67,000.00, whichever occurs earlier.

(c) Subject to the terms and conditions contained in this Agreement and applicable state law, City procedures, policy and guidelines for the Border City Development Zone Program in effect on the date of execution of this agreement and which are incorporated herein by reference, the City and Developer agree that the tax incentives granted pursuant to this Agreement are contingent upon the Developer continuing to meet the eligibility and reporting requirements of the Border City Development Zone Program and the Business Subsidy Act, which include but are not limited to the following:

(i) **Achievement of Job and Wage Goal.** Pursuant to Minnesota Statutes § 116J.994, Subd. 4, the Developer agrees to maintain 68 Full-Time Equivalent Jobs with an average hourly wage of \$23.25 exclusive of benefits. The Developer agrees that the job and wage goal must be fully achieved no later than 2 years following the Benefit Date.

(ii) **Annual Reporting.** Pursuant to Minnesota Statutes § 116J.994, Subd. 7(b), The Developer must submit to the City a written report regarding business subsidy goals and results, by March 1 of each year, commencing March 1, 2025 and continuing until the later of (i) the date the goals stated Section 3(c)(i) are met; (ii) 30 days after expiration of the duration of the period described in Section 3(c)(iii) below; or (iii) if the goals are not met, the date the subsidy is repaid in accordance with Section 5. The City will provide information to the Developer regarding the required forms. If the Developer fails to timely file any report required under this Section, the City will mail the Developer a warning within one week after the required filing date. If, after 14 days of the postmarked date of the warning, the Developer fails to provide a report, the Developer must pay to the City a penalty of \$100 for each subsequent day until the report is filed. The maximum aggregate penalty payable under this Section is \$1,000.

(iii) **Continuation of Operations.** Pursuant to Minnesota Statutes § 116J.994 Subd. 3(a)(6), the Developer agrees to continue operations, in substantially the same manner and scale, in the City for at least five (5) years after the Benefit Date.

Section 4. Remedies.

If the Developer fails to meet the goals described in Section 3(c)(i) and 3(c)(iii), within the time frames set forth herein, then upon thirty (30) days of written notice delivered by the City to the Developer, the Developer must pay to the City: (a) a “pro rata share” of the amounts of any Business Subsidy; plus (b) interest on such principal amount of the Business Subsidy at the implicit price deflator as defined in Minnesota Statutes, Section 275.50, subd. 2, accrued from the Benefit Date to the date of payment. The term “pro rata share” means percentages calculated as follows:

(i) if the failure relates to the number of jobs, the jobs required less the jobs maintained, divided by the jobs required;

(ii) if the failure relates to wages, the number of jobs required less the number of jobs that meet the required wages, divided by the number of jobs required;

(iii) if the failure relates to maintenance of the business in accordance goals delineated in Section 3(c)(i), sixty (60) less the number of months of operation (where any month in which the business is in operation for at least fifteen (15) days constitutes a month of operation), commencing on the benefit date and ending on the date the business ceases operation as determined by the City, divided by sixty (60); and

(iv) if more than one of clauses (i) through (iii) apply, the sum of the applicable percentages, not to exceed 100%.

In addition to the remedy described in this Section and any other remedy available to the City for failure to meet the goals stated in Section 3(c), the Developer agrees and understands that it may not receive a business subsidy from the City or any grantor (as defined in the Business Subsidy Act) for a period of five years from the date of the failure or until the Developer satisfies its repayment obligation under this Section, whichever occurs first.

Section 5. Attorney Fees and Fees of the City

If the City employs attorneys or financial advisors or incurs other expenses for the collection of payments due or for the enforcement or observance of any obligation or agreement on the part of the Developer under this Agreement, or any other agreement between the Developer and the City, the Developer agrees that it will, within ten (10) days of written demand by the City, pay to the City the reasonable fees of such attorneys and any other expenses so incurred by the City.

Section 6. Indemnification.

(a) Developer shall and does hereby agree to protect, defend, indemnify and hold the City, and its officers, agents, and employees, harmless of and from any and all liability, loss, or damage that the City may incur under or by reason of this Agreement, and of and from any and all claims and demands whatsoever that may be asserted against the City by reason of any alleged obligations or undertakings on the part of the City to perform or discharge any of the terms, covenants, or agreements contained herein, except to the extent such liability, loss, or damage is determined to be as a result of the actions of the City, its officers, agents, or employees.

(b) Should the City, or its officers, agents, or employees incur any such liability or be required to defend against any claims or demands pursuant to this Section 6, or should a judgment be entered against the City, the amount thereof, including costs, expenses, and reasonable attorney's fees, shall be immediately payable by Developer to the City upon written demand to Developer.

(c) This indemnification and hold harmless provision shall survive the execution, delivery, and performance of this Agreement. Developer waives notice of the acceptance of this Agreement by the City.

(d) Nothing in this Agreement shall constitute a waiver of or limitation on any immunity from or limitation on liability to which the City is entitled under law.

Section 7. Project Compliance Information. The Developer shall provide to the City any information requested or needed by the City to administer this Agreement and to monitor project implementation for compliance with the BCDZ Act, the Business Subsidy Act, or other State of Minnesota guidelines, excluding any information regarding the sales or profitability of Developer or Developer's parent company or any information that would be considered trade secrets.

Section 8. Workers' Compensation Insurance. The Developer has obtained workers' compensation insurance as required by Minnesota Statutes, Section 176.181, subd. 2. The Developer's workers' compensation insurance information is as follows:

■	██████████	██████████
■	██████████	██████████
■	██████████	██████████

Section 9. Business with the State of Minnesota/State Tax Laws. The Developer is required by Minnesota law to provide its Minnesota tax identification number if it does business with the state of Minnesota. This information may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in an action to require the Developer to file state tax returns and pay delinquent state tax liabilities. This Agreement will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and state personnel involved in the payment of state obligations.

■	██████████	██████████
■	██████████	██████████

Section 10. Miscellaneous.

(a) Choice of Law and Venue. This Agreement is made and shall be governed in all respects by the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

(b) Severability. Wherever possible, each provision of this Agreement and each related document shall be interpreted so that it is valid under applicable law. If any provision of this

Agreement or any related document is to any extent found invalid by a court or other governmental entity of competent jurisdiction, that provision shall be ineffective only to the extent of such invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement or any other related document.

(c) Notice. All notices required hereunder shall be given by depositing in the U.S. mail, postage prepaid, certified mail, return receipt requested, or delivered personally to the following addresses (or such other addresses as either party may notify the other):

To City: City of East Grand Forks
600 DeMers Ave,
East Grand Forks, MN 56721
Attn: City Administrator

To Developer: Northern Valley Investments, LLC
D.B.A Northern Valley Machine, Inc.
1124 15th Avenue NE
East Grand Forks, MN 56721

(d) Entire Agreement. This Agreement, together with the Exhibits hereto, which are incorporated by reference, constitutes the complete and exclusive statement of all mutual understandings between the parties with respect to this Agreement, superseding all prior or contemporaneous proposals, communications, and understandings, whether oral or written, pertaining to the subject matter of this Agreement.

(e) Headings. The headings appearing at the beginning of the several sections contained in this Agreement have been inserted for identification and reference purposes only and shall not be used in the construction and interpretation of this Agreement.

(f) Conflict of Interests; Representatives Not Individually Liable. No officer, employee or contractor of the City may acquire any financial interest, direct or indirect, in this Agreement, or in any contract related to the Property. No officer, agent, or employee of the City shall be personally liable to the Developer or any successor in interest in the event of any default or breach by the City or for any amount that may become due to the Developer or on any obligation or term of this Agreement.

(g) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

(h) Effective Date of Agreement. This Agreement shall take effect immediately.

(i) Assignment. The Developer shall neither assign nor attempt to transfer any rights or obligations under this Agreement. This activity requires the City's prior written approval and includes a reapplication process to verify that the terms and conditions of this Agreement will be met.

(Remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be executed (in one or more counterparts) by their duly authorized representatives as of the date first above written.

CITY OF EAST GRAND FORKS

By: _____
Its: Mayor

By: _____
Its: City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Steven Gander and Reid Huttunen, the Mayor and City Administrator, respectively, of the City of East Grand Forks, Minnesota, on behalf of said City.

Notary Public

**NORTHERN VALLEY INVESTMENTS,
LLC**

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024,
by Nicole Walski, the _____, respectively of the Northern Valley Investments, LLC.

Notary Public

EXHIBIT A
LEGAL DESCRIPTION

Block 2 Lot A INDUSTRIAL PARK 1ST ADDITION RE-PLAT, Section 31, T 152 N
R49 W 5th PM

Parcel Number: 83.34394.00

and

Block 2 Lot B INDUSTRIAL PARK 1ST ADDITION RE-PLAT, Section 31, T 152 N
R49 W 5th PM

Parcel Number: 83.34395.00

and

Block 2 Lot C INDUSTRIAL PARK 1ST ADDITION RE-PLAT, Section 31, T 152 N
R49 W 5th PM

Parcel Number: 83.34396.00

Request for Council Action

Date: October 1, 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: Economic Development Director

RE: Lumber Mart Use of Border Cities Tax Credits

NOTE: This item does not require a Public Hearing but is subject to comment under a Notice to Competitors

Lumber Mart is an important business in East Grand Forks. The business has been investing significantly in its truss manufacturing operation in the form of a new saw, a stocker, electrical work to accommodate the new equipment, a new semi, and a new trailer with a Moffitt forklift. The City has assisted businesses that are investing locally by providing property tax relief. The Border Cities tax credits provide a possible means to do that.

Lumber Mart is seeking tax relief for 3 years. To provide that relief, the Director recommends that \$130,000 in Border Cities tax credits be allocated to Lumber Mart for 3 years of relief. The City has a balance of \$580,037.65 in available tax credits. The City receives about \$106,000 in additional tax credits each year. The use of the tax credits would retain the business and its high-paying jobs as well as provide for steady job growth over the 3 years. The use of the tax credits will also provide resources for Lumber Mart to continue to invest in the community.

On June 25, 2024, the EDA recommended approval of the request.

Recommendation

That the City Council approve the request to use \$130,000 in Border Cities tax credits for Lumber Mart for 3 years of property tax relief.

**NOTICE TO COMPETITORS OF APPLICATION FOR
TAX INCENTIVES**

Notice is hereby given that the City Council of the City of East Grand Forks, Minnesota (the "City") will meet at or after 5:00 p.m. on Tuesday, October 1, 2024, at City Hall, 600 East DeMers Ave, East Grand Forks, Minnesota, to consider the application of Lumber Mart, Inc., or any affiliate thereof, for tax incentives to retain jobs and investment for a business located at 1910 Business Highway 2 in the City, legally described as follows:

5.83 acres west of the east 500 feet of the NE ¼ NW ¼ Section 07 Township 151 N Range 049 W 5th PM

Parcel Number: 83.03239.00

All City Council meetings are open to the public. A competitor of the applicant or any other interested person or governmental unit may provide written comments to the City of East Grand Forks prior to the above referenced City Council meeting date by mailing the same to the City of East Grand Forks, Attention: City Administrator, 600 East DeMers Ave, East Grand Forks, Minnesota 55721. This notice is given by the above-named applicant/project operator pursuant to the provisions of Minnesota Statutes, Section 469.1734, Subdivision 7. Published 9/4/2024 and 9/11/2024.

Dated: September 4, 2024

**BY ORDER OF THE ECONOMIC
DEVELOPMENT AUTHORITY OF THE
CITY OF EAST GRAND FORKS,
MINNESOTA**



Reid Huttunen
City Administrator
City of East Grand Forks, Minnesota

RESOLUTION NO. 24 – 10 – 74

RESOLUTION GRANTING BORDER CITY DEVELOPMENT ZONE TAX CREDITS AND APPROVING A BUSINESS SUBSIDY AGREEMENT BETWEEN CITY AND LUMBER MART INC.

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

WHEREAS, Lumber Mart, Inc., or an affiliate thereof (the “Developer”) desires to remain doing business in East Grand Forks in a certain property containing buildings located at 1910 Business Highway 2 in the City of East Grand Forks, Minnesota (the “City”) for use by the Developer as a lumber and building supply and truss business and related office space as part of the Developer’s operation of its business (collectively, the “Minimum Improvements”); and

WHEREAS, the Developer has continued to expand and add quality jobs in the City and had continued to invest in the Minimum Improvements by adding equipment to the site in an amount exceeding \$1,000,000; and

WHEREAS, the City has designated a Border City Development Zone (“BCDZ”) and has the authority pursuant to Minnesota Statutes, Section 469.1731 through 469.1735 to grant a partial or complete exemption from property taxation of all buildings, structures, fixtures, and improvements used in or necessary to a qualifying business within or outside the BCDZ; and

WHEREAS, under Minnesota Statutes, Section 469.169, subdivisions 14 through 21, the City has received an award of state funds to provide tax credits under Minnesota Statutes, Section 469.171, 469.1732, 479.1732, so long as the municipality determines that the granting of the tax reduction or offset is necessary to retain a business within or attract a business to the zone; and

WHEREAS, the Developer has represented that but for the public assistance it would be forced to relocate its current operations in the City out of the State of Minnesota and into another State, removing 29 jobs from the State as well as vacating a property with significant investment without the public assistance; and

WHEREAS, the City has received a completed application filed in accordance with applicable City procedures, policy, and guidelines from the Developer requesting a property tax exemption (the “Tax Incentives”) to make the Minimum Improvements economically feasible; and

WHEREAS, the application form filed with the City and all associated documentation have been reviewed and evaluated by City staff; and

WHEREAS, proper notice has been provided to competitors pursuant Minnesota Statute Chapter 469.1734, Subdivision 7; and

WHEREAS, granting the Tax Incentives is in the best interest of the City to enhance its property tax base, prevent an existing business from leaving the City and the State, and retain existing jobs and add new jobs in the City.

WHEREAS, the Tax Incentives requested by the Developer are a business subsidy under Minnesota Statutes, Sections 116J.993 through 116J.995, as amended; and

WHEREAS, the City Council has received and reviewed a Business Subsidy Agreement, between the City and Developer (the “Business Subsidy Agreement”) providing for the granting of the Tax Incentives to the Developer and the Developer’s duties and responsibilities related to the business subsidy; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of East Grand Forks, that:

1. Based on representations of the Developer, the Council finds that the job loss is specific and demonstrable. Granting the Tax Incentives to the Developer is necessary for the company to remain and retain jobs in the City and is in the best interests of the City.
2. The City hereby approves the application and grants the Developer an exemption from property taxation of building value subject to the terms and conditions in this resolution, the Business Subsidy Agreement, and Minnesota Statutes in the amount not to exceed \$130,000.
3. The City staff is hereby directed and authorized to work with DEED and to certify this grant of exemption from property taxation to the City Assessor and County Assessor contingent upon the Developer and the City executing the Business Subsidy Agreement.
4. The Business Subsidy Agreement, together with any related documents in connection therewith (collectively, the “Development Documents”) is approved in substantially the forms on file in City Hall, subject to modifications that do not alter the substance of the transaction and are approved by the Mayor and the City Administrator; provided that execution of the documents will be conclusive evidence of their approval.
5. The Mayor and the City Administrator are authorized and directed to execute the Development Documents and any other documents or certificates necessary to carry out the transactions described in the Development Documents.

Voting Aye:
Voting Nay:
Absent:

The President declared the resolution passed.

Passed: October 1, 2024

Attest:

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing resolution this 1st of October, 2024.

Mayor

BUSINESS SUBSIDY AGREEMENT
between
THE CITY OF EAST GRAND FORKS
and
LUMBER MART, INC

Approved: __, __, 2024

BUSINESS SUBSIDY AGREEMENT

THIS AGREEMENT made this __th day of _____, 2024, by and between the City of East Grand Forks, Minnesota, a home rule city existing under its Charter and the Constitution of the State of Minnesota (“City” or “Grantor”) and Lumber Mart, Inc, a Delaware corporation (“Developer”).

RECITALS

WHEREAS, the City, pursuant to Minnesota Statutes 469.166 to 469.1735, as amended the Border City Development Zone Act (the “BCDZ Act”), is authorized to grant certain tax incentives to qualifying businesses located within the City;

WHEREAS, the Developer has requested that the City exercise its authority and grant said tax incentives to the Developer;

WHEREAS, the Developer has continued to invest in the expansion of its business in the City with an estimated investment in excess of \$1,000,000;

WHEREAS, the acquisition and renovations would not have occurred “but for” incentives used to help an existing business in the City expand; and

WHEREAS, the City has received a completed application for tax incentives under the City’s Border City Tax Credit Policy from the Developer; and

WHEREAS, the Developer is requesting a property tax credit (the “Business Subsidy”) under the BCDZ Act; and

WHEREAS, the Developer’s application was filed and evaluated by the City in accordance with applicable statutory requirements and City procedures, policy and guidelines, including the City’s Border City Tax Credit Policy; and

WHEREAS, granting the Developer’s application for tax incentives is within the best interest of the City because the Project is expected to provide employment opportunities, provide access to services for the residents , retain jobs in the City, help assist the existing business to remain and expand in the City and increase the City’s tax base; and

WHEREAS the City, when providing financial assistance to projects that provide a public benefit to the City and to the State, is subject to the requirements of Minnesota Statutes, Sections 116J.993 to 116J.995, inclusive, as amended (the “Business Subsidy Act”) and is defined therein as a Grantor; and

WHEREAS, the Grantor is required by the Business Subsidy Act, to enter into this subsidy agreement to set forth the terms and conditions of the business subsidy (the “Business Subsidy Agreement”); and

WHEREAS, the City and the Developer agree that the Developer will receive a Business Subsidy in accordance with the terms and conditions of this Agreement; and

WHEREAS, the Developer is required by the Business Subsidy Act to set forth in the Subsidy Agreement its goals, including job goals, that will result from receipt of the business subsidy; and

WHEREAS, the Council finds the Project will: (i) retain 29 full-time equivalent jobs in the City and the State; (ii) create 2 full-time equivalent jobs in the City; (iii) increase the tax base in the City; (iv) promote development of the Project; (v) increase living wage employment opportunities; (vi) help an existing business in the City expand and promote the retention of an existing business in the City, and (vii) provide secondary economic development benefits.

NOW, THEREFORE, in consideration of the premises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

(Remainder of this page intentionally left blank.)

Section 1. Definitions.

“Agreement” or “Business Subsidy Agreement” means this Business Subsidy Agreement.

“BCDZ Act” means the Border City Enterprise Zone (BCDZ) Act, Minnesota Statutes, Sections 469.166 to 469.1735, inclusive, as hereinafter amended.

“Benefit Date” means, pursuant to Section 116J.993, Subd. 2, the date the Developer receives a business subsidy. For the acquisition of and improvements to property, the benefit date refers to the earliest date of either (i) when the improvements are finished for the entire project, or (ii) when the business occupies the property.

“Business Subsidy Act” means Minnesota Statutes, Sections 116J.993 to 116J.995, inclusive, as hereinafter amended.

“Business Subsidy” has the meaning set forth in Section 3(b).

“City” means the City of East Grand Forks, Minnesota.

“DEED” means the Minnesota Department of Employment and Economic Development.

“Developer” means Lumber Mart, Inc., a Delaware corporation.

“Development Property” means the property described in Exhibit A attached hereto.

“Full Time Equivalent Jobs” means the total number of full-time jobs, plus the full-time equivalent of the part-time jobs created at the Project.

“Project” means the renovation of an existing building, purchase of vehicles and equipment for use by the Developer in its lumber and building supply business as part of the Developer’s business in the City.

Section 2. Subsidy Agreement Requirements.

(a) The City and the Developer recognize and agree that the estimated financial benefit of the potential tax exemptions from the BCDZ Act to be received by the Developer pursuant to this Agreement are deemed to be a Business Subsidy under the Business Subsidy Act and are subject to the provisions thereof.

(b) The public purposes of the Business Subsidy are to facilitate the Project by assisting an existing business with an expansion and investment so it will remain in the City, which will result in job retention and creation, increasing living wage employment opportunities, providing secondary economic development benefits, and increasing the city’s tax base.

(c) The goals for the Business Subsidy are: (i) to provide for the and renovation of the existing building to facilitate the expansion of and investment in an existing business; (ii) to retain and create the jobs and wage levels described in Section 3 for the duration of the Subsidy, and (iii) to help an existing business expand and invest that would occur out of state but for the subsidy.

(d) The Business Subsidy is needed because the Developer has stated but for the public assistance it would not be able to finance the costs associated with the Project. Public assistance in the form of a Business Subsidy allows for the renovation of an existing building and allowing it to expand and add additional vehicles and equipment and to retain and expand Full-Time Equivalent Jobs.

(e) The Developer does not have a parent corporation.

(f) The Developer has not received, and does not expect to receive, financial assistance from any other “grantor” as defined in the Business Subsidy Act, in connection with financing the Project.

(g) The Developer warrants and represents to the City that, as of the date of this Agreement, it has not failed to meet the terms of any business subsidy agreement as defined in the Business Subsidy Act.

(h) This Agreement fully meets the statutory requirements of the Business Subsidy Act and in the event that any provision of this Agreement is inconsistent or in conflict with any provision of the Business Subsidy Act, and in the event that any provision of the Business Subsidy Act provides additional requirements, the provisions of the Business Subsidy Act shall apply and govern.

(i) The Developer represents that it could have invested the money outside the State of Minnesota, but it chose to invest in the City as a result of the Business Subsidy.

(j) The execution and delivery of this Agreement constitutes a lawful and binding obligation, legally enforceable against the Developer.

(k) The Developer is a corporation duly organized and in good standing under the laws of the State of Delaware, is not in violation of any provisions of its organizational documents, to the best of its knowledge, the laws of the State, is duly authorized to transact business within the State, has power to enter into this Agreement and has duly authorized the execution, delivery and performance of this Agreement by proper action of its governing body.

Section 3. Tax Incentives.

(a) The City shall provide a property tax exemption to the Developer in the form of a property tax credit (the “Tax Incentives”) in accordance with the BCDZ Act. The City will provide the Tax Incentives for three years commencing with tax years 2024, 2025, and 2026, payable in calendar years 2025, 2026, and 2027, or until the tax year when the Tax Incentives provided to the Developer totals \$130,000, whichever occurs earlier. The Tax Incentives shall be provided to the Developer only upon the satisfaction of the following conditions:

(i) The Developer has paid to the City a \$100 application fee.

(ii) The Developer has provided a tax clearance letter from the Minnesota Department of Revenue which affirmatively established that, as of the date the Developer applied for the Business Subsidy, the business owner does not owe delinquent income or

sales tax pursuant to Minnesota Statutes, Chapters 290, 296A, 297A, 297B, 197For 297G. In addition, qualifying businesses and their owners and principals shall not owe property taxes to the City or to Polk County.

(iii) The Developer has completed the Project in accordance with Section 6 hereof.

(iv) The Developer has provided evidence satisfactory to the City that it has incurred at least \$130,000 in costs towards completing the Project.

(v) The provision of the Tax Incentives has been approved by DEED and Polk County.

(b) The estimated value of the Tax Incentives approved by the City Council to be provided to the Developer is \$43,333 per year using a projected value of 1,329,300 and a current tax rate of 1.600%. The amount actually paid to the Developer shall constitute the “Business Subsidy.” The City makes no warranties or representations to the Developer regarding the total amount of the Tax Incentives to be provided to the Developer.

(c) Subject to the terms and conditions contained in this Agreement and applicable state law, City procedures, policy and guidelines including the Border City Tax Credit Policy in effect on the date of execution of this agreement and which are incorporated herein by reference, the City and Developer agree that the tax incentives granted pursuant to this Agreement are contingent upon the Developer continuing to meet the eligibility and reporting requirements of the Border City Tax Credit Policy, the BCDZ Act and the Business Subsidy Act, which include but are not limited to the following:

(i) **Achievement of Job and Wage Goal.** The Developer agrees to create 2 Full-Time Equivalent Jobs with an average hourly wage of not less than \$11.00 per hour, cash wages, or \$12.85 per hour, total compensation, including benefits. The Developer agrees that the job and wage goal must be fully achieved no later than 2 years following the Benefit Date.

(ii) **Annual Reporting.** Pursuant to Minnesota Statutes § 116J.994, Subd. 7(b), the Developer must submit to the City a written report regarding business subsidy goals and results, by March 1 of each year, commencing March 1, 2025 and continuing until the later of (i) the date the goals stated Section 3(c)(i) are met; (ii) 30 days after expiration of the duration of the period described in Section 3(c)(iii) below; or (iii) if the goals are not met, the date the subsidy is repaid in accordance with Section 5. The City will provide information to the Developer regarding the required forms. If the Developer fails to timely file any report required under this Section, the City will mail the Developer a warning within one week after the required filing date. If, after 14 days of the postmarked date of the warning, the Developer fails to provide a report, the Developer must pay to the City a penalty of \$100 for each subsequent day until the report is filed. The maximum aggregate penalty payable under this Section is \$1,000.

(iii) **Continuation of Operations.** The Developer agrees to continue operations, in substantially the same manner and scale, in the City for at least five (5) years after the Benefit Date.

Section 4. Tax Incentive Schedule.

City and Developer acknowledge and agree that the Tax Incentive Schedule attached to this Agreement is a true and correct representation of the Project as provided to the City by the Developer.

Section 5. Remedies.

If the Developer fails to meet the goals described in Section 3(c)(i) and 3(c)(iii), within the time frames set forth herein, then upon thirty (30) days of written notice delivered by the City to the Developer, the Developer must pay to the City: (a) a “pro rata share” of the amounts of any Business Subsidy provided to the Developer as the date of such failure; plus (b) interest on such principal amount of the Business Subsidy at the implicit price deflator as defined in Minnesota Statutes, Section 275.50, subd. 2, accrued from the Benefit Date to the date of payment. The term “pro rata share” means percentages calculated as follows:

- (i) if the failure relates to the number of jobs, the jobs required less the jobs created, divided by the jobs required;
- (ii) if the failure relates to wages, the number of jobs required less the number of jobs that meet the required wages, divided by the number of jobs required;
- (iii) if more than one of clauses (i) through (ii) apply, the sum of the applicable percentages, not to exceed 100%.
- (iv) if the failure relates to maintenance of its business in the City for five (5) years in accordance goals delineated in Section 3(c)(iii), the Developer shall repay to the City the full amount of Tax Incentives it has received as of the date the business ceases to operate in the City.

In addition to the remedy described in this Section and any other remedy available to the City for failure to meet the goals stated in Section 3(c), the Developer agrees and understands that it may not receive a business subsidy from the City or any grantor (as defined in the Business Subsidy Act) for a period of five years from the date of the failure or until the Developer satisfies its repayment obligation under this Section, whichever occurs first.

Section 6. Deadline to Complete Project.

The Developer shall complete the Project by or before December 31, 2025. Completion of the Project shall mean that the Project has been issued a Certificate of Occupancy by the City and that the capital equipment has been fully installed. Developer agrees and acknowledges that its failure to complete the Project by the completion deadline shall cause this Agreement to terminate, and the City shall immediately terminate its obligation to make any future payments of Tax Incentives under Section 3(a) or Section 3(b).

Section 7. Attorney Fees and Fees of the City.

If the City employs attorneys or financial advisors or incurs other expenses for the collection of payments due or for the enforcement or observance of any obligation or agreement on the part of the Developer under this Agreement, or any other agreement between the Developer and the City, the Developer agrees that it will, within ten (10) days of written demand by the City, pay to the City the reasonable fees of such attorneys and any other expenses so incurred by the City.

Section 8. Indemnification.

(a) Developer shall and does hereby agree to protect, defend, indemnify and hold the City, and its officers, agents, and employees, harmless of and from any and all liability, loss, or damage that the City may incur under or by reason of this Agreement, and of and from any and all claims and demands whatsoever that may be asserted against the City by reason of any alleged obligations or undertakings on the part of the City to perform or discharge any of the terms, covenants, or agreements contained herein, except to the extent such liability, loss, or damage is determined to be as a result of the actions of the City, its officers, agents, or employees.

(b) Should the City, or its officers, agents, or employees incur any such liability or be required to defend against any claims or demands pursuant to this Section 8, or should a judgment be entered against the City, the amount thereof, including costs, expenses, and reasonable attorneys fees, shall be immediately payable by Developer to the City upon written demand to Developer.

(c) This indemnification and hold harmless provision shall survive the execution, delivery, and performance of this Agreement. Developer waives notice of the acceptance of this Agreement by the City.

(d) Nothing in this Agreement shall constitute a waiver of or limitation on any immunity from or limitation on liability to which the City is entitled under law.

Section 9. Project Compliance Information.

The Developer shall provide to the City any information requested or needed by the City to administer this Agreement and to monitor project implementation for compliance with the BCDZ Act, the Business Subsidy Act, or other State of Minnesota guidelines, excluding any information regarding the sales or profitability of Developer or Developer's parent company or any information that would be considered trade secrets.

Section 10. Business with the State of Minnesota/State Tax Laws.

The Developer is required by Minnesota law to provide its Minnesota tax identification number if it does business with the state of Minnesota. This information may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in an action to require the Developer to file state tax returns and pay delinquent state tax liabilities. This Agreement will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and state personnel involved in the payment of state obligations.

- (a) Minnesota Tax ID: 4562574
- (b) Federal Employer ID: 41-1813185

Section 11. Miscellaneous.

(a) Choice of Law and Venue. This Agreement is made and shall be governed in all respects by the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

(b) Severability. Wherever possible, each provision of this Agreement and each related document shall be interpreted so that it is valid under applicable law. If any provision of this Agreement or any related document is to any extent found invalid by a court or other governmental entity of competent jurisdiction, that provision shall be ineffective only to the extent of such invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement or any other related document.

(c) Notice. All notices required hereunder shall be given by depositing in the U.S. mail, postage prepaid, certified mail, return receipt requested, or delivered personally to the following addresses (or such other addresses as either party may notify the other):

To City: City of East Grand Forks
600 DeMers Ave,
East Grand Forks, MN 56721
Attn: City Administrator

To Developer: Robert Peabody
Lumber Mart, Inc
1910 Business Highway 2
East Grand Forks, MN 56721

(d) Entire Agreement. This Agreement, together with the exhibits hereto, which are incorporated by reference, constitutes the complete and exclusive statement of all mutual understandings between the parties with respect to this Agreement, superseding all prior or contemporaneous proposals, communications, and understandings, whether oral or written, pertaining to the subject matter of this Agreement.

(e) Headings. The headings appearing at the beginning of the several sections contained in this Agreement have been inserted for identification and reference purposes only and shall not be used in the construction and interpretation of this Agreement.

(f) Conflict of Interests; Representatives Not Individually Liable. No officer, employee or contractor of the City may acquire any financial interest, direct or indirect, in this Agreement, or in any contract related to the Property. No officer, agent, or employee of the City shall be personally liable to the Developer or any successor in interest in the event of any default

or breach by the City or for any amount that may become due to the Developer or on any obligation or term of this Agreement.

(g) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

(h) Effective Date of Agreement. This Agreement shall take effect immediately.

(i) Assignment. The Developer shall neither assign nor attempt to transfer any rights or obligations under this Agreement. This activity requires the City's prior written approval and includes a reapplication process to verify that the terms and conditions of this Agreement will be met.

(Remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be executed (in one or more counterparts) by their duly authorized representatives as of the date first above written.

CITY OF EAST GRAND FORKS

By: _____
Its: Mayor

By: _____
Its: City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____ and _____, the Mayor and City Administrator, respectively, of the City of East Grand Forks, Minnesota, on behalf of said City.

Notary Public

LUMBER MART, INC

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024,
by _____, the _____, respectively of the Lumber Mart, Inc.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION

5.83 acres west of the east 500 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 07 Township 151 Range 049

Parcel Number: **83.03239.00**

**EXHIBIT B
TAX INCENTIVE SCHEDULE**

AQUISITION			TAXASSESSMENT ¹		EXEMPTION ²	
Month/Year of Incentive Agreement	Anticipated Project Start Date	Anticipated Project End Date	Tax Assessment Date	Property Taxes Due and Payable	First Year in Which Property Taxes are Exempt (Payable Year)	Project Operator's Initials Indicating Start of Exemption Period
September, 2024	By September 1, 2024	By December 31, 2025	January 2, 2024	May, 2025, 2026, and 2027 October, 2025, 2026, and 2027	May, 2025	

¹ Pursuant to Minnesota Statutes 273.01, existing property value, along with any value attributed to the construction of the Project, whether partial or complete, whether a Certificate of Occupancy has been issued or not, shall be valued as of January 2 for property tax payable the following year.

² The Project shall have been completed prior to the commencement of the benefit.

It is the sole responsibility of the Developer to monitor the acquisition, assessment, and exemption schedule.

**City of East Grand Forks
Facility Use Agreement**

It is the City of East Grand Forks’ hereinafter “CITY” desire that all patrons who periodically use a CITY building, facility, park, room, arena, field, recreational area, shelter, or other City property are able to enjoy the “Facility”. This agreement has been set in place to achieve that goal.

The person signing this agreement and the organization (herinafter the “User”) on whose behalf the “Agreement” is being made are responsible for compliance with this agreement. All Users’s are required to read and sign the City Use Agreement as part of the rental and before the Facility can be rented by the User. Please read carefully, fill out City, User, and Event sections, initial at the bottom of each page, and sign in the signature page at the end of this document.

1. CITY FACILITY INFORMATION

Name of CITY Facility/Property: Civic Center & Blue Line Arena
Address/Area/Location of Facility/Property): 300 15th St NE & 807 4th St SE
East Grand Forks, MN 56721
Room/Area of Use Rented: Entire Facility

The RENTAL FEE and consideration to be paid by the User shall be as follows:

Rental Fee sum of \$1,500.00 for the following dates.

Rental dates and times:

- Friday, October 3rd; 2:00 p.m. to 9:00 p.m. for set up
- Saturday, October 4th; show hours 7:00 a.m. to 5:30 p.m.
- Sunday, October 5th; show hours 10:00 a.m. to 6:00 p.m.

Special Conditions:

Specific equipment/special conditions as designed by Parks & Recreation Department included in the rental agreement are as follows:

Specific hours of operation can be amended, per the schedule of Arts & Craft Show activities with the Parks & Recreation Superintendent

2. USER INFORMATION

Organization Name: East Grand Forks Arts & Crafts Council
Address, City, State, Zip: PO Box 622, East Grand Forks, MN 56721
Contact name/title: Lorraine O’Shea, Show Director
Email: egfcraftcouncil@gmail.com

A. **This agreement**, made and entered into this _____ day of _____ by and between the City of East Grand Forks Parks & Recreation Department, a municipal corporation, acting by and through its Superintendent of Parks & Recreation and the “User” EGF Arts & Craft Council (list organization/renter), now, therefore, in consideration of the promises contained herein, do hereby agree as follows:

- B. The CITY agrees to provide the use of the above listed Facility or the following parts therein, described above in City Information.

Renting said premises subject to the conditions, rules, regulations and policies that the CITY shall by Ordinance and Resolution establish for CITY property and facilities from time to time, which Ordinance and Resolution are mutually understood and agreed by the parties hereto be a part hereof. It is further mutually agreed that any attached conditions, rules, regulations and policies of the CITY are a part of this Rental agreement.

- C. User shall perform routine pick up after its use of the rented FACILITY, ensuring equipment is cleaned and returned to its beginning location; as well as area locker rooms, ensuring locker room and shower area floors are clear of any items and all equipment is properly stored. All garbage will be placed in the appropriate receptacles as determined by the CITY. If not cleaned to the sole satisfaction of the CITY, the User agrees to pay CITY the costs the City incurs for clean-up purposes.
- D. No alcoholic beverages shall be sold or permitted by the User upon the premises. Unless authorized by City Council.
- E. **Indemnification**. The User shall defend, indemnify and hold harmless the City and its officials, employees and agents from any liabilities, judgments, losses, costs or charges (including attorneys' fees) incurred by the City or any of its officials, employees or agents as a result of any claim, demand, action or suit relating to any bodily injury or illness (including death), loss or property damage caused by, arising out of, related to or associated with the use of the Facility by the User or by the User's guests or invitees, except to the extent caused by the sole negligence, gross negligence or willful misconduct of the City or its officers, employees or agents.
- F. **Waiver and Assumption of Risk**. The User knows, understands and acknowledges the risks and hazards associated with using the Community Center and hereby assumes any and all risks and hazards associated therewith. User hereby irrevocably waives any and all claims against the City or any of its officials, employees or agents for any bodily injury (including death), loss or property damage incurred by the User as a result of using the Community Center and hereby irrevocably releases and discharges the City and any of its officials, employees or agents from any and all claims of liability.
- G. **Insurance**. The User is required to obtain liability insurance for the Agreement. If insurance is required, User agrees to obtain at least a minimum \$1 Million General Liability coverage. The User agree to provide a certificate of insurance to the City showing the required coverage at least seven (7) days prior to the Event and naming the City of East Grand Forks as an Additional Insured.
- H. User shall be solely responsible for the supervision and control of its volunteers and participants and it is strongly recommended by the CITY that if said volunteers are working directly with children that background checks be performed in accordance with "The Minnesota Child

Protection Act (MN Stat. 299C)". Any volunteers provided by the User are not "City Volunteers" and are acting on behalf of the User and **ARE NOT** acting on behalf of the CITY.

- I. CITY, its agents and employees shall have the right to enter the rented premise upon reasonable advance notice for the purpose of inspecting, repairing, altering or improving the rented premises, or for any other purpose. There shall be no diminution of rent and no liability on the part of CITY by reason of any inconvenience, annoyance or injury caused by CITY's reasonable exercise of the rights reserved by CITY in this Article.
- J. **DISCRIMINATION.** No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, color, creed, religion, national origin, sex, gender, marital status, status with regard to public assistance, disability, sexual orientation, age, family care leave status, or veteran status.
- K. **Governing Law.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota.
- L. User agrees to abide by all rules, regulations, and guidelines set in place by the State of Minnesota, County of Polk, and City of East Grand Forks in compliance and operation of event.
- M. User shall not assign this agreement, nor suffer any use of the said leased premises other than as herein specified, nor sublet the premises or any part thereof, without the prior consent of the City and its Parks & Recreation Superintendent.
- N. User is responsible for any lost keys, and any costs that the City might incur to replace and/or re-key the Facility.
- O. **Priority of Use/Cancellation.** The City shall have first priority for all governmental and department activities. The priority for all other users shall be on a first come, first served basis. The City reserves the right to cancel any Event or Agreement as it deems necessary. If the City cancels the event, the User shall be entitled to a full refund of any rent paid.
- P. **Set Up, Clean Up , Misc. Equipment.**
Set up, Clean Up, Misc. Equipment use must be followed under the standards of use and care as described in the Special Conditions listed below or as described above by this agreement.
- Q. Special conditions of this Agreement not hereinabove provided are as follows:

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

IMPORTANT – READ BEFORE SIGNING

I am an authorized agent of the organization submitting this agreement. The information provided in this agreement is true and correct. I have read and understand this agreement and agree to all of the aforementioned rules, regulations, and conditions of use.

Signature _____

Print name _____ **Title** _____

Organization East Grand Forks Arts & Craft Council

Address PO Box 622, East Grand Forks, MN 56721

Telephone: Home/Mobile _____ **Work** _____

CITY OF EAST GRAND FORKS

By: _____

Its Mayor

By: _____

Its City Administrator

Accounts Payable

Check Register Totals Only

User: rkringlen
 Printed: 9/26/2024 - 3:10 PM



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
43174	10/01/2024	ACM001	Acme Electric Companies	86.98	0
43175	10/01/2024	ADV001	Advanced Business Methods Inc	867.00	0
43176	10/01/2024	ALL011	Allstream	181.50	0
43177	10/01/2024	BWM001	B&W Masonry Inc.	960.00	0
43178	10/01/2024	BAK001	Baker & Taylor Co	237.41	0
43179	10/01/2024	BAL001	Balco Uniforms Co Inc	465.16	0
43180	10/01/2024	EXT001	Boushee Enterprises, LLC	1,271.50	0
43181	10/01/2024	CEN006	Century Link	257.65	0
43182	10/01/2024	CEN010	Century Link	47.60	0
43183	10/01/2024	GFP002	City of Grand Forks	2,202.51	0
43184	10/01/2024	COL004	Coldspring Memorial	237.00	0
43185	10/01/2024	COL002	Cole Papers Inc	835.49	0
43186	10/01/2024	COM003	Complete Pest Control Inc	1,775.00	0
43187	10/01/2024	COU008	Countrywide Sanitation Company	53,947.22	0
43188	10/01/2024	DOC001	Docu Shred Inc	54.07	0
43189	10/01/2024	EAG001	Eagle Electric	1,581.68	0
43190	10/01/2024	EGF006	EGF City Petty Cash Ckng	1,016.67	0
43191	10/01/2024	EBC001	Equity Builders & Construction Servic	47,500.00	0
43192	10/01/2024	GRE001	Great Plains Heating AC & Plumbing	280.98	0
43193	10/01/2024	HIG002	Higher Ground	940.00	0
43194	10/01/2024	TCL001	Gregory Hufnagle	7,301.25	0
43195	10/01/2024	ING003	Ingram Library Services	1,711.85	0
43196	10/01/2024	KEN002	Kennedy & Graven, Chartered	176.00	0
43197	10/01/2024	LEA001	League of MN Cities, Finance Dept	3,497.00	0
43198	10/01/2024	HAR081	Local Ace	55.73	0
43199	10/01/2024	HAR086	Local Ace	79.50	0
43200	10/01/2024	HAR087	Local Ace	272.00	0
43201	10/01/2024	LUN001	Lunseth Plumbing & Heating	2,263.00	0
43202	10/01/2024	MPO001	Metropolitan Planning Organization	2,859.91	0
43203	10/01/2024	MID003	Midcontinent Communications	2,777.62	0
43204	10/01/2024	MND020	Minnesota DEED - BCD Repayments	788.44	0
43205	10/01/2024	MND006	MN Dept of Revenue	4,702.00	0
43206	10/01/2024	NEL101	Nelson Auto	3,761.33	0
43207	10/01/2024	NOR004	Northern Plumbing Supply	918.00	0
43208	10/01/2024	NOR024	Northland Yard Service	6,900.60	0
43209	10/01/2024	ORE001	O'Reilly Automotive, Inc.	200.95	0
43210	10/01/2024	OFF002	ODP Business Solutions, LLC	83.98	0
43211	10/01/2024	OPP001	Opp Construction LLC	2,420.00	0
43212	10/01/2024	OVE002	OverDrive, Inc	2,000.00	0
43213	10/01/2024	EXP002	Page 1 Publications, Inc.	1,286.30	0
43214	10/01/2024	POW001	Power Equipment Shop	193.78	0
43215	10/01/2024	R&R001	R&R Specialties of Wisconsin Inc	290.35	0
43216	10/01/2024	RIG001	Right Choice Electric Inc	481.58	0
43217	10/01/2024	SAK001	Safe Kids Grand Forks	3,983.33	0
43218	10/01/2024	SAN005	Sanford Health OccMed	1,068.00	0
43219	10/01/2024	SCR001	St. Cloud Refrigeration, Inc.	3,118.50	0
43220	10/01/2024	STO001	Stone's Mobile Radio Inc	296.50	0
43221	10/01/2024	STA005	Strata Corp	583.00	0
43222	10/01/2024	STU001	Stuart's Towing	300.00	0
43223	10/01/2024	SWA002	Swanston Equipment Corporation	5,964.52	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
43224	10/01/2024	TLC001	Team Laboratory Chemical LLC	2,208.50	0
43225	10/01/2024	TOT001	Telocin Group, Inc	7,173.36	0
43226	10/01/2024	TEN002	Tcnvoorde Ford, Inc.	44,729.94	0
43227	10/01/2024	PRA005	The Practice Place, PLLC	120.00	0
43228	10/01/2024	THU002	Thur-O-Clean	5,001.16	0
43229	10/01/2024	TOT002	Total Trans Care, Inc.	4,300.00	0
43230	10/01/2024	TRU003	True North Equipment	21.00	0
43231	10/01/2024	VES001	Vestis Services LLC	545.39	0
43232	10/01/2024	VIL001	Vilandre Heating & A/C	1,771.00	0
43233	10/01/2024	WAT001	Water and Light Department	4,947.05	0
43234	10/01/2024	XCE001	Xcel Energy	1,753.36	0
				<hr/> <hr/>	
Check Total:				247,651.20	
				<hr/> <hr/>	

Accounts Payable
Check Register Totals Only

User: rkringlen
Printed: 9/27/2024 - 3:01 PM



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
43235	10/01/2024	TOT001	Telocin Group, Inc	35.11	0
				<u>35.11</u>	
Check Total:				<u>35.11</u>	