PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA August 4, 2014

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, August 4, 2014 at the hour of 5:30 o'clock p.m. with Mayor Brown presiding. Present at roll call were Council Members Bjerke, Schneider, Weber (teleconf.), Mock, Christensen, Sande (teleconf.), Vein - 7; absent: none..

Mayor Brown announced that anyone wishing to speak to any item may do so by being recognized prior to a vote being taken on the matter, and that the meeting is being televised.

The pledge of allegiance to the flag was led by city council.

LIBRARY ANNUAL REPORT

Brian Schill, Library Board President, presented the 2013 Annual Report for the Grand Forks Public Library, reviewed various activities at the Library and attendance. A comparative report of the 2012 and 2013 numbers in revenues and expenditures was shown with increase in revenues and decrease in expenditures for 2013.

ADOPT ORDINANCE NO. 4491, RELATING TO GROWTH FUND COMMITTEE MEMBERSHIP

An ordinance entitled "An ordinance amending Section 24-0108(2) of the Grand Forks City Code relating to Growth Fund Committee", which had been introduced and passed on its first reading on July 21, 2014, was presented and read for consideration on second reading and final passage.

Mayor Brown opened the public hearing, there were no comments and the hearing was closed.

Upon call for the question of adoption of this ordinance, and upon roll call vote, the following voted "aye": Council Members Bjerke, Schneider, Weber, Mock, Christensen, Sande, Vein – 7; voting ":nay": none. Mayor Brown declared the ordinance adopted.

HOLD PUBLIC HEARING AND ISSUE FINAL ORDER FOR DEMOLITION OF SUBSTANDARD BUILDING AT 419 SOUTH WASHINGTON STREET

The city auditor reported that notice of a hearing to be held this evening on the matter of substandard building at 419 South Washington Street had been mailed to the owner(s) of the property and property being in substandard condition.

Mayor Brown opened the public hearing, there were no comments and the public hearing was closed.

It was moved by Council Member Bjerke and seconded by Council Member Schneider that we find the structure(s) to be substandard as defined by Section 10-0401 of the Grand Forks City Code, subsections 2, 4, 8 and 9; that a final order of demolition be issued and that the building be demolished by the City of

Grand Forks and the cost thereof assessed against the land upon which the building stands or did stand and subject to findings. Carried 7 votes affirmative.

HOLD PUBLIC HEARING AND ISSUE FINAL ORDER FOR DEMOLITION OF SUBSTANDARD BUILDING AT 507 NORTH 6TH STREET

The city auditor reported that notice of a hearing to be held this evening on the matter of substandard building located at 507 North 6th Street had been mailed to the owner(s) of the property, and property being in substandard condition.

Mayor Brown opened the public hearing.

Bev Collings, Building and Zoning Administrator, reported this property was located at 507 North 6th Street, that the building has been inspected several times over the past 15 years, that it is intended to be used as a rental property and that is their greatest concern, that it does not have electricity at this time as power has been turned off because of concerns they have with the electrical service and with the overall condition of the building, and found it substandard per subsections 2, 4, 5, 8 and 9, Section 10-0401,

Rodney Avron stated that the building is not substandard as stated by the City, has had all the electrical updated, that since the flood new wiring in the house, has installed ¾"oak flooring through living room and dining room, new sheet rock put up in the house, new roof, stated paying taxes on \$43,000 value of the building in 2013, that no one else will be living in the house.

Mayor Brown closed the public hearing and asked for council comments.

After further information and comments, it was moved by Council Member Christensen not to declare the property substandard this evening but to give property owner one more chance to allow the city inspectors to inspect it and if that inspection be completed within 2 weeks, with report returned to city council for review, along with Ms. Collings' recommendations; Council Member Sande seconded the motion.

Mr. Swanson stated that if the council were to act and make a finding of a substandard structure and issue an order tonight for demolition, the property owner has 30 days to appeal that decision to District Court if the property owner chooses to do so, and also have within that 30 days the opportunity to demolish the structure at their own cost, and if after 30 days there is no appeal and no demolition, the City then has the right to go in and demolish the structure and special assess it back against the property.

Upon call for the question and upon roll call vote, the following voted "aye": Council Member Mock, Christensen, Sande -3; voting "nay": Council Member Bjerke, Schneider, Weber, Vein -4; Mayor Brown stated the motion failed.

After further discussion it was moved by Council Member Bjerke to declare the building substandard and issue final order for demolition. Council Member Vein seconded the motion. Upon call for the question and upon voice vote, the motion carried 6 votes affirmative. Council Member Christensen voted against the motion.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING DISTRICT NO. 670, PROJECT NO. 7198

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 670, Project No. 7198, construction of paving for Myron Avenue, had expired on July 31, 2014, and that she had not received any protest or grievances on the assessment district.

Mayor Brown opened the public hearing, there were no comments and the hearing was closed.

Council Member Vein introduced the following resolution as to protests which was presented and read: Document No. 9857 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Bjerke that we find and determine an insufficiency of protest against the district as no protests were filed, and that the resolution be adopted. Carried 7 votes affirmative.

(Note: Following receipt of bids, the developer pulled construction of this project.)

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING DISTRICT NO. 676, PROJECT NO. 7225

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 676, Project No. 7225, construction of paving for Edward Circle, had expired on July 31, 2014, and that she had not received any protest or grievances on the assessment district.

Mayor Brown opened the public hearing, there were no comments and the hearing was closed.

Council Member Vein introduced the following resolution as to protests which was presented and read: Document No. 9858 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Bjerke that we find and seconded by Council Member Bjerke that we find and seconded by Council Member Bjerke that we find and seconded determine an insufficiency of protest against the district as no protests were filed, and that the resolution be adopted. Carried 7 votes affirmative.

APPROVE APPOINTMENT TO DOWNTOWN DESIGN REVIEW BOARD

The staff report from Mayor Brown relating to appointment to Downtown Design Review Board, with recommendation to confirm the appointment of Daniel J. Abeln to the Downtown Design Review Board.

It was moved by Council Member Vein and seconded by Council Member Schneider that this recommendation be approved. Carried 6 votes affirmative, Council Member Bjerke voted against the motion..

APPROVE PLEDGED COLLATORAL REPORT

The staff report from the budget officer relating to pledged collateral report, with recommendation for approval of the pledged collateral report.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, SANITARY SEWER PROJECT NO. 4657.3, DISTRICT NO. 388.3

The staff report from the finance department relating to assessment district project No. 4657.3, Johnson 4th Addition Sanitary Sewer District No. 388.3 for newly annexed property in the future assessment district. The property in Lot G, Block 1, Johnson's 4th Addition with recommendation to include newly annexed property within the special assessment district No. 388.3 and authorize subsequent assessment for Johnson's 4th Addition sanitary sewer project to newly annexed property.

Council Member Vein introduced a resolution creating the assessment district for Project No. 4657.3, District No. 388.3: Document No. 9859 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, PAVING PROJECT NO. 5049.1, DISTRICT NO.563

The staff report from the finance department relating to create special assessment district for Project No. 5049.1 (formerly Project No. 5048.0) District No. 563, for newly annexed property in 2013, with recommendation to create special assessment district for Project No. 5049.1 (formerly Project No. 5048.0), District No. 563 – Paving South 42nd Street, 17thj Avenue South and 11th Avenue South, to include newly annexed property within the special assessment district No. 563 and authorize subsequently assessment for the paving project to newly annexed property.

Council Member Vein introduced a resolution creating the assessment district for Project No. 5049.1, District No. 563: Document No. 9860 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, PERMANETLY FLOOD PROTECTION PROJECT NO 4709.1, DISRICT NO. 14

The staff report from the finance department relating to create special assessment district for Project No. 4709.1 (formerly Project 4704.0) District No. 14 – permanent flood protection project for newly annexed property in 2013, with recommendation to create assessment district for Project No. 4709.1 (formerly Project 4704.0), District No. 14, permanent flood protection project, 9th "catch-up" assessment to include newly annexed property within the special assessment district No. 14 and authorize subsequent assessment for the flood control project to newly annexed property.

1.13

Council Member Vein introduced a resolution creating the assessment district for Project No. 4709.1, District No. 14: Document No. 9861 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, PAVING PROJECT NO. 5672.2, DISTRICT NO. 606.2

The staff report from the finance department relating to create special assessment district for Project No. 5672.2, Paving 55th Avenue South (Cherry Street to Belmont Road), District No. 606.2, for newly annexed property in the future assessment district. This property is located in Blocks C and D of LeClerc's Addition and TJ's First Addition, with recommendation to include newly annexed property within the special assessment district No. 606.2 and authorize subsequent assessment for 55th Avenue South paving project to newly annexed property.

Council Member Vein introduced a resolution creating the assessment district for Project No. 5672.2, District No. 606.2: Document No. 9862 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, PAVING PROJECT NO. 5702,3, DISTRICT NO. 607.3

/The staff report from the finance department relating to assessment district project No. 5702.3, paving 40th Avenue South (South 20th Street to Ruemmele Road) District No. 607.3 for newly annexed property in the future assessment district. The property is in Southern Estates Eighth Addition, with recommendation to include newly annexed property within the special assessment district No. 607.3 and authorize subsequent assessment for paving 40th Avenue South (South 20th Street to Ruemmele Road) to newly annexed property.

Council Member Vein introduced a resolution creating the assessment district for Project No. 5702.3, District No. 607.3: Document No. 9863 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, PAVING PROJECT NO. 5504.1, DISTRICT NO 590.1

The staff report from the finance department relating to assessment district project No. 5504.1, paving Cherry Street (Southend Drainway to 55th Avenue South), District No. 590.1 for newly annexed property in the future assessment district. This property is located in TJ's Second Addition, with recommendation

to include newly annexed property within the special assessment district No. 590.1 and authorize subsequent assessment for Cherry Street paving project to newly annexed property.

Council Member Vein introduced a resolution creating the assessment district for Project No.5504.1, District No. 590;1 Document No. 9864 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE ASSESSMENT DISTRICT FOR NEWLY ANNEXED PROPERTY, STREET LIUGHTING PROJECT NO. 5618.1, DISTRICT NO. 141.1

The staff report from the finance department relating to assessment district project No. 5618.1, street lighting for Cherry Street (Southend Drainway to 55th Avenue South) District No. 141.1 for newly annexed property in the future assessment district. This property is located in TJ's Second Addition, with recommendation to include newly annexed property within the special assessment district No. 141.1 and authorize subsequent assessment for street lighting project for Cherry Street to newly annexed property.

Council Member Vein introduced a resolution creating the assessment district for Project No. 5618.1, District No. 141.1: Document No. 9865 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 7 votes affirmative.

APPROVE PROCEEDING WITH AMENDMENT TO ACTION PLAN FOR RED RIVER VALLEY HABITAT FOR HUMANITY

The staff report from Planning & Community Development relating to Red River Valley Habitat for Humanity, with recommendation to authorize staff to proceed with an amendment to the 2014 Annual Action Plan.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Carried 6 votes affirmative, Council Member Bjerke voted against the motion.

APPROVE RENAISSANCE ZONE PROJECT GF-54

The staff report from Planning & Community Development relating to Grand Forks Renaissance Zone Project GF-54, with recommendation to approve Grand Forks Renaissance Zone Project GF-54, contingent on receipt of Certificate of Good Standing from the North Dakota Office of State Tax Commissioner and authorize staff to submit the project to the North Dakota Department of Commerce, Division of Community Services for action.

It was moved by Council Member Sande and seconded by Council Member Christensen that this recommendation be approved. Carried 6 votes affirmative, Council Member Bjerke voted against the motion.

TABLE MATTER OF IMPROVEMENTS TO CENTRAL FIRE STATION, PROJECT NOS. 7233 AND 764 FOR TWO WEEKS

The staff report from the fire department and inspections department relating to consideration of bids for Project No. 7233, Central Fire Station – HAVAC improvements, and for Project No. 7264, Central Fire Station lighting fixtures was presented to city council.

It was moved by Council Member Vein and seconded by Council Member Bjerke to table consideration of bids for two weeks (August 18). Carried 7 votes affirmative.

APPROVE WAIVER OF ORDINANCE FOR SPECIAL EVENT BY EXTREME ND ADVENTURE

The staff report from Public Information relating to request to waive Ordinance No. 3546 for special event, Extreme ND Adventure Uff Da Mud Race Event on September 6, 2014, with recommendation to approve that the Extreme ND Adventure Uff Da Mud Run Event on September 7, 2014 are waived from Ordinance No. 3546 and may use the Red River for their special event.

Representatives of local law enforcement agencies, including Chief O'Neill, Fire department; Chief Kirby, Police Department; Lt. Maxson, Sheriff's Department; and Harold Narloch, asst. commander of water operations group, addressed council stating their concern with several of the activities of the event, including the swim across the river and are asking that it be made mandatory that life jackets be worn, and at very least some type of age limit be set for wearing of life jackets (age 18). Concerns were noted about the safety of the participants because of number of people who were assisted from the water during last year's swim across the river because of fatigue, etc.; too many people in the river at one time, people not wearing life jackets; and because of their concern for safety of participants were asking at the least that anyone under the age of 18 wear a life jacket.

Question was asked about number of participants and Andy Magness, spokesman for the event, stated last year had 700 participants and this year capping it at 1,000 - last year had youth races where most of the kids were life jackets and think requirement of any child under the age of 14 to wear a life jacket - those between 14 and 18 that don't want to wear life jackets, have section on waiver that would require signature of their parents.

Council Member Sande stated there are a few issues that concern him about letting people swim without life jackets, and addressed concerns and moved to approve the waiver of the ordinance but require everyone to wear life jackets. Christensen seconded the motion.

Howard Swanson, city attorney stated the quoted ordinance in the staff report is the wrong draft of a former ordinance, that the current code in that regard does allow the council to give an exemption to prohibition on swimming.

Council Member Weber and Council Member Schneider stated they participated in the event last year – and agreed with limiting the number of people in he river at one time and to require everyone under 14 18 to wear a life preserver. Mr. Magness stated he would like to have the chance to work with the fire and water safety divisions to see if there was a way – agrees that the number of people that have in the

river at one time needs to be limited and are planning on doing that regardless of whether or not life jackets are allowed to be used or required to be used.

Council Member Sande called the question, no second and motion died for lack of a second.

After further discussion Council Member Christensen moved to call the question Vein seconded the motion; and upon voice vote, the motion carried to call for the question.

Upon call for the question on the motion the following voted "aye": Council Members Weber, Mock, Christensen, Sande, Vein – 5; voting "nay": Council Members Bjerke, Schneider – 2. Mayor Brown declared the motion carried.

APPROVE PRELIMINARY ENGINEERING SERVICES AGREEMENT FOR PROJECT NO. 7143, FEDERAL PROJECT NO. NHU-6-986(116)120, RECONSTRUCTION OF SOUTH COLUMBIA ROAD

The staff report from engineering department relating to preliminary engineering services agreement for Project No.7143, Federal Project No. NHU-6-986(116)120, Reconstruction of South Columbia Road from 40th Avenue South to 47th Avenue South, with recommendation to approve agreement with CPS for preliminary engineering services to the amount of \$227,009.55 and any necessary budget amendment for this project.

It was moved by Council Member Vein and seconded by Council member Mock that this recommendation be approved. Upon call for the question and upon voice vote, the motion carried 7 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATES OF TOTAL COST AND AWARD CONTRACT, PAVING PROJECT NO. 7225, DISRICT NO. 676

The city auditor resented and read tabulation of bids which had been received and opened on July 21, 2014 for Paving Project No. 7225, District No. 676, paving for Edward Circle, indicating that Opp Construction, LLC was the low bidder based upon their bid in the amount of \$195,674.00: Document No. 9866 - Bid Tabulation.

The city engineer's estimate of total cost for Project No. 7225, District No. 676, in the amount of \$ was presented and read.

The staff report from the engineering department relating to consideration of bids for Project No. 7225, District No. 676, paving for Edward Circle, with recommendation to award contract to low bidder, Opp Construction, LLC in the amount of \$195,674.00 for this project.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved and the resolution awarding the contract to Opp Construction, LLC was presented and read: Document No. 9867 – Resolution. Upon roll call the following voted "aye": Council Members Bjerke, Schneider, Weber, Mock, Christensen, Sande, Vein – 7; voting "nay": none. Mayor Brown declared the resolution adopted and the contract awarded.

APPROVE AGREEMENT FOR PROJECT NO. 7271, 7272, AND 7273, UTILITIES FOR SOUTHERN ESTATES 9TH RESUBDIVISION PHASE I

The staff report from the engineering department relating to Design, Bidding and Construction Administration Engineering Services Agreement for Project No. 7271, 7272 and 7273, Sanitary Sewer, Watermain and Storm Sewer for Southern Estates 9th Resubdivision Phase I, with recommendation to approve agreement with CPS, Ltd. in the amount of \$54,669.50 for tis project.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Upon call for the question and upon voice vote, the motion carried 7 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, SEWER PROJECT NO. 7271, DISTRICT NO. 510

The city engineer's estimate of total cost of the construction of sanitary sewer for Southern Estates 9th Resubdivision Phase I (43rd Avenue South, Crystal Drive to South Columbia Road), in the amount of \$, was presented and read.

The staff report from the engineering department relating to plans and specifications for Project No. 7271, District No. 510, sanitary sewer for Southern Estates 9th Resubdivision Phase I (43rd Avenue South, Crystal Drive to South Columbia Road), with recommendation to approve plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

Council Member Vein introduced the following resolution which was presented and read: Document No. 9868 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that the recommendation be approved and that the resolution approving he plans and specifications be adopted. Carried 7 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, WATERMAIN PROJECT NO. 7272, DISTRICT NO. 319

The city engineer's estimate of total cost of the construction of watermain for Southern Estates 9th Resubdivision Phase I (43rd Avenue South – Crystal Drive to South Columbia Road) in the amount of \$, was presented and read.

The staff report from the engineering department relating to plans and specifications for Project No. 7272, District No. 319, watermain for Southern Estates 9th Resubdivision Phase I (43rd Avenue South - Crystal Drive to South Columbia Road), with recommendation to approve plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

Council Member Vein introduced the following resolution which was presented and read: Document No. 9869 – Resolution.

10 August 4, 2014

It was moved by Council Member Vein and seconded by Council Member Mock that the recommendation be approved and that the resolution approving he plans and specifications be adopted. Carried 7 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICTIONS AND ADVERRTISEMENT FOR BIDS, STORM SEWER PROJECT NO. 7273, DISTRICT No. 511

The city engineer's estimate of total cost of the construction of storm sewer for Southern Estates 9th Resubdivision Phase I (43rd Avenue South, Crystal Drive to South Columbia Road), in the amount of \$, was presented and read.

The staff report from the engineering department relating to plans and specifications for Project No. 7273, District No. 511, storm sewer for Southern Estates 9th Resubdivision Phase I (43rd Avenue South, Crystal Drive to South Columbia Road), with recommendation to approve plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

Council Member Vein introduced the following resolution which was presented and read: Document No. 9870 – Resolution.

It was moved by Council Member Vein and seconded by Council Member Mock that the recommendation be approved and that the resolution approving he plans and specifications be adopted. Carried 7 votes affirmative.

APPROVE RECONSTRUCTION OF DEMERS AVENUE FROM SORLIE BRIDGE TO 6^{TH} STREET

The staff report from the engineering department relating to consideration to rehabilitate or reconstruct DeMers Avenue from Sorlie Bridge to 6th Street in conjunction with the Sorlie Bridge Project, with recommendation to confirm desire to reconstruct DeMers Avenue to 6th Street and direct staff to begin project planning and work with the NDDOT to develop a project scope and identify funding needs.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved. Upon call fort the question and upon voice vote, the motion carried 7 votes affirmative.

INFORMATIONAL ITEMS

The following informational items were presented to council for review: Statement of Changes in Cash Balances as of June 30, 2014. Quarterly Report from Human Resources.

APPROVE BILL LISTING AND ESTIMATE SUMMARY

Vendor Payment Listing No. 14-15, dated July 31, 2014, totaling \$1,363,292.55, and Estimate Summary dated July 31, 2014 in the amount of \$2, 757.672.21, were presented and read.

It was moved by Council Member Bjerke and seconded by Council Member Vein that these bills and estimates be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Bjerke, Schneider, Weber, Mock, Christensen, Sande, Vein – 7; voting "nay": none. Mayor Brown declared the motion carried and the bills ordered paid.

APPROVE MINUTES JULY 16, 2014

Typewritten copies of the minutes of the city council meeting held on Monday, July 21, 2014, were presented and read. It was moved by Council Member Bjerke and seconded by Council Member Mock that these minutes be approved as read. Carried 7 votes affirmative.

COMMENTS BY MAYOR AND COUNCIL

Council Member Weber stated important thing relative to the special event was that they move forward with the race, was a great event and loves what this does for our community and thanked Mr. Magness for his work.

Council Member Sande thanked Brian Schill and the Library staff for their presentation tonight, doing a good job and appreciates Mr. Schill for his dedication and effortsl.

ADJOURN

It was moved by Council Member Mock and seconded by Council Member Vein that we adjourn. Carried 7 votes affirmative.

Respectfully submitted,

Maureen Storstad City Auditor

Approved:	70 pt 1	: . <u>.</u> ,
Michael R	. Brown, Mayor	