

July 1, 2019

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
July 1, 2019**

The City Council of the city of Grand Forks, North Dakota met in the Council Chambers in City Hall on Monday, July 1, 2019 at the hour of 5:30 o'clock p.m. with President Sande presiding. Present at roll call were Council Members Weigel, Dachtler, Weber, Mock, Sande, Vein -6; absent: Marshall -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.

PLEDGE OF ALLEGIANCE

The City Council led the pledge of allegiance.

MAYOR'S ANNOUNCEMENT

President Sande recognized Fire Chief Gary Lorenz on his completion of the National Fire Academy Executive Fire Officer Program.

PROCLAMATIONS

President Sande read a proclamation designating American Legion Day as June 29, 2019.

UPDATE – WELCOMING COMMUNITY ROADMAP

Robin David provided an update on the work done in the first six months of 2019 on the Welcoming Community Roadmap. She highlighted contributions from other entities and volunteers as well as the work provided by the summer intern, Maura Ferguson. Also included in the presentation was an overview of work that is planned for the rest of the year.

**ADOPT ORDINANCE NO. 4723, AMENDING SECTION
21-0205 (III) OF THE GRAND FORKS CITY CODE RELATING
TO CLASS 8.2 AND 8.3 ALCOHOLIC BEVERAGE LICENSES**

An ordinance entitled "An ordinance amending Section 21-0205 (III) (Class 8.2 and Class 8.3) of the Grand Forks City Code relating to Alerus Center Alcoholic Beverages and Ralph Engelstad Arena Alcoholic Beverages", which had been introduced and passed on its first reading on June 16, 2019 and upon which a public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

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

It was moved by Council Member Weigel and seconded by Council Member Weber to amend the ordinance to limit the facilities to only be eligible for a Class 11 Special or Limited License for events at the Empire Arts Center or Chester Fritz Auditorium, or at such venue that the City Council approves and in which they are acting as the promoter for the sporting or entertainment event. Motion carried unanimously. President Sande declared the amendment passed.

It was moved by Council Member Weigel and seconded by Council Member Weber, that ordinance be adopted as amended. Upon call for the question, the following voted "aye": Weigel, Dachtler, Weber, Mock, Sande and Vein – 6; voting "nay": none. President Sande declared the motion passed and the ordinance as amended adopted.

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APPROVE PUBLIC ARTWORK AGREEMENT –
NORTHERN ROSE SCULPTURE

The staff report from the city administrator and city planner relating to Public Arts Commission (PAC), Public Artwork Agreement for the “Northern Rose” Sculpture, with a recommendation to authorize staff to continue to work with the City Attorney’s Office on an agreement between the Public Arts Commission (PAC) and the City of Grand Forks for the installation of the public artwork on city owned property located on Lot 3, Block 1, Danks Second Resubdivision, Alerus Center/Canad Inns Complex, subject to final review and approval of the City Attorney.

Discussion regarding the process for selection of art, which falls with PAC, and the approvals for installation of future art pieces as PAC has funding available took place. It was noted that a letter of support from the Canad Inns was included with the staff report and they will also be a party on the Memorandum of Understanding. Council Members questioned the time period stipulated in the agreement of 25 years and that perhaps there should be a renewal provision in the agreement so that if the sculpture is in good condition and we want to continue having it on that site there would be a process for that.

It was moved by Council Member Mock and seconded by Council Member Weber that the recommendation be approved and that the final document should include a renewal provision. Motion carried unanimously.

APPROVE LETTER OF INTENT EXTENSION FOR
NORTHERN PLAINS NITROGEN

The staff report from the city administrator relating to Northern Plains Nitrogen, LLP and the Letter of Intent Agreement Extension, with a recommendation to approve extending the Letter of Intent (LOI) Agreement with Northern Plains Nitrogen, LLP (NPN) related to Industrial Water Supply and Discharge Permitting from June 30, 2019 to December 31, 2019, subject to the City Attorney’s Office final review and approval.

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

APPROVE WAIVER OF SECTION 9-0202 OF CITY
CODE TO ALLOW FOR HELICOPTER TO LAND AND
TAKEOFF WITHIN CITY LIMITS

The staff report from the public information center relating to a request for permission to allow a helicopter to land and take off within city limits at the Choice Financial Bank, 1697 South 42nd Street, for a charity fundraiser Hero’s for Hospice to be held on July 16, 2019, with a recommendation to approve a waiver of City Code Section 9-0202 to allow for the helicopter to land and take off within city limits at Choice Financial Bank on July 16, 2019.

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

APPROVE NOISE VARIANCE AND COMMINGLING OF
ALCOHOL SERVICE FOR RHOMBUS GUYS - ND MUSEUM
OF ART CONCERT IN THE GARDEN SERIES

The staff report from the public information center relating to a request for noise variance and letter of intent for commingling during the ND Museum of Art Summer Concert Series on July 16, 23, August 6, 13, and 27, 2019, with a recommendation to approve the noise variance and proposed commingling for the special event. Rhombus Guys Holdings, LLC will be the alcohol vendor.

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

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APPROVE NOISE VARIANCE AND COMMINGLING OF
ALCOHOL SERVICE FOR BRICK & BARLEY – 2019 KAPPA
SIGMA FRATERNITY – MILITARY HEROES BENEFIT CONCERT

The staff report from the public information center relating to a request for noise variance and letter of intent for commingling for the special event 2019 Kappa Sigma Fraternity – Military Heroes Benefit Concert on August 31, 2019, with a recommendation to approve the noise variance and request for commingling for the special event. The alcohol vendor will be Brick & Barley.

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

DECLARE HEALTH VEHICLES SURPLUS
AND AUTHORIZE DISPOSITION

The staff report from the health department relating to vehicle replacement, with a recommendation to declare 2 vehicles surplus and authorize disposition through public sale. The vehicles to be declared surplus are a silver 2007 Chevrolet Malibu LS and a blue 2007 Chevrolet Malibu LS.

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

APPOINTMENT TO PENSION & INSURANCE COMMITTEE

The staff report from the mayor relating to concurrence of appointment to Pension and Insurance Committee – Employee Representative, with a recommendation to concur in the appointment of Jessica Bergerson for a three-year term on the Pension and Insurance Committee, commencing July 1, 2019 and ending June 20, 2022, representing the employee representatives group on the committee.

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

APPROVE DEOBLIGATION OF 2019 HOME FUNDS
AND AUTHORIZE SUBMISSION OF REQUEST TO
AWARD TO RED RIVER VALLEY COMMUNITY ACTION

The staff report from the community development director relating to 2019 HOME Funds, with a recommendation to authorize submitting a request to NDDCS to deobligate Grand Forks' 2019 HOME Program set-aside of \$350,000 and award it to Red River Valley Community Action to provide housing rehab services to income-eligible households within Grand Forks' city limits.

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

APPROVE BUDGET AMENDMENT – FIRE DEPARTMENT

The staff report from the fire department relating to a budget amendment to reallocate funding from the Fire Department's 2020 Capital Replacement Schedule to allow a fire engine to be ordered in 209 with delivery and payment in 2020, with a recommendation to approve the budget amendment to reallocate funding from the 2020 capital vehicle replacement schedule, to allow the ordering of a fire engine in 2019 through the Houston-Galveston Area Council Purchasing Program(HGAC), or comparable government purchasing consortium, with delivery of the engine in mid-2020.

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

RECEIVE TABULATION OF BIDS, ESTIMATE OF
TOTAL COST AND ADOPT RESOLUTION TO AWARD
CONTRACT FOR PROJECT NO. 8066, DISTRICT NO. 568

The city auditor presented and read the tabulation of bids which had been received and opened on June 24, 2019 for Project No. 8066, District No. 568, Sanitary Sewer for S 19th St from 40th Ave S to 44th Ave S, indicating that United Crane & Excavation, Inc. was the low bidder in the amount of \$409,938.20.

The city engineer's estimate of total cost for Project No. 8066, District No. 568, in the amount of \$542,706.47 was presented and read.

The staff report from the engineering department relating to bids for Project No. 8066, District No. 568, Sanitary Sewer for S 19th St from 40-44 Avenue South, with a recommendation to award the contract to low bidder United Crane & Excavation in the amount of \$409,9238.20.

It was moved by Council Member Weber and seconded by Council Member Dachtler that this recommendation be approved and a resolution to award the contract be adopted. Upon call for the question, the following voted "aye": Weigel, Dachtler, Weber, Mock, Sande, Vein – 6; voting "nay": none. President Sande declared the motion passed, the resolution adopted and the contract awarded.

APPROVE PURCHASE AGREEMENT FOR PROPERTY
NECESSARY FOR CONSTRUCTION OF PROJECT NO.
7540, DISTRICT NO. 567

The staff report from the engineering department relating to purchase agreement for property necessary for construction of Project No. 7540, District No. 567, Oscarville Storm Sewer, Storm Pond, Pump Station, and Discharge Ditch, with a recommendation to approve the purchase agreement, contingent upon approval of the city attorney.

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

APPROVE ENGINEERING SERVICES AGREEMENT FOR
PROJECT NO. 8067, WWTP IMPROVEMENTS TO CHEMICAL
ROOM, MBF RECYCLE PUMP HEADER PIPING, AND BYPASS PIPING

The staff report from the water works director relating to engineering services agreement for Project No. 8067, with a recommendation to approve an engineering services agreement in the amount of \$195,000 with AE2s for Project No. 8067.

Council Members Mock and Vein asked to be recused from voting on this item. It was so moved by Council Member Weigel and seconded by Council Member Weber. Motion carried unanimously.

It was moved by Council Member Weigel and seconded by Council Member Weber to approve the recommendation. Motion carried unanimously, with Mock and Vein recused.

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APPROVE EASEMENT AGREEMENT BETWEEN
THE CITY OF GRAND FORKS AND NODAK
ELECTRIC COOPERATIVE, INC.

The staff report from the public works operations director relating to an easement agreement between the City of Grand Forks and Nodak Electric Cooperative, Inc., with a recommendation to approve the easement agreement subject to final review and approval of the City Attorney.

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

APPROVE BILL LISTING

Vendor Payment Listing 19-13, dated July 1, 2019 totaling \$2,064,192.92, and engineers estimate dated June 30, 2019 totaling \$8,845,917.81 were presented and read.

It was moved by Council Member Vein 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, Sande, Vein – 6; voting "nay": none. President Sande declared the motion carried and the bills ordered paid.

APPROVE MINUTES – MARCH 18, 2019

Typewritten copies of the minutes of the city council held on Monday, March 18, 2019, were presented and read. It was moved by Council Member Weigel and seconded by Council Member Dachtler that the minutes be approved as read. Motion carried unanimously.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Weigel commented that he was proud to represent the city at the American Legion event.

Council Member Sande expressed congratulations to Fire Chief Lorenz on his hard work to complete the training program for Executive Fire Officer Program and appreciation for his service to our community.

ADJOURN

It was moved by Council Member Vein and seconded by Council Member Dachtler that we adjourn at 6:35 p.m. Motion carried unanimously.

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor

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