

MINUTES/PUBLIC SAFETY COMMITTEE

Monday, April 14, 1997 - 3:45 p.m.

Members present: Sande, Ellingson, Glassheim.

1. Request from Walsh Hall for variance to the noise ordinance for event (Walshstock '97) on April 26, 1997.

Brad Kolling, 3538 11th Avenue North, and Mark Stone, 319 N. 50th Street, advisory members, reported that they had variance last year, that this is end of the year residence hall festival with activities starting at noon, and is also a community service project where they will collect canned goods for the food shelf and is a showcase for local bands which is why they are requesting the variance to the noise ordinance. He noted that bands will start about 3:00 p.m. and end at midnight. They reported they have the approval of UND Housing Office, have a Housing Office security force to maintain order, 3 UND police officers who will be present throughout the event. It was noted that event will be in the quad area of the Walsh complex (behind Bek Hall). They also reported that members have talked to people in the area, and if had noise variance it would be okay with them; that they have alternate plans in case of flooding, etc. Moved by Glassheim and Sande to grant a variance to the noise ordinance to 12:00 midnight. Motion carried.

2. Application from Schoeppner Shows for carnival at South Forks

Plaza parking lot May 21 to June 1, 1997.

Ben Jensen, South Forks Plaza, was present and noted that this group has been here a number of years. Capt. MacCarthy stated the police department had no objections. Moved by Glassheim and Sande to approve application for carnival permit. Motion carried.

3. Request from March of Dimes to conduct its Walk America on April 26, 1997.

The committee reviewed route and alternate, and noted that this event held for number of years. Moved by Glassheim and Sande to approve the request. Motion carried. (committee only)

Ellingson reported present.

4. Request from Kem Shrine to hold parade on June 7 during Spring Ceremonial, and for no parking in front of Masonic

Temple from 8:00 a.m. to 1:00 p.m.

The committee reviewed route; Capt. MacCarthy reported that police department has no problem with the request. Moved by Glassheim and Ellingson to approve the request. Motion carried. (comm. only)

5. Communication from Daniel Sampson, LTD Investments, Inc. dba

The Edge, 10 N. 3rd St., to expand licensed liquor premises to adjacent building.

Dan Sampson reported that they want to expand their business into former Scott's Piano - smoke-free bar. Howard Swanson, city **MINUTES/PUBLIC SAFETY COMMITTEE**

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attorney, advised committee that expansion of their license would require approval by both the committee and the council; that Code recognizes licensed premise as that area, whether lot or parcel, that is approved by council. He noted their current license is for entire premise their building is located on, and allows them to operate lower and upper levels under the one license, but doesn't include any premise beyond that structure. He noted that he is aware of two premises in Grand Forks in which they have previously allowed multiple bars run off one license (ie., West-ward Ho and Crown Colony). He noted that the City Code doesn't prohibit nor allow what is being requested, left to discretion of the council. He stated they need to look at whether it is dif-ferent bar, separate operation or just expansion of their existing business, and that if it is expansion of their existing operation they probably don't need to have a separate liquor license but if find it is materially different type of operation, would require separate license. Mr. Sampson stated there would be opening between the two bars, with same owners, same management, same employees, etc. and run as extension of current operation. He also noted that purchase is pending approval of the license. Mr. Swanson noted that a separate license would require the payment of \$50,000 issuance fee plus annual fee and application fee; and for the record would again encourage committee to look at removing the issuance fee, for extension of current license no additional license fees.

Sande questioned the number of calls to the police department; Mr. Sampson stated that they had tenant upstairs who made lot of complaints, wanted to get out of lease and made calls to the police department, did have other problems, met with the police department and number of calls down. Capt. MacCarthy stated

they wouldn't oppose if in compliance with liquor laws.

Moved by Ellingson and Glassheim to allow expansion of the current licensed liquor premises for The Edge, contingent upon final approval by the fire, health and inspection departments, and amendment of existing application including diagram of new premises.

Mr. Swanson advised that if current gaming operator is intending to use new facility for gaming, they would also have to submit a new site authorization.

Glassheim questioned density of liquor establishments in B-4 Districts; Mr. Swanson reported that in B-4 Districts they have eliminated distance requirements for bars in an attempt in part to accommodate the higher density of uses in the downtown area, and also an attempt to create as an entertainment area to stimulate some growth and activity consistent with River Forks. He noted that if they reach point of saturation, whatever that point might be, the council might want to look at re-instituting some

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form of restriction. Glassheim questioned at what point rental rooms become difficult to sustain if 20 bars, etc. Mr. Swanson noted that except for licenses issued for food and beverages, have not issued any type of straight bar license since 1990.

Motion carried.

6. Matter of renewing Grand Forks County Public Safety Answering

Point (PSAP) joint powers agreement.

Pete Eggimann, PSAP, stated he has nothing new to add, but would respond to questions. He noted this is for renewing of the joint powers agreement between County, University and City to operate the communications center, that original agreement is for five years and will expire this fall.

Mr. Eggimann reported that he had talked with Tom Alinder re. becoming part of the joint powers agreement and he didn't think enough advantage for them to become involved, would continue to make donations; but if City would like to make formal recommenda- tion that if City continues to provide service, they become part of the agreement.

Mr. Swanson advised that joint powers agreement is agreement between governmental entities, that United Hospital not a governmental entity and if were to become member of the agreement, would place litigation defenses at risk, including certain immunities they would have presently.

Moved by Ellingson and Glassheim to renew the PSAP's joint power agreement. Motion carried.

7. Matter of performance objectives for positions in city depts.

Dan Gordon, director Human Resources, reported that the wage study was approved, that future step increases for all eligible employees approved with the condition that step increases are not automatic, that there has to be some level of production on behalf of each of those employees in order to get the step increase; and the performance objectives for positions in police, fire, PSAP and municipal court were included in the packets submitted to the committee for their review. It was noted that the health department performance objectives will be presented sometime in May, as they had asked for more time because of renovation of their department. Mr. Eggimann stated that he had not reviewed with employees as a group but asked for comments and suggestions. Mr. Gordon noted that these objectives were before comm. with assumption that employees or reps. were consulted. He reported that in talking to the various departments, he stressed that this is not document that they have to use for next 20 years but encouraged changes to make sure it matches the major elements of the jobs being performed and to move standards around as appropriate.

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There was discussion relative to the performance objectives for the various positions in the several departments: fire, police, municipal court and PSAP with Capt. MacCarthy, Chief Aulich, and Pete Eggimann. Capt. MacCarthy stated that prior to this evaluation was highly subjective, some things not measurable, goal was to get something objective; that if possible incumbent and supervisor were personally consulted; would like committee to look at as working effort. Mr. Gordon noted that in the fire and police departments if any of the criteria are a "no", that employee will not receive a step increase, unless there were circumstances beyond the control of the employee and it is so documented through the department; that these are essential elements of the job and must be attained through that

year or they will not receive the step increase (they cannot go backwards).

Mr. Gordon stated that this is our first year of objectives, that it is intention to increase standards; that it is not employee's responsibility to challenge their performance objectives, but the department's and it is their intention to review each year and to raise levels and goals. Glassheim stated that at some point he would like to have more coherence between departments.

Mr. Gordon stated they were hoping for a blanket approval and that this would go to city council; that each subcommittee will be hearing from their particular department responsibility so the real workings are going to be at the subcommittee level.

Moved by Ellingson and Glassheim to approve the concept of the performance objectives for positions in city departments (police, fire, municipal court and PSAP),

Glassheim stated that this is an evolving document and asked if this would be coming back to committee so they would know what problems have been and how proceeding, etc. and Mr. Gordon stated his intention after the first year to provide brief summary. Glassheim suggested this could be part of annual report from the HR department.

Chief Aulich stated that he thinks they have to keep the objective performance measurements separate from the annual performance evaluations; that the objective performance measurement document will be evolving as will the concept, that the charge laid on them by the council was to be able to indicate objectively advancing proficiency, and once you have 100% proficiency then you are at the top of the grade, and how do you measure that - that if an apprentice, take on new tasks/duties, that tasks expand and proficiency in doing those tasks expands and at some point you're at the top and 100% proficient in that job. He stated he sees them as two different steps and two different processes; should be increasing load on that employee, making sure that employee tasked with more task and doing tasks

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better if going to earn these steps; not sure doing this today, but that's their goal; and it's committee's task to keep them

pointed in that direction.

Upon call for the question, the motion carried.

Glassheim and Ellingson moved to suspend agenda and consider item 15. Motion carried.

15. Request by The Edge to host wedding dances, private parties,

etc. on Class 1 licensed premise.

Dan Sampson presented his request to have ordinance changed so that bars could do this as well as those holding hotel/motel licenses; he stated there are bars doing this now. Mr. Swanson stated that there is nothing prohibiting Mr. Sampson from holding wedding dances or private parties, but they cannot have minors on the premises under the present Code as long as they are selling liquor. He stated that our Code is consistent with State Law and that is that minors are not allowed on licensed premises except in restaurants, hotels/motels; that he has is not aware of any bar that has been granted that authority and if they doing events and having minors on premises, it is a violation of the City Code. He stated that he doesn't have any particular recommendation for the committee, but it does potentially run a concern whether violation of the State Law if they were to say any licensed premise can allow minors on the premises. He noted that DJ's not a licensed premise but license holder brings their existing license to the premise where holding event. He noted that there are a number of establishments doing off-site catering but not aware of Class I license holders doing events that allow minors. He also noted that under the off-site permits they have allowed minors but designate non-alcoholic sections.

Mr. Sampson stated if he were allowed to do this, he would run it as good or better than what others do, would have controlled environment, separate room, etc.

Capt. MacCarthy stated their concern would be when remain on the licensed liquor establishment, allow minors in and no physical separation between areas and running a bar rather than catering a meal, etc.

Mr. Swanson stated he had researched some time ago for Mr. Loyd Sampson, and if committee wants strict interpretation of Chapter V of the Century Code, what they are asking is not allowed. After further discussion it was moved by Glassheim and Ellingson to hold for 2 weeks. Motion carried. (comm. only)

8. Matter of Grand Forks Police department strategic analysis.

Sande reported that the Implementation Committee had recommended that be sent to the public safety committee. Capt. MacCarthy reported that this is a living document, that the crea-

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tion of some of the things outlined in the analysis should be a joint effort between the committee and the administration, and the community and this would necessitate more meetings. He stated that they would hope to revisit many of these things. He stated that his specific directive was to come up with first, third and fifth year activities. He stated that in reviewing the first year activities, the identification of additional communities within the city, they would like some assistance in identifying who these communities should be; would like to reiterate that Grand Forks does not have the neighborhoods identified in the literature. He noted that Grand Forks doesn't have defined neighborhoods but identified social communities within the city (school community, UND). He stated they would like to hire an MIS person to work with the AS400 and need to do some of the things as far as gathering information and know where they are going. He stated that if they were able to complete first year activities, would give them building blocks for years two through five. He stated he would welcome input from the committee and council. Ellingson stated he would like to see more neighborhood watch programs and get more people involved with the police department on a pro-active basis (Riverside good example), but bring some of those programs in on smaller basis. Capt. MacCarthy stated that Bismarck does that on a block-basis. Sande stated that she thinks it's important to strengthen the neighborhood watch groups, have joint meetings of heads of the watch groups, assns., etc. to discuss similar problems.

Glassheim suggested that the third year activities which states: continue to survey community needs, could be begun now. Capt. MacCarthy stated they have contacted the Bureau of Govt. Affairs and the Social Science Research people at UND about doing survey and that's something they would like to discuss with committee at budget time; he stated that including that in third year activities was to emphasis that they don't just do that the first year, but every year because the community is an evolving organism. He stated that as far as the downtown, was that there was different perception of problem south of DeMers

than north of DeMers - some very specific issues they could address, and did some proactive things. He stated they are looking at having more of a presence at Columbia Mall, and then extend to South Forks Mall, that that tends to be a social community among the merchants; also looked at hotel/motel industry and they have some concerns. He stated they are looking to identify those communities and then talking with them as to what their problems are.

Committee stated that this sounded like good approach and to proceed with at what speed they can. Sande stated that they have asked for help from this committee or council in identifying

additional communities within the city, and asked how they would do that. Capt. MacCarthy stated he thought it would be appropriate for his staff to sit down with the committee and

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possibly include mayor's office and discuss concerns, etc. Committee asked Capt. MacCarthy to set up meeting in conjunction with mayor's office. Information only.

9. Applications for gaming permits:

13. a) Winship Elementary School PTO - bingo 4/22/97
- b) Red River High School Concert Choir - raffle 5/23/97
- c) Grand Forks Exchange Club - sports pool for period from September to 12/31/97.
- d) Red River Valley Dist. Society of Radiologic Technologists - calendar raffle 5/15-6/15/97.
- e) MeritCare Foundation - raffle 5/05/97
- f) United Way - raffle 5/07/97

Mr. Swanson stated that all applicants eligible and meet requirements. Moved by Glassheim and Ellingson to approve the applications for permits. Motion carried. (comm. only)

10. Budget amendments.

14. Don Shields, health dept., reviewed the budget amendments.
 - a) Communicable Disease - \$5,265 - to reflect grant funds
 - b) Tobacco Control Grant - \$5,465 - to reflect grant funds
 - c) Care Coordination Grant - \$3,419 - to reflect grant funds
 - d) Mosquito Control - \$15,182 - to establish contingency for additional chemicals, etc.
 - e) Health Department - \$14,775 - to purchase vehicle to replace damaged vehicle.

Moved by Glassheim and Ellingson to approve. Motion carried.

11. Application from Greater Grand Forks Fair & Exhibition Assn., Inc. for renewal of alcoholic beverage license.

Mr. Swanson reported this is ap. for annual renewal, is in order, and recommended approval subject to final approval by various departments. Moved by Ellingson and Glassheim to approve the application for renewal of the license subject to final approval by the fire, health and inspection departments. Motion carried.

12. Ap. for liquor license-O'Hara's Brew Pub and Restaurant.

Mr. Swanson reported that he hasn't had any contact with individuals and not sure what their intentions are, that we don't have permit to allow them to do everything they want to do. He reported they do not fall within food and beverage license because they want to do gaming and dancing which are not allowed under the food and beverage license; wouldn't qualify under Class I license as they want to have food and service to minors; and want retail sale of their microbrew product. He reported that the cities of Fargo and Dickinson have ordinances and some communities in MN have done, etc. He stated that we don't have any one category to accommodate everything they want. Ellingson suggested drafting new ordinance for special license and Mr. Swanson stated that would be his preference and he would contact

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Mr. Weinberger, atty. for O'Hara's. Moved by Glassheim and Ellingson to hold and ask city attorney to draft and bring back to committee in two weeks. Motion carried. (comm. only)

16. Matter of architect for new fire station.

Chief Aulich presented matter of selection process for architect for new fire station and that he wasn't aware he needed approval until he had a contract to offer, however, Mr. Swanson informed him that he needs approval to even offer a contract to the architect. He stated they have narrowed their search down to one, EAPC, and would like approval to enter into negotiations with EAPC. Moved by Ellingson and Glassheim to authorize entering into negotiations with EAPC for architectural services for the southside fire station. Motion carried.

17. Information.

Sande reported that she had received call from Mrs. Fabel

who wants more and tougher enforcement of the street plowing and parking regulations for plowing, that she informed Mrs. Fabel that it looks as though the budget framework committee may look favorably on the addition of two employees for the street department, but that the enforcement of the snow plowing regulations is up to the street department and possibly may have more enforcement next year. She reported that they have equipment for two more employees to use; and assured Mrs. Fabel this will be under consideration. Info. only.

Meeting adjourned at 5:55 p.m.

Alice Fontaine
City Clerk

Dated: April 15, 1997.