

February 19, 2019

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
February 19, 2019**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Tuesday, February 19, 2019 at the hour of 5:30 o'clock p.m. with Mayor Brown presiding. Present at roll call were Council Members Weigel, Dachtler, Weber, Mock (via phone), Marshall, Vein - 6; absent: Sande - 1.

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.

PRESENTATION TO FINANCE DEPARTMENT

Mayor Brown recognized the Finance Department for their work in being awarded a Certificate of Achievement for Excellence in Financial Reporting, for the 2017 Comprehensive Annual Financial Report. This is the 32nd consecutive year that the city has received the designation from the Government Finance Officers Association.

**UPDATE ON WILDLIFE MITIGATION AT THE
WASTEWATER TREATMENT PLANT**

Melanie Parvey, Water Works Division Director, provided information on the wildlife mitigation efforts at the Wastewater Treatment Plant, which are necessary due to the proximity of lagoons to the Grand Forks International Airport, one of the 6 busiest airports in the nation due to UND's flight training program. Included in her briefing were statistical numbers showing that the program put in place has had a positive effect on safety by decreasing the number of bird/aircraft incidents. Ryan Reisinger, Executive Director of the airport, presented Melanie with an award for her efforts on this project.

LEGISLATIVE UPDATE

Pete Haga, Community Government Relations Officer, provided a summary of bills the city is tracking and for which testimony has been provided either in person or in written format. The session is progressing with crossover occurring at the end of the month. Council Member Vein provided information on his testimony for funding on the Red River Valley Water Supply Project, along with other city issues. Council Member Weber thanked staff and Council Member Vein for their efforts to provide testimony on behalf of the interests of the City and commented on the importance of securing funding for projects vital to infrastructure for the community and items such as the State Interoperable Radio Network (SIRN) project.

ALERUS CENTER UPDATE

Anna Rosburg, Executive Director, and Matt Walkowiak, Commission Chair, updated the council on 2018 operations. Their report included statistical information showing the increased number of events held in 2018, which included the hosting three major ticketed events with over 8,500 attendees each, all of which resulted in a net profit for the year.

ADOPT ORDINANCE NO. 4699, AMENDING THE STREET

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AND HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN AS
DEDICATED ON THE PLAT OF VERN'S SECOND RESUBDIVISION

An ordinance entitled "An ordinance to amend the Street and Highway Plan of the City of Grand Forks, North Dakota, to include the public rights-of-way shown as dedicated on the plat of Vern's Second Resubdivision to the City of Grand Forks, North Dakota", which had been introduced and passed on its first reading on January 22, 2019, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice has been published calling for a public hearing to be held on this matter and to date no protests or grievances had been filed with her office.

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

The staff report from the planning department relating to final approval of the plat of Vern's Second Resubdivision, located at Gateway Drive and 73rd Street Circle, with a recommendation to hold a public hearing and give final approval to the plat subject to the conditions shown on or attached to the review copy and also to include final adoption of the Street and Highway Ordinance.

It was moved by Council Member Weigel and seconded by Council Member Marshall, that this recommendation be approved. Motion carried unanimously.

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

DETERMINE INSUFFICIENCY OF PROTEST ON
PROJECT NO. 7977, DISTRICT NO. 733

The city auditor reported that the period for filing protests on the resolution of necessity for the improvement in and for Paving/Street Lighting District No. 733, Project No. 7977, paving and street lighting for Kings View 7th Resubdivision had expired on February 28, 2019, and that she had received no written protests.

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

It was moved by Council Member Vein and seconded by Council Member Weigel that we find and determine an insufficiency of protests against the project listed as no protests were filed and further that the resolutions be adopted. Motion carried unanimously.

APPROVE APPLICATIONS FOR EXEMPTION OF
IMPROVEMENTS TO RESIDENTIAL AND COMMERCIAL
BUILDINGS

The staff report from the city assessor relating to applications for property tax exemption of improvements to residential and commercial buildings at the following locations: 1022 22nd Ave S, 707 22nd Ave S, 619 23rd Ave S, 318 N 7th St, 919 Campbell Dr, 1020 10th Ave S, 1415 S 18th St, 1902 S 36th St, 251 Northridge Hills Ct, 2410 Belmont Rd, 800 Great Plains Ct, 417 S 5th St, 1408 S 10th St, 726 Oak

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St, 809 13th Ave S, 515 17th Ave S, 1215 S 20th St, 2811 Cherry St, 1002 S 11th St, 814 Walnut St, 1118 Reeves Dr, 612 N 6th St, 1523 Cottonwood St, and 1524 Robertson Ct, with a recommendation to grant a property tax exemption of increased value due to remodeling or renovation of the properties listed for 5 years.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved. Motion carried unanimously.

APPROVE TRANSFER OF CLASS 3 ALCOHOLIC
BEVERAGE LICENSE FOR HJ VENTURE CORP
(DBA OLE & PACO'S MEXICAN VILLAGE)

The staff report from the finance department relating to a transfer of Class 3 Alcoholic Beverage License for HJ Venture Corp, dba Ole & Paco's Mexican Village, with a recommendation to approve the transfer, subject to review and approval of various city departments, meeting requirement of City Code and payment of various fees.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved. Motion carried unanimously.

APPROVE PRELIMINARY ENGINEERING SERVICES
AGREEMENT FOR PROJECT NO. 8028

The staff report from the engineering department relating to a preliminary engineering services agreement for Project No. 8028, Mille & Overlay University Avenue from N 3rd St to State Street, with a recommendation to approve the agreement with CPS for preliminary engineering services in the amount of \$89,042.50.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved. Motion carried unanimously.

ACCEPT ENGINEER'S REPORT AND ADOPT
RESOLUTION OF NECESSITY FOR PAVING PROJECT
NO. 8019.1, DISTRICT NO. 736.1; PAVING PROJECT
NO. 8019.2, DISTRICT NO. 736.2; AND STREET LIGHTING
PROJECT NO. 8019.3, DISTRICT NO. 8019.3, DISTRICT NO. 736.3

The staff report from the engineering department relating to Engineer's Report for Project No. 8019.1, District No. 736.1, Reconstruction of Cherry Street from 14th-17th Ave S; Project No. 8019.2, District No. 736.2, Mill & Overlay Cherry Street from 11th-14th Ave S, and Project No. 8019.3, District No. 736.3, Street Lighting on Cherry St from 11th Ave S to 17th Ave S, with a recommendation to approve the Engineer's Report, direct Engineering Department to prepare plans and specifications, and to advertise for construction bids.

Dave Kuharenko, Principal Civil Engineer, explained that at initial creation of the district at the December 3, 2018 City Council meeting, Project 8019 was planned to be a full reconstruction of Cherry St from 11th – 17th Ave S. Upon further review, it was determined that only a portion of the road, from 14th to 17th Ave S, needed to be reconstructed and the remaining section could be repaired with a mill and

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overlay project. The project has been divided into 3 parts for easier assessment of costs due to the change in scope. In addition, an engineer's report had not been approved at that time, so direction to prepare plans and specifications has not occurred.

The city auditor presented and read the engineer's report.

Council Member Marshall introduced a resolution of necessity for each project, which were presented and read.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved, that the engineer's reports and the resolutions of necessity for Paving/Street Lighting Project Nos. 8019.1, 8019.2, and 8019.3, District Nos. 736.1, 736.2, and 736.3, be accepted and adopted. Upon roll call the following voted "aye": Council Members Weigel, Dachtler, Weber, Mock, Marshall, Vein – 6; voting "nay": None. Mayor Brown declared the motion carried and the report and resolutions adopted.

**APPROVE DESIGN ENGINEERING AND BIDDING SERVICES
AGREEMENT FOR PROJECT NO. 7540, DISTRICT NO. 567**

The staff report from the engineering department relating to a Design Engineering and Bidding Services Agreement for Project No. 7540, District No. 567, Oscarville Storm Sewer, Storm Pond, Pump Station, and Discharge Ditch, with a recommendation to approve a Task Order Agreement with WFW Engineering for Design Engineering and Bidding Services in the amount of \$141,837.00 for Project No. 7540, District No. 567.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that this recommendation be approved. Motion carried unanimously.

**ADOPT RESOLUTION CREATING SPECIAL ASSESSMENT
DISTRICT, STORM SEWER AND STORM POND PROJECT
NO. 7540, DISTRICT NO. 567**

The staff report from the engineering department relating to creation of a special assessment district for Project No. 7540, District No. 567, Oscarville Storm Sewer, Storm Pond, Pump Station, and Discharge Ditch, with a recommendation to create the special assessment district.

Mark Walker, City Engineer, provided information on the project which will consist of installation of infrastructure to handle storm water in the Oscarville, Senske, and Lemm's Acres Subdivisions, and a future development area north of 27th Ave N. The area has a history of drainage problems and has requested that roads in the area be paved. Installation of storm sewer infrastructure is required prior to paving being completed. All costs for the project will be special assessed except for a 15% city share of the regional storm pond construction, which will be paid from Stormwater Fund 5400. An engineer's report on cost of this project is still being developed and will be brought forward at a future meeting.

Council Member Vein introduced a resolution to create a special assessment district for Project No. 7540, District No. 567, which was presented and read.

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It was moved by Council Member Vein and seconded by Council Member Marshall that this recommendation be approved and the resolution be adopted. Upon call for the question and upon voice vote, the following voted “aye”: Council Members Weigel, Dachtler, Weber, Mock, Marshall, Vein – 6; voting “nay”: none. Mayor Brown declared the motion carried and the resolution adopted.

ADOPT RESOLUTION CREATING SPECIAL ASSESSMENT
DISTRICT, ACCEPT ENGINEER’S REPORT AND ADOPT
RESOLUTION OF NECESSITY FOR MILL & OVERLAY
PROJECT NO. 8015, DISTRICT NO. 730

The staff report from the engineering department relating to creating special assessment district for Project No. 8015, District No. 730, 2019 Mill & Overlay, with a recommendation to approve the engineer’s report including estimate of cost, create the special assessment district, an assessment district map, and direct engineering to prepare plans and specifications and advertise for construction bids, and that we declare intent to sell bonds to finance these improvements.

Council Member Marshall introduced a resolution creating the assessment district, which was presented and read.

The city auditor presented and read the engineer’s report.

Council Member Marshall introduced a resolution of necessity, which was presented and read.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved, that the resolution creating the special assessment district, the engineer’s report and the resolution of necessity for 2019 Mill & Overlay Project No. 8015, District No. 730, be accepted and adopted. Upon roll call the following voted “aye”: Council Members Weigel, Dachtler, Weber, Mock, Marshall, Vein – 6; voting “nay”: None. Mayor Brown declared the motion carried and the report and resolutions adopted.

APPROVE PLANS AND SPECIFICATIONS,
PROJECT NO. 8007, 2019 ASPHALT STREET REPAIRS

The staff report from the engineering department relating to plans and specifications for Project No. 8007, 2019 Asphalt Street Repairs, with a recommendation to approve the plans and specifications.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved. Motion carried unanimously.

APPROVE PLANS AND SPECIFICATIONS
PROJECT NO. 8006, 2019 ADA CURB RAMPS

The staff report from the engineering department relating to plans and specifications for Project No. 8006, 2019 ADA Curb Ramps, with a recommendation to approve the plans and specifications.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved. Motion carried unanimously.

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**APPROVE PLANS AND SPECIFICATIONS
PROJECT NO. 8008, 2019 CONCRETE STREET REPAIRS**

The staff report from the engineering department relating to plans and specifications for Project No. 8008, 2019 Concrete Street Repairs, with a recommendation to approve the plans and specifications.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that the recommendation be approved. Motion carried unanimously.

**ADOPT RESOLUTION CREATING SPECIAL ASSESSMENT
DISTRICT FOR PAVING PROJECT NO. 8042, DISTRICT NO. 738**

The staff report from the engineering department relating to creation of a special assessment district for Project No. 8042, District No. 738, University Avenue Reconstruction (Coulee to Columbia) and Medians & Street Lights (Coulee to 42nd Street), with a recommendation to adopt a resolution creating the special assessment district for Project No. 8042.

Mark Walker, Asst. City Engineer, explained that the staff report has been updated to only request creation of the special assessment district at this time. Previously the report had included direction to prepare plans and specifications, however that will not occur until the engineer's report has been provided at a future meeting.

Howard Swanson, City Attorney, explained that there is a process for special assessments determined in state code and the steps must be done in a particular order. Swanson listed the steps in the process which are: creation of an assessment district, preparation of an engineer's report, direction to prepare plans and specifications, approval of the plans and specifications, and then award of bids. Since the engineer's report is not yet available, the only action that can be taken this evening is the creation of the special assessment district.

Council Member Weber introduced a resolution to create the special assessment district for Project No. 8042, District No. 738

It was moved by Council Member Weber and seconded by Council Member Dachtler to approve the recommendation and adopt the resolution creating the special assessment district. Upon call for the question and voice vote, the following voted "aye": Council Members Weigel, Dachtler, Weber, Mock, Marshall, Vein – 6; those voting "nay": none. Mayor Brown declared the motion passed and the resolution adopted.

**APPROVE ENGINEERING SERVICES AGREEMENT FOR
PROJECT NO. 8042, DISTRICT NO. 738**

The staff report from the engineering department relating to the design engineering services agreement for Project No. 8042, District No. 738, University Avenue Reconstruction (Coulee to Columbia) and Medians and Street Lights (Coulee to 42nd Street), with a recommendation to approve a Task Order Agreement with AE2S for Design Engineering Services in the amount of \$590,662.00 for Project No. 8042, District No. 738.

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It was moved by Council Member Marshall and seconded by Council Member Dachtler that this recommendation be approved. Motion carried unanimously.

AWARD CONTRACT FOR PROJECT NO. 7942,
CITY BUS MAINTENANCE FACILITY REHABILITATION,
REMODEL AND ADDITION

The staff report from the public transportation division director and mobility manager relating to bids for Construction, mechanical, and electrical for the City Bus Maintenance Facility Rehabilitation, Remodel, and Addition, Project No. 7942, with a recommendation to award the contracts for general and civil construction, mechanical construction, and electrical construction to include the 10 (10) Alternatives when and if funding is made available. The lowest and best bids are as follows: General and Civil Construction, Diversified Contractors - \$3,247,600.00; Mechanical Construction, Manning Mechanical - \$728,400.00; and Electrical Construction, Bergstrom Electric - \$560,819.00; for a total construction cost base bid plus alternatives of \$4,536,819.00, subject to review and approval of the city attorney, and any necessary budget amendments, subject to final review of the finance department.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that this recommendation be approved. Motion carried unanimously.

INTRODUCE ORDINANCE AMENDING CITY CODE
RELATING TO WASTEWATER

The staff report from the water works department relating to a wastewater ordinance update, with a recommendation to give preliminary approval of an ordinance to amend Sections 15-0104, 15-0402, 14-0403, 15-0406, 15-0408 and 15-0607 of the Grand Forks City Code relating to wastewater.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that this recommendation be approved. Motion carried unanimously.

Council Member Weigel introduced an ordinance entitled "An ordinance amending Sections 15-0104, 15-0402, 15-0403, 15-0406, 15-0408 and 15-0607 of the Grand Forks City Code relating to Wastewater", which was presented, read and passed on its first reading.

DECLARE PUBLIC WORKS ITEMS SURPLUS

The staff report from the water works and public works operations directors relating to public works surplus property, with a recommendation to declared the listed equipment surplus and authorize staff to proceed with the sale of equipment according to established policies and procedures. The equipment listed is:

Street Department: 1983 GMC Truck, 1984 GMC Truck, 1985 GMC Truck, 2006 Old Dominion LCT60C Leaf Sucker, 2001 Old Dominion LCT60C Leaf Sucker, 1991 Old Dominion LCT601C Leaf Sucker.

Sanitation Department: 2004 Madvac 61-D Paper Picker, 25 cu. Yd. Solid Waste Compactor, 30 cu. Yd. Commercial Box Compactor, 20.5x25 Hard Rubber tires with Case Rims.

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Laboratory: (2) Barnstead/Harvey MC10 Hydroclave Sterilizers; Hach 2100N Turbidity Meter, Thermo-Spectronic 20D+ Spectrophotometer.

Waste Water: 1999 John Deere HD75 commercial walk behind mower with 884.3 hours, 2002 New Holland MC28 Tractor with 60" rear discharge mower with 4 post canopy diesel motor, (6) 6" Ford Gorman Rupp (gas) pumps.

It was moved by Council Member Marshall and seconded by Council Member Dachtler that this recommendation be approved. Motion carried unanimously.

TABLE FINAL APPROVAL OF REPLAT OF LOTS A,
B, C, AND D, BLOCK 1, BUSINESS PARK THIRD RESUBDIVISION

The staff report from the planning department, on behalf of the Grand Forks Growth Fund, for final approval of the replat of Lots A, B, C, and D, Block 1, Business Park Third Resubdivision, located at 2400 Block of South 48th Street, with a recommendation to give final approval of the replat, subject to the conditions shown on or attached to the review copy.

Brad Gengler, City Planner, stated that this item was reviewed and received approval at the Planning and Zoning Commission, but subsequent to the meeting, the applicant contacted staff and would like to add an additional driveway. Due to this request, the staff is requesting that this item be tabled for one month to allow the commission to consider the request for the additional driveway.

It was moved by Council Member Weber and seconded by Council Member Vein that this item be tabled for one month. Motion carried unanimously.

INTRODUCE ORDINANCE TO AMEND THE ZONING MAP
TO INCLUDE WITHIN THE COLUMBIA PARK WEST PLANNED
UNIT DEVELOPMENT (PUD), CONCEPT DEVELOPMENT PLAN,
AMENDMENT NO. 6, LOT 3, BLOCK 1, OPPORTUNITY PARK FIRST
RESUBDIVISION

The staff report from the planning department relating to a request from JKV Investments, LLC for preliminary approval of an ordinance to amend the zoning map to rezone and exclude from Columbia Park West Planned Unit Development (PUD), Concept Development Plan, Amendment No. 5 and to include within the Columbia Park West PUD, Concept Development Plan, Amendment No. 6, Lot 3, Block 1, Opportunity Park First Resubdivision, located at 3900 S 42nd Street, with a recommendation to give preliminary approval of the ordinance and to set a public hearing for March 18, 2019.

Gengler reviewed the site plan for the council, that this will be an expansion and new location for Ironhide, a business that sells machinery from Bobcat, Doosan and other heavy equipment brands. The plan is to develop the 7 acre site as has been done with their recent constructions in other communities including Devils Lake, Williston, and Bemidji. They are requesting a variance to use crushed concrete rather than pavement in areas where heavy equipment is displayed, as due to the weight of the equipment the crushed concrete is a better longer lasting alternative. The variance would be specific to this business, and if the property were to change hands and have a different use in the future, the requirement for paving would pertain.

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Council Member Vein questioned whether the variance was appropriate and expressed a concern with allowing the crushed concrete versus the normally required pavement, that have had concern on dust and other issues and in particular if the business were to change over time and that then we would want the entire area to be paved. Adam Davidson, JLG, and Jason Vasicek, Ironhide, both provided information on the reason for the crushed concrete, that they use that in other locations and has proven to be a better surface for the heavy equipment, which tends to wear out hard surface pavement resulting in more maintenance cost to keep the pavement in good condition, that the proposal is to only use this in the area for heavy equipment and if that area were to be changed in use would then put in pavement. Vasicek also commented that they have been in the community since 2000 and this will be an expansion for them and look to add 5 to 6 employees with the larger facility. The group also discussed the plan for inclusion of the storm pond and landscaping. Howard Swanson, City Attorney, suggested that there may need to be a modification on the draft ordinance to address and requirements that would be necessary in the case of a change of use as well as sale and also to include information related to curb and gutter along with drainage and could do that amendment and should be included for ordinance that comes forward at time of second reading. Council Member Vein stated that he would like to do a little more research on this variance prior to second reading.

It was moved by Council Member Weigel and seconded by Council Member Marshall to give preliminary approval of the request and set a public hearing for March 18. Upon call for the questions, the motion passed unanimously.

Council Member Weigel introduced an ordinance entitled “An ordinance to amend the zoning map to rezone and exclude from the Columbia Park West Planned Unit Development (PUD), Concept Development Plan, Amendment No. 6, Lot 3, Block 1, Opportunity Park First Resubdivision to the City of Grand Forks, ND, located at South 42nd Street and 36th Avenue South”, which was presented, read and passed on its first reading.

INFORMATION ITEMS

The Statement of Changes in Cash Balances as of November 31, 2018 was presented for council’s information.

APPROVE BILL LISTING

Vendor Payment Listing 19-4, dated February 19, 2019 totaling \$1,473,601.19, was presented and read.

It was moved by Council Member Weber and seconded by Council Member Dachtler that these bills 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 Weigel, Dachtler, Weber, Mock, Marshall, Vein – 6; voting “nay”: none. Mayor Brown declared the motion carried and the bills ordered paid.

APPROVE MINTUES OF DECEMBER 3, 2018 MEETING

The minutes of the December 3, 2018 City Council meeting were presented and read.

It was moved by Council Member Weigel and seconded by Council Member Dachtler that the minutes be approved. Motion carried unanimously.

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CITY ADMINISTRATOR COMMENTS

Todd Feland, City Administrator, commented on the following items:

- Expressed appreciation to the steering group for their work on the Downtown Action Plan
- Work continues on the Welcoming Community Roadmap, with a near term action plan coming soon
- A Retail Study Group comprised on has been organized by The Chamber composed of community leaders, local officials from the EDC, County, and other groups and includes Council Member Weber, representing the City Council.
- Discussions continue relating to the Grand Forks Herald building, that initially there was a development group that expressed interest in purchasing the building and the city had an interest in leasing some space within the building. As discussions have progressed, it appears that it would be more beneficial to the City to purchase the building and then lease space to the other entities similar to what we have done with other buildings. A further report will be coming to City Council in the future. Action would go through Growth Fund and JDA. Other potential partners would be Grand Forks Schools, Library, and UND and would require separate approvals by each of their boards.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Dachtler encouraged all to attend the Feast of Nations to be held this weekend. It is a great opportunity to learn about all the cultures represented in our community.

Council Member Weber expressed appreciation for the work of the Finance Department. He noted that the quality work they do leads to, among other things, good bond ratings, which translates directly to savings for citizens.

Council Member Marshall recognized Pat Berger for all her contributions to the community during her tenure as head of the local chapter of the United Way.

ADJOURN

It was moved by Council Member Weigel and seconded by Council Member Vein that we adjourn at 6:30 p.m. Carried 6 votes affirmative.

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor