

**Minutes/Committee of the Whole**  
**Monday, February 11, 2019 – 5:30 p.m.**

**The Committee of the Whole met on Monday, February 11, 2019 at 5:30 p.m. in Council Chambers in City Hall. Present at roll call were: Weigel, Dachtler, Weber, Mock, Marshall, Sande and Vein (via phone) – 7; absent – None.**

The meeting was called to order at 5:30 p.m. by President Sande.

**Motion by Weber, second by Mock to suspend the agenda to add item 2.0 Legislative Update. Motion Carried unanimously.**

**2.0 Legislative Update**

Pete Haga, Community Government Relations Officer, provided a report on legislative bills that the City is tracking, has provided testimony on, and new bills that the City should be aware of. House Bill 1441, which seeks to prohibit discrimination on the basis of sexual orientation. The committee discussed that Grand Forks was the first city on North Dakota to pass an ordinance (July 1, 2013) prohibiting discrimination on the basis of gender identity or sexual orientation for employment with the City of Grand Forks and while this bill has not been one that the City has been tracking, would like to add it to our list. The bill in its current form only addresses discrimination on the basis of sexual orientation and leaves out the gender identity class. While the bill is a step toward improving protections for some, the omission of gender identity does affect citizens that have brought forward complaints regarding discrimination. The committee discussed the proper way to proceed with legislators, whether to express support for the bill as drafted and encourage amendment, or to oppose and support a new bill that would also include gender identity. Discussion included comments that while having both classes listed would be most effective, but that even with the omission, there would be an improvement from what is currently provided.

Motion by Marshall, second by Weber, to support HB 1441 with a recommendation to amend the bill to also include transgender and gender nonconforming identity populations as protected classes. Motion carried unanimously.

Weigel commented regarding having more notice for council members to review and get information on support for bills before having to take action.

**2.1. Request for transfer of Class 3 (on and/or off sale) Alcoholic Beverage License- HJ Venture Corp (dba Ole & Paco’s Mexican Village)**

Candi Stjern, Asst. Finance Director, explained that HJ Venture Corp which currently holds a Class 3 Alcoholic Beverage License and operates as Ole & Paco’s Mexican Village has decided to make a change in their ownership structure. Previously the corporation has been 100% owned by Angela Green. Going forward the ownership has changed to be split evenly between Angela (Heit) Green, Benji Heit, and Kristyn Farmer (Schmidt). City Code requires ownership changes to be approved by City Council. As this change is in more than 50% of the ownership, a transfer fee in the amount of \$5,320 also is due to the City upon approval.

**Motion by Weigel, second by Dachtler, to refer to City Council with a recommendation to approve. Aye: All. Motion Carried.**

**2.2. Engineering Amendment for Project No. 8028, University Avenue Mill & Overlay**

Mark Walker, Asst. City Engineer, explained that this is a preliminary engineering services agreement for Project No. 8028, Mill & Overlay University Avenue (N 3<sup>rd</sup> St to State Street). He provided information on the project including that it is scheduled for completion in 2020 and will include the are indicated, excluding the section of University Avenue from Columbia Road to the English Coulee that will be reconstructed in 2019. Funding for this project will include both federal and local dollars. The local

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share will come from the sales tax allocation in the Street/Infrastructure Fund and is currently estimated to be \$1 million. There are no special assessments associated with this project. The action requested today will approve a Task Order Agreement based on an hourly not-to-exceed amount of \$89,042.50 with the firm of CPS.

**Motion by Weigel, second by Weber to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**2.3. Approve Plans & Specifications and Engineer’s Report for Project No. 8019, District No. 736, Paving/Street Lights on Cherry St (11-17<sup>th</sup> Ave S**

Dave Kuharenko, Principal Civil Engineer, provided general information on the project, that it will reconstruct a portion of Cherry St from 14<sup>th</sup> to 17<sup>th</sup> Ave S, mill and overlay a portion of Cherry St from 11<sup>th</sup> to 14<sup>th</sup> Ave S, and replace street lighting on Cherry St from 11<sup>th</sup> to 17<sup>th</sup> Ave S. This project will be funded 80% city share from the Street/Infrastructure Fund (sales tax) and 20% special assessments to benefitting properties. It was noted that had the Water and Street Infrastructure Sales Tax not passed, this project would have been constructed with a 50/50 split rather than the 80/20. Al Grasser, City Engineer, added that the policy has been when there is a federal share, such as with the previously discussed University Avenue Project, we are not including a special assessment share and with projects without a federal share the policy is to fund projects 80% city and 20% special assessed.

**Motion by Weber, second by Mock, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**2.4. Engineering Agreement for Project No. 7540, District Mo. 567, Oscarville Storm Sewer, Storm Pond, Pump Station & Discharge Ditch**

Jonathan Olson, Project Engineer, stated that this agreement is for a project to install storm water related infrastructure in the Oscarville, Senske, and Lemm’s Acres Subdivisions and a future development north of 27<sup>th</sup> Ave N. This area has a history of drainage problems and the project will address these issues. It is also necessary prior to a paving project being constructed. Staff recommends approval of a Task Order Agreement with WFW Engineering for Design Engineering, and Bidding Services in the amount of \$141,837.00.

**Motion by Weber, Second by Marshall, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**2.5 Create Special Assessment District:**

**a) Project No. 7540, District Mo. 567, Oscarville Storm Sewer, Storm Pond, Pump Station & Discharge Ditch**

Jonathan Olson, Project Engineer, stated that this project will install storm sewer, storm pond, pump station and discharge ditch in the Oscarville, Senske, and Lemm’s Acres Subdivisions, and a future development north of 27<sup>th</sup> Ave N. All costs for the project will be special assessed to benefitting properties in the district, except for the 15% city share for the regional pond.

**Motion by Mock, second by Dachtler, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**b) Project No. 8015, District No. 730, 2019 Mill & Overlay**

Dave Kuharenko, explained that this year’s project will be on a section of South 17<sup>th</sup> St from 17<sup>th</sup> Ave S to Continental Drive and Willow Drive. In addition to the mill and overlay work the project will include the installation of roadway striping, ADA curb ramps, and other miscellaneous work. The project will be partially special assessed at the 80/20 split as per the current policy.

**Motion by Marshall, second by Weigel, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**2.6 Approve Plans & Specifications:**

**a) Project No. 8007, 2019 Asphalt Street Repairs**

Shane Duchscher, Project Engineer, explained that this is the annual project to repair asphalt streets throughout the community and will also include installation of bikepath extensions along the west side of Belmont Road from 55<sup>th</sup> Avenue South to 59<sup>th</sup> Avenue South and along the north side of 62<sup>nd</sup> Ave South from the Deacon's Gardens Addition to Kings View Drive.

**Motion by Marshall, second by Weigel, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**b) Project No. 8006, 2019 ADA Curb ramps**

Shane Duchscher, Project Engineer, explained that this is annual project and includes both installation of curb ramps in new development areas and replacing curb ramps in other areas of the community where they are in need of replacement. There will also be some sidewalk installation included under this contract to accommodate the requests from homeowners.

**Motion by Weber, second by Marshall, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**c) Project No. 8008, 2019 Concrete Street Repairs**

Shane Duchscher, Project Engineer, stated that this is for annual project to handle repairs needed to concrete streets done throughout the community with funding from city budget dollars.

**Motion by Mock, second by Weigel, to refer to City Council with a recommendation to approve.**  
**Motion carried unanimously.**

**2.7 Create Special Assessment District for Project No. 8042, District No. 738, University Avenue Reconstruction (Coulee – Columbia Road) & Medians/Lighting from Coulee to 42<sup>nd</sup> Street**

Mark Walker, Asst. City Engineer, gave a brief overview of the project, that this will reconstruct University Avenue from Columbia Road to the Coulee and will also include the realignment/closure of some intersecting streets, drives and driveways, install aesthetic median barriers to funnel pedestrian traffic to crosswalk areas, installation of interconnected traffic signal and pedestrian crossing beacons at various points, along with other upgrades for ADA and miscellaneous improvements. This project will be special assessed, with some items paid 100% by UND and other portions of the project special assessed 50% to UND and 50% City share. It was noted that UND has requested that all costs to be special assessed be assessed to UND property only. The change in the split between city share and special assessed portion is because this street reconstruction is being done earlier than planned at UND's request to coincide with other projects that they have scheduled. This is similar to the agreement that has been used for other projects including the proposed reconstructing of S 30<sup>th</sup> St adjacent to Altru scheduled for 2021/2022. Project Cost is estimated to be \$11 million, with city-share being \$4 million, which will be funded from a combination of Street/Infrastructure Fund, Job Development Authority Fund, and Economic Development Fund sources.

**Motion by Weber, second by Marshall, to refer to City Council with a recommendation to approve.**  
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**2.8 Engineering Agreement for Project No. 8042, District No. 738, University Avenue Reconstruction (Coulee-Columbia) & Medians/Lighting from Coulee – 42<sup>nd</sup> Street**

Mark Walker, Asst. City Engineer, explained that this is the engineering agreement for the project that was just discussed and staff recommends awarding the Task Order Agreement to AE2S for Design Engineering Services in the amount of \$590,622.00.

**Motion by Weigel, second by Dachtler, to recuse Vein and Mock from this item. Motion carried unanimously.**

**Motion by Weber, second by Dachtler, to refer to City Council with a recommendation to approve. Motion carried unanimously.**

**2.9 Award Bids: Project No. 7942.1, CAT Bus Maintenance Facility Rehab/Remodel and Addition**

Ali Rood, Mobility Manager, and Mike McLean, JLG Architects, were present to provide information on the bids received the this project. Following analysis, staff recommendation is to award bids for the base bdi and alternative 2 and 7 at this time as follows: general and civil construction to Diversified Contractors in the amount of \$3,247,600.00; Mechanical Construction to Manning Mechanical in the amount of \$728,400.00; Electrical Construction to Bergstrom Electric in the amount of \$560,819.00; for a total cost of \$4,536,819.00. Some other alternatives may be awarded later if funding is available.

**Motion by Marshall, second by Weigel, to refer to City Council with a recommendation to approve. Motion carried unanimously.**

**2.10 Wastewater Ordinance Update**

Lisa Botnen, Asst. Waterworks Director, explained that staff is continuing to review ordinances governing the wastewater program and has noted some areas where our ordinance needs to be updated. The areas to be updated are: change the City issued industrial pretreatment permit to allow for up to a five year term; allow for billing by the city if the industry fails to submit a permit sample; provide additional definitions; update staff and department titles, descriptions and designations; and change the local limit for lead from 0.925 mg/l to 0.69 mg/l to be in compliance with federal levels. The authority for establishing rules for the program has been changed to City Administrator or his designee.

**Motion by Weigel, second by Marshall, to refer to City Council with a recommendation to approve. Motion carried unanimously.**

**2.11 Public Works Surplus Property**

LeahRae Amundson, Public Works Operations Director, explained that public works and waterworks departments have found some equipment items that are no longer needed and/or have exceeded their useful life and are looking for the items to be declared surplus so that they can sell them.

**Motion by Marshall, second by Mock, to refer to City Council with a recommendation to approve. Motion carried unanimously.**

**Motion by Weber, second by Mock, to adjourn at 6:30 p.m.**

Respectfully submitted,

Sherie Lundmark  
City Clerk