

July 15, 2019

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
July 15, 2019**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, July 15, 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 (via phone), 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.

MAYOR'S ANNOUNCEMENT

Mayor Brown commented on the following:

- Was pleased to attend the Summer Performing Arts performance of Bye Bye Birdie this past weekend and encouraged all to attend.
- Joined Marilyn Haggerty at the cookies in Lincoln Park event.
- Attended the US Conference of Mayor's meeting and presented on the GF Call to Action and was interesting to connect with officials from other cities and share best practices.

**PRESENTATION TO THE FINANCE DEPARTMENT –
DISTINGUISHED BUDGET AWARD**

Mayor Brown presented the Government Finance Officers Association Distinguished Budget Award to the Finance Department for the 2019 Budget.

PRESENTATION – AIRPORT MASTER PLAN

Ryan Reisinger, Airport Executive Director, gave a brief presentation on future plans for development and improvements at the Airport including expansion and reconstruction of the main runway. The main runway project will require coordination with the carriers as there will be times that service will be suspended. Total of the implementation plan through 2027 is an investment of just over \$113 million, with 90% coming through federal sources. There is an annual application round for FAA funding so the plan may change depending on funds available.

EMPLOYEE RECOGNITION

Mayor Brown recognized the following city employees celebrating employment milestones:

- Al Grasser, Engineering, 35 years
- Jennifer Freeman, Police, 10 years
- Sharon Kotrba, Finance, 5 years
- Charles David, Water Works, 5 years

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ADOPT FINDINGS RELATED TO DETERMINATION
OF NUISANCE 610 SOUTH 9TH STREET

The staff report from the health department relating to Public Hearing regarding determination of nuisance at 610 South 9th Street, with recommendation to adopt findings and conclude there is a nuisance at 610 South 9th Street and issue an Order of Abatement of the nuisance.

Howard Swanson, City Attorney, provided information to the City Council on recourse available and how each process works including bringing action through municipal court and fines. He provided information related to a similar case in Minot, wherein the court did not allow the taking of a property, and ruled that repairs can be ordered or the nuisance abated. We have no evidence to suggest that this structure is not habitable or unsafe, therefore can only act on the conditions on the premise, not the dwelling. While the Health Department was allowed some access to the inside of the home to access the electrical panel in the basement, and at that time an accumulation of items and paths through the home were present, but a full inspection of the condition of the home was not granted by the owner. Swanson explained that in order to enter the home and conduct an inspection the property owner would have to grant permission or a search warrant would be needed which, at this time, there is no basis to obtain.

Mayor Brown opened the public hearing.

The following citizens spoke in regards to the effect on their property due to the nuisance and expressing concern for the health and welfare of the property owner:

- Tom Haupt, 615 S 9th St
- Tina Pruett, 616 S 9th St

Mr. Masse, the property owner was not present, but had submitted written correspondence to the City Council regarding this matter.

The council discussed alternatives to provide services to the property owner including mental health services, but at this time he is not receptive and there is no basis for a forced action such as civil commitment. Swanson explained that in the past a civil commitment was tried, but the court found that the city had no standing to bring such action. The authority of the City Council is limited and other than ordering the abatement of the nuisance and if the electrical is still not repaired, Inspections could order the termination of that service until the repair is complete.

Swanson also explained that there is no basis on which to order an abatement of the inside of the home, as there is no basis to determine there is a nuisance and would require an inspection to determine that. Other hoarding situations have been in townhomes, where the association does have the authority to bring an action, but this is single family, which has a different standing. The City has worked with family members in the past to assist with improving the situation, but with limited results.

It was moved by Council Member Sande and seconded by Council Member Weigel to adopt findings and conclude that a public nuisance exists on the property at 610 S 9th Street and hereby order abatement of the nuisance by the City if necessary with any associated costs to be levied against the property as a special assessment. Upon roll call vote, the following voted “aye”: Weigel, Dachtler, Weber, Mock, Sande, Vein – 6; voting “nay”: none. Mayor Brown declared the motion passed.

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HOLD PUBLIC HEARING AND APPROVE APPLICATION FOR
TAX INCREMENT FINANCING FROM FIRE THORN, LLC

The city auditor reported that pursuant to the provisions of Section 40-57.1 of the North Dakota Century Code, notice had been given to the public that the city council would meet this evening to consider application of Fire Thorn, LLC dba Pure Development, 516 DeMers Ave, for an 80% tax increment exemption for the proposed mixed-use building at this location, Renewal Resubdivision No. 2, Lot A, Block 8 (Replat of Block 8), which the applicant will use in the operation of their business and further that 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.

Todd Feland, City Administrator, stated that included with the staff report is the financial analysis from Baker Tilly supporting the viability of the expanded project at the 80% 15 year Tax Increment applied for. Also included in the report are the letters of concurrence on approval of the application from the Grand Forks School Board and Grand Forks County Commission.

It was moved by Council Member Vein and seconded by Council Member Sande that the City of Grand Forks approve an 80% tax increment exemption for 15 years for the expanded project. Upon call for the question, the following voted "aye": Council Members Weigel, Dachtler, Weber, Mock, Sande and Vein – 6; voting "nay": None. Mayor Brown declared the motion carried.

ADOPT ORDINANCE NO. 4724 TO ANNEX
PORTIONS OF THE WEST ½ OF THE NORTHWEST
¼ OF SECTION 17, TOWNSHIP 151 NORTH, RANGE
50 WEST, OF THE 5TH PRINCIPAL MERIDIAN AND
APPROVE ANNEXATION AGREEMENT

An ordinance entitled "An ordinance to annex all that part of the W ½ NW ¼ of Sec. 17, TWP. 151 N, Range 50 W, 5th PM, County of Grand Forks, State of North Dakota, according to the United States Government Survey thereof described as follows: Beginning at a point on the West line of said Sec. 17, which is 1280 feet South of the Northwest corner of said Sec. 17; thence East 664.5 feet; thence South 332 feet; thence West 664.5 feet to the West line of said Sec. 17; thence North, along said West line, 332 feet to the point of beginning. Except any lands previously annexed, containing 4.3 acres, more or less. (332 x 564.5)", which had been introduced and passed on its first reading on June 17, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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 an ordinance to annex portions of west ½ of the northwest ¼ of Section 17, Range 50 West, of the 5th Principal Meridian to the City of Grand Forks, ND,

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located at 2051 S 42nd St, also to include an annexation agreement, with a recommendation to give final approval to the request from Terry and Susan Rieger for final approval of an ordinance to annex all that part of the West ½ of the northwest ¼ of Section 17, Range 50 West, of the 5th Principal Meridian, County of Grand Forks, described as follows: Beginning at a point on the west line of said Section 17, which is 1,280 feet south of the Northwest corner of said Section 17; thence east 664.5 feet; thence south 332 feet; thence west 664.5 feet to the west line of said Section 17; thence north, along said line, 332 feet to the point of beginning, except any lands previously annexed, containing 4.3 acres, more or less and also to approve an annexation agreement subject to review and approval of the city attorney.

It was moved by Council Member Sande and seconded by Council Member Vein that this recommendation be approved. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Mock, Sande, Vein – 6; voting “nay”: None. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4725, AMENDING THE
STREET AND HIGHWAY PLAN TO INCLUDE
PUBLIC R/W SHOWN AS DEDICATED ON THE
PLAT OF ADAMS ADDITION

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 Adams Addition to the City of Grand Forks, North Dakota”, which had been introduced and passed on its first reading on June 17, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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 Adams Addition located along 27th Avenue North and West of N 39th Street, with a recommendation to give final approval of the request from Ronald Adams for approval of the plat of Adams Addition to the City of Grand Forks, ND, located in the 3900 block of 27th Avenue North, subject to the conditions shown on or attached to the review copy, also to include final approval of the Street and Highway Ordinance.

It was moved by Council Member Sande and seconded by Council Member Vein that this recommendation be approved. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Mock, Sande, Vein – 6; voting “nay”: None. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4726, AMENDING ZONING MAP
TO INCLUDE WITHIN JR’S PUD (PLANNED UNIT DEVELOPMENT)
CONCEPT DEVELOPMENT PLAN, AMENDMENT NO. 3, FOR
ALL OF SOUTHERN ESTATES EIGHTH RESUBDIVISION,
SOUTHERN ESTATES NINTH ADDITION, SOUTHERN
ESTATES TENTH ADIITION AND SOUTHERN ESTATES
ELEVENTH ADDITION

An ordinance entitled “An ordinance to amend the zoning map of the City of Grand Forks, North Dakota, to rezone and exclude from JR’s PUD (Planned Unit Development), Concept Development Plan,

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Amendment No. 2 and to include within JR's PUD (Planned Unit Development), Concept Development Plan, Amendment No. 3 for all of Southern Estates Eighth Resubdivision, Southern Estates Ninth Addition, Southern Estates Tenth Addition and Southern Estates Eleventh Addition to the City of Grand Forks, North Dakota", which had been introduced and passed on its first reading on June 17, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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 JR's PUD Amendment No. 3 located on 45th Avenue South from South 34th Street to South 30th Street, with a recommendation to give final approval of the request from CPS, Ltd on behalf of Guy Useldinger, for an ordinance amending the zoning map, JR's PUD Amendment No. 3, lot coverage increases on 45th Ave S from 34th Street South to 30th Street South, subject to the conditions shown on or attached to the review copy.

It was moved by Council Member Weigel and seconded by Council Member Sande that this recommendation be approved. Upon call for the question, the following voted "aye": Weigel, Dachtler, Weber, Mock, Sande, Vein – 6; voting "nay": None. Mayor Brown declared the motion passed and the ordinance adopted.

DETERMINATION OF PROTEST ON PAVING/STREET
LIGHTING DISTRICT NO. 723, PROJECT NO. 7907

The city auditor reported that the period for filing of protests on the resolution of necessity for the improvements in and for Paving and Street Lighting District No. 723, Project No. 7907, construction of paving and street lighting for Opportunity Park First Resubdivision had expired on July 11, 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.

Council Member Vein introduced a resolution as to protests which was presented and read.

It was moved by Council Member Vein and seconded by Council Member Mock that we find and determine an insufficiency of protest against Paving and Street Lighting District No. 723, Project No. 7907, and that the resolution be adopted. Motion carried unanimously.

ADOPT RESOLUTION ANNUALLY RECOGNIZING THE
SECOND MONDAY OF OCTOBER AS INDIGENOUS PEOPLES DAY

The staff report from the city administrator on behalf of City Council Member Katie Dachtler relating to a resolution of the Mayor and City Council to annually recognize the second Monday of October as Indigenous Peoples Day, with a recommendation to adopt the resolution.

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

RECEIVE AND FILE THE 2018 COMPREHENSIVE
ANNUAL FINANCIAL REPORT

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The staff report from the assistant finance director relating to the Comprehensive Annual Financial Report for the year ended December 31, 2019 and the Independent Auditor's Report, with a recommendation to receive and file the report, authorize staff to submit the report to the State Auditor, and to pay the audit fees.

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

ADOPT RESOLUTION AUTHORIZING THE ISSUANCE
OF REVENUE BONDS ON BEHALF OF ALTRU HEALTH SYSTEMS

The staff report from the director of finance relating to a resolution authorizing the issuance of Revenue Bonds on behalf of Altru Health Systems, with a recommendation to adopt the resolution authorizing the issuance of revenue bonds on behalf of Altru Health System.

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

INTRODUCE ORDINANCE AMENDING CITY CODE
SECTION 8-0825 RELATING TO IMPOUNDING OF
CERTAIN VEHICLES; REMOVAL AND STORAGE FEES

The staff report from the city attorney relating to an ordinance amending Section 8-0825 of Grand Forks City Code relating to impounding certain vehicles; removal and storage fees, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled "An ordinance amending Section 8-0825 of the Grand Forks City Code relating to impounding of certain vehicles; removal and storage fees", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING CITY CODE
SECTION 9-0127 RELATING TO TRESPASSING ON
PRIVATE PROPERTY

The staff report from the city attorney relating to an ordinance amending Section 9-0127 of Grand Forks City Code relating to trespassing on private property, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled "An ordinance amending Section 9-0127 of the Grand Forks City Code relating to trespassing on private property", which was presented, read and passed on its first reading.

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INTRODUCE ORDINANCE AMENDING SECTION 8-0311
OF CITY CODE RELATING TO FAILURE TO REPORT ACCIDENT

The staff report from the city attorney relating to an ordinance amending Section 8-0311 of the Grand Forks City Code relating to failure to report accident, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 8-0311 of the Grand Forks City Code relating to failure to report accident”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION 9-0503
OF CITY CODE RELATING TO PENALTIES FOR SPECIFIED OFFENSES

The staff report from the city attorney relating to an ordinance amending Section 9-0503 of the Grand Forks City Code relating to penalties for specified offenses, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 9-0503 of the Grand Forks City Code relating to penalties for specified offenses”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION 8-0516
OF CITY CODE RELATING TO PASSING AND OVERTAKING VEHICLES

The staff report from the city attorney relating to an ordinance amending Section 8-0516 of the Grand Forks City Code relating to passing and overtaking vehicles, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 8-0516 of the Grand Forks City Code relating to passing and overtaking vehicles”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION 21-0205
RELATING TO CLASS DESCRIPTIONS AND REQUIREMENTS
(CLASS 15 WINERY ON-SALE AND OFF-SALE)

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The staff report from the city attorney relating to an ordinance amending Section 21-0205 relating to Class descriptions and requirements, Class 15 Winery On-sale and Off-sale, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance relating to technical code corrections amending Section 21-0205 of the Grand Forks City Code relating to Classifications of Retail Licenses: III. Class Descriptions and Requirements, Class 15”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION 8-1503
OF CITY CODE RELATING TO PENALTIES FOR
SPECIFIED OFFENSES

The staff report from the city attorney relating to an ordinance amending Section 8-1503 of the Grand Forks City Code relating to penalties for specified offenses, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 8-1503 of the Grand Forks City Code relating to penalties for specified offenses”, which was presented, read and passed on its first reading.

INTRODUCTION ORDINANCE ADOPTING SECTION 9-0220
OF CITY CODE RELATING TO POSSESSION OF MARIJUANA

The staff report from the city attorney relating to an ordinance adopting Section 9-0220 of the Grand Forks City Code relating to possession of marijuana, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance adopting Section 9-0220 of the Grand Forks City Code relating to possession of marijuana”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION 9-0108
OF CITY CODE RELATING TO POSSESSION OR INGESTION
OF MARIJUANA

The staff report from the city attorney relating to an ordinance amending Section 9-0108 of the Grand Forks City Code relating to possession or ingestion of marijuana, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 9-0108 of the Grand Forks City Code relating to possession or ingestion of marijuana”, which was presented, read and passed on its first reading.

INTRODUCTION ORDINANCE AMENDING SECTION 8-0202
OF CITY CODE RELATING TO DRIVING UNDER THE
INFLUENCE OF CONTROLLED SUBSTANCES

The staff report from the city attorney relating to an ordinance amending Section 8-0202 of the Grand Forks City Code relating to driving under the influence of controlled substances, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 8-0202 of the Grand Forks City Code relating to driving under the influence of controlled substances”, which was presented, read and passed on its first reading.

AWARD CONTRACT FOR PROJECT NO. 8070,
FORCEMAIN AIR RELEASE VALVE TEE
REPLACEMENT FROM COLUMBIA RD TO
MASTER LIFT STATION NO. 32

The staff report from the engineering department relating to bids for Project No. 8070, Forcemain Air Release Valve Tee Replacement from Columbia Road to Master Lift Station No. 32, with a recommendation to award the contract to low bidder, CC Steel, in the amount of \$497,500.00.

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

RECEIVE TABULATION OF BIDS, ESTIMATE OF
TOTAL COST AND AWARD CONTRACT,
PAVING/STREET LIGHTING PROJECT NO. 7907,
DISTRICT NO, 723

The city auditor presented and read the tabulation of bids which had been received and opened on July 1, 2019 for paving and street lighting Project No. 7907, District No. 723, paving and street lighting for Opportunity Park 1st Resubdivision, indicating that PARAS Contracting Inc. was the low bidder in the amount of \$1,130,014.21.

The city engineer’s estimate of total cost for Project No. 7907, District No. 723 \$792,363.00 was presented and read.

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The staff report from the engineering department relating to bids for Project No. 7907, District No. 723, paving and street lighting for Opportunity Park 1st Resubdivision, with a recommendation to award the contract to the low bidder PARAS Contracting, Inc. in the amount of \$1,130,014.21.

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

APPROVE AMENDMENT NO. 1 TO ENGINEERING
SERVICES AGREEMENT WITH AE2S FOR PROJECT
NO. 7436/7437, DISTRICT NO. 518/323

The staff report from the engineering department relating to Amendment No. 1 to Engineering Services Agreement with AE2S for Project No. 7436, District No. 518 and Project No. 7437, District No. 323, Sanitary Sewer and Watermain for North 62nd Street and Gateway Drive, with a recommendation to approve Amendment No. 1 with AE2S for additional engineering services in the amount of \$93,000.

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

It was moved by Council Member Sande and seconded by Council Member Dachtler that this recommendation be approved. Motion carried unanimously, with Council Members Mock and Vein recused.

APPROVE PRELIMINARY ENGINEERING REIMBURSEMENT
AGREEMENT WITH NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION (NDDOT) FOR PROJECT NO. 8048,
RECONSTRUCTION OF NORTH 3RD ST FROM UNIVERSITY
AVENUE TO DEMERS AVENUE

The staff report from the engineering department relating to Preliminary Engineering Reimbursement Agreement for Project No. 8048, Reconstruction of N 3rd Street from University Avenue to Demers Avenue, with a recommendation to approve the Preliminary Engineering Reimbursement Agreement with the North Dakota Department of Transportation for Project No. 8048. The current project cost is estimated to be \$3,458,000, of which \$2,447,200 will be paid with federal funds and \$1,010,800 will be the local city share.

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

FINAL APPROVAL OF THE PLAT OF GORNOWICZ
SECOND RESUBDIVISION

The staff report from the planning department relating to final approval of the plat of Gornowicz Second Resubdivision, with a recommendation to give final approval of the request from Pribula Engineering on behalf of Greg Opp Family Limited Partnership and Highway 2 West Land Holdings, for final approval

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of the plat of Gornowicz Second Resubdivision to the City of Grand Forks, ND, located at 4324 and 4386 16th Avenue North, subject to the conditions shown on or attached to the review copy.

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

FINAL APPROVAL OF REPLAT OF LOTS A & B,
BLOCK 8, RENEWAL RESUBDIVISION NO. 2

The staff report from the planning department relating to a Replat of Lots A & B, Block 8, Renewal Resubdivision No. 3, located at the 500 block of Demers Avenue, with a recommendation to give final approval (fast track) of the request from Alerus Financial, ND & Grand Forks Public School for final approval of the Replat of Lots A & B, Block 8, Renewal Resubdivision No. 2, located at the 500 block of Demers Avenue, subject to the conditions shown on or attached to the review copy.

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

FINAL APPROVAL OF THE REPLAT OF LOTS 1 AND 3,
BLOCK 16 AND VACATED LANDS ADJACENT THERETO,
SKIDMORE'S ADDITION

The staff report from the planning department relating to the Replat of Lots 1 and 3, Block 16 and vacated lands adjacent thereto, Skidmore's Addition, with a recommendation to give final approval of the request from Widseth, Smith, Nolting and Associates, on behalf of Nate Nyberg, for final approval (fast track) of the Replat of Lots 1 and 3, Block 16 and vacated lands adjacent thereto, Skidmore Addition to the City of Grand Forks, ND, located at 501 Seward Avenue, subject to the conditions shown on or attached to the review copy.

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

FINAL APPROVAL OF PLAT OF O'REILLY'S
THIRD RESUBDIVISION

The staff report from the planning department relating to the Plat of O'Reilly's Third Resubdivision, with a recommendation to give final approval (fast track) of the request from Ten Grand LLC for final approval of the plat of O'Reilly's Third Resubdivision to the City of Grand Forks, ND, located at 3200 Gateway Drive, subject to the conditions shown on or attached to the review copy.

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

APPROVE CONDITIONAL USE PERMIT (CUP) FOR
CONTRACTORS SHOP, LOCATED AT LOT 2,
BLOCK 1, O'REILLY'S THIRD RESUBDIVISION

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The staff report from the planning department related to a Conditional Use Permit (CUP) for Contractors Shops in the B-3 General Business District located on Lot 2, Block 1, O'Reilly's Third Resubdivision, with a recommendation to approve the request from Ten Grand LLC for approval of a Conditional Use Permit (CUP) for contractors shops in the B-3 General Business District located on Lot 2, Block 1, O'Reilly's Third Resubdivision to the City of Grand Forks, ND.

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

INTRODUCE ORDINANCE TO AMEND THE STREET
AND HIGHWAY PLAN TO DEDICATE R/W ON
THE PLAT OF AUDITOR'S SUBDIVISION NO. 51
AND GIVE PRELIMINARY APPROVAL OF THE PLAT

The staff report from the planning department relating to Plat of Auditor's Subdivision No. 51 and ordinance to dedicate right-of-way on the plat, with a recommendation to give preliminary approval of the request from the planning and engineering departments, on behalf of the City of Grand Forks, for preliminary approval of the plat of Auditor's Subdivision No. 51 to the City of Grand Forks, ND, located at North 42nd Street and 27th Avenue North, subject to the conditions shown on or attached to the review copy and also to include preliminary approval of an ordinance amending the Street and Highway Plan and to schedule a public hearing for August 19, 2019.

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

Council Member Sande introduced 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 Auditor's Subdivision No. 51 to the City of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INFORMATION ITEMS

The following item was presented for Council's information:

- Presentation of 2020 Mayor's Budget:

Mayor Brown made a brief statement regarding the budget including the 5 Pillars that guide his budget process – Safe Community; Affordable place to live and do business; Commitment to you; Rich cultural and Health experiences; and Opportunities to be engaged. He continued that tonight's presentation will include information on the 2020 Salary Plan, as workforce development is a top strategic policy area for the City, and the General Fund, which has the strategic importance of serving and protecting citizens of the community through services provided by the public safety, public works/engineering and health departments.

Tangee Bouvette, Compensation and Benefits Administrator, provided an overview of the 2020 Salary Plan. The plan saw an update to the surveyed cities, to better reflect like comparators in the region and provide better comparable data for benchmark positions. The amount included in the 2020 budget for the salary plan is a 3.08%, equating to \$681,172, which is up slightly from the 2019 amount of 2.58%, \$547,236. She shared information on rates from the comparative cities, which ranged from 2.03% to

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5.08%. ND only cities rates ranged from 5.08% to 2.84%. Of the funds provided, 97.42% will be utilized for Market Adjustments this year, based on a large market movement that affects a large number of positions throughout the city. This will leave 2.58% available for Merit (PFP) increases. In 2019, the split was reversed with 89.84% available for PFP and 10.16% needed for market. Bouvette also provided information relative to General Fund and Non-General Fund position changes.

Bouvette provided information on the NDPERS Public Safety Pension Plan, which is offered by the State to Public Safety Personnel in Police and Fire. There has been conversation as to whether the City should offer this plan to our public safety personnel as an option instead of the regular NDPERS plan that is currently offered. The interest in adding this plan is due to some of the legislative changes that have been made in the NDPERS regular plan that are viewed as not beneficial to public safety personnel and can hurt recruitment. There are differences in contribution amounts and retirement ages between the plans and staff will continue to review and provide more information to City Council at a later date. Council Member Sande asked that as part of the review, staff contact the comparator cities and see what they offer for their public safety personnel. Council Member Weigel expressed support for this plan due to the physical demands on public safety personnel and

Bouvette also touched on some special project teams that are ongoing to look usage of the Grand Forks Herald building, General Fund Facilities, and a potential Public Safety Joint Training Initiative. A team will also be reviewing work processes/improvements, reporting/analytics, and learning and development.

Maureen Storstad, Finance Director, provided an overview of the Mayor's 2020 Budget, which is based on holding mills flat at 98.82 mills. Storstad gave an overview of the revenues and expenses included in the General Fund budget. Storstad gave an overview of the revenues and expenses included in the General Fund budget. General Fund revenues are projected to increase 4.72% due to growth, valuation decreases and exemptions rolling off. The budget includes use of some department carryover and loan/stabilization cash to cover some one time capital expenditures. A shift in 1.75 mills from the dike debt to 1.25 increase for the general fund and 0.50 increase in the public building fund are a part of the budget. This gradual shift was planned for as the dike debt decreases and to replace some of the mills cut from the general fund to offset the need for mills dedicated to the dike debt service. The value of a mill will increase by 1.49% to \$229,262(estimated). No change in projected sales tax collections are projected, but a change to the allocation of the 1% General Sales Tax is included. This change will increase the allocation to the General Fund from 49.5% to 51.5%; decrease the allocation to Economic Development from 20.5% to 18.5%; and maintain the allocation to Street/Infrastructure at 30%. State Aid is budgeted at a slight increase based on estimates received from the State.

General Fund Expenditures have an increase of 3.24% over 2019. Storstad noted that the largest share of expenditures is in the public safety category (53%), which includes police, fire, public health, municipal court, PSAP, public safety training center and emergency management. She reviewed the funding for the street department, with funding split between the general fund, water/street sales tax fund, and street/infrastructure fund. Other highlights included in the general fund budget are an increase in funding for CVIC to \$210,000, Social Detox City Share of \$81,690, Animal Control of \$54,090, continued funding of the internship program with UND, continued 50/50 cost share with the School District for the School Resource Officer Program. Emergency Management cost share increases from \$53,679 to \$95,888 due to decreased emergency management performance in the County, Grant Funding and purchase of the Veoci Software for crisis management.

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Storstad reviewed the Projected Fund Balance for the General Fund, which is \$8,400,000, 20% of the 2020 expense. City Policy is to maintain a minimum of 18% fund balance, which would equate to \$7,600,000. Due to the volatility of sales tax, we have been keeping a higher amount. She also noted that the 2020 projected amount does include a \$400,000 reserve for future City Hall renewal. She reviewed General Fund projections through 2025, which show a gradual reduction down to the 18% target fund balance by 2024. Storstad provided information on the Public Building Fund including distribution of a handout listing the projects planned for various city buildings through 2025.

Storstad reviewed the mill levy comparison noting the planned shift in mills from the dike construction fund to the General Fund (1.25 mills) and Public Building Fund (0.50 mills). The new value of a mill is estimated to be \$229,262, which is nearly flat. The slight increase is from new growth and exemptions rolling off. On a \$195,000 home value (Median value home), the city portion of the property tax will be \$72.60/month. This provides residents with the following services: Police and Fire Protection, Street maintenance, snow removal, Health, Engineering/Inspections/Planning & Zoning, Mayor/Council/Administration, 61% of PSAP, Bus/Dial-A-Ride, Animal control, Flood Protection, and the city portion of the Airport and Library. As with the mill rate, the effective tax rate remains flat at 1.42% for all taxing entities, and the city share at 0.44%. Additional comparative graphics were also shown for the Valuation:Collection and Total City Mills, both for the time period of 2000 to 2018.

Storstad concluded the presentation with information concerning dates for future presentation on the remaining funds, set for July 22, 2019, at which time a binder with the full Mayor's budget will be distributed. Dates for preliminary and final approval of the budget are set for August 5 and September 16, respectively.

Questions from Council Members were addressed including the following:

1. Future city hall renewal. Good to see planning for city buildings taking place.
 2. The sales tax allocation change. Discussion of the percentage and how it was determined. Storstad stated that this is not something that we want to adjust every year, so reviewed long-term needs and the shift of 2% should be sustainable.
 3. Alerus Center budget will be discussed next week. Council Member Sande discussed that, perhaps, the City should write-off the debt from that fund, as it is all city dollars and seems we don't need to keep carrying it on both books.
 4. Why only four comparables are used for the city council and mayor salaries and if perhaps some others could be used as well such as county commissioners. Feland stated that they could include all 12 cities in the future.
- Statement of Cash Balances as of December 31, 2018

APPROVE BILL LISTING

Vendor Payment Listing 19-14, dated July 15, 2019 totaling \$1,071,326.73, and was presented and read.

It was moved by Council Member Sande and seconded by Council Member Vein 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, Sande, Vein – 7; voting "nay": none. Mayor Brown declared the motion carried and the bills ordered paid.

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APPROVE MINUTES - MARCH 4, 2019

Typewritten copies of the minutes of the City Council meeting held on March 4, 2019 were presented and read. It was moved by Council Member Weber and seconded by Council Member Weigel that these minutes be approved as read. Motion carried unanimously.

CITY ADMINISTRATOR COMMENTS

Todd Feland, City Administrator, commented regarding continued master planning for the Herald building; that a group visited city buildings in Fargo, including the new city hall and library; and on the retirement of Human Resources Director Daryl Hovland and process for filling the position.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Sande commented on the following:

- Website seems very slow and asked for staff to look into it to improve.
- Congratulated Finance department on their award and stated that they are always transparent and responsive.
- Last month passed an item for funding for MPO to use an RFP to look at the bridge with a 32nd Ave S location. He commented that it seems unfair to continue to pursue this site when it is not one that the City of Grand Forks believes is the best site. Vein responded that it was approved in the 2045 Transportation Plan and will determine if the site is actually a good or bad site for the bridge. The group discussed information that could be beneficial even if ultimately the bridge is sited at a different location. Sande also asked where the MPO allocation is in the budget. Storstad explained that it is under the Street and Highway Infrastructure Fund. Feland added that he could reach out to the MPO and ask them to provide a report on their activities.

ADJOURN

It was moved by Council Member Sande and seconded by Council Member Vein that we adjourn at 7:25 p.m. Motion carried unanimously.

Respectfully submitted,

Emily Fossen, Special Assessment Coordinator,
For the City Auditor

Approved:

Michael R. Brown, Mayor

July 15, 2019

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