

April 1, 2019

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

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, April 1, 2019 at the hour of 5:30 o'clock p.m. with Mayor Brown presiding. Present at roll call were Council Members Dachtler, Weber (via phone), Mock, Marshall, Sande-5; absent: Weigel and Vein - 2.

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

Mayor Brown commented on the following:

- This week is Public Health week and encouraged all to participate in healthy activities.
- Recognized Inspire Pharmacy on their 3rd Anniversary
- Recognized and thanked the UND football team, GFAFB, and Cert team who pitched in to fill sand bags needed for flood preparation.

UPDATE – NEW CITY WEBSITE

Pete Haga and John Bernstrom provided information and a brief tour of the new city website that is in development. The site will have a more streamlined, service based look and will be mobile scalable to accommodate the increase in use coming from mobile phones and tablet users. Sande expressed appreciate for the work to keep the site up-to-date and to continue to increase the usability by working to add ability for citizens to get permits and licenses online in the future.

UPDATE – FLOOD EVENT

Al Grasser, City Engineer, gave a brief update on the upcoming flood event. The crest is still projecting a high probability of being at least in the 47-49' range. Staff has had a meeting with Shadyridge residents to discuss preparations for their neighborhood. Crews will be working to pre-position stop logs for the flood wall closures and to perform testing on the system.

UPDATE – LEGISLATIVE BRIEFING

Pete Haga, Community Government Relations Officer, stated that we are 57 days into the 80 day session, many bills are in conference committees and focus is on the budget bills. Overall looks to be a positive outlook for bills that the City has been supporting and will continue to work with legislative team.

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ADOPT ORDINANCE NO. 4702, AMENDING SECTION 9-0401(1)
AND 9-0404(3) RELATING TO GAMING GENERAL PROVISIONS
(NUMBER OF SITES ALLOWED)

An ordinance entitled “An ordinance amending Section 9-0404(1) and 9-0404(3) of the Grand forks City Code relating to gaming general provisions” which had been introduced and passed on its first reading March 18, 2019, and upon which public hearing was set 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 Mock and seconded by Council Member Dachtler to recuse Council Member Marshall from voting on this item. Motion carried unanimously.

It was moved by Council Member Sande and seconded by Council Member Mock that this ordinance be adopted. Upon call for the question, the following voted “aye”: Dachtler, Weber, Mock, Sande – 4; voting “nay”: none. Council Member Marshall was recused. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4703 AMENDING SECTION 21-0205
RELATING TO DOMESTIC DISTILLERY

An ordinance entitled “An ordinance amending Section 21-0205 of the Grand Forks City Code relating to Domestic Distillery”, which had been introduced and passed on its first reading March 18, 2019, and upon which public hearing was set for this evening, was presented and read for consideration on second reading.

A draft copy of an amended ordinance lowering the amount of samples from 6 oz. to 3 oz. in total, as had been discussed at the committee of the whole meeting was distributed for review and discussion.

Mayor Brown opened the public hearing.

Debbie Swanson, Director of Public Health, made comments regarding the number and size of samples included in the original ordinance and suggested a reduction of the number and size of samples due to the increased alcohol content in hard liquor as compared to wine or beer. Bill Vasicek, Substance Abuse Coalition, expressed support for amending the ordinance to decrease the sample size and amount.

Mayor Brown closed the public hearing.

It was moved by Council Member Marshall and seconded by Council Member Sande to amend the ordinance as presented to reduce the total number of ounces that can be provided as samples to 3 ounces. Motion carried unanimously.

It was moved by Council Member Marshall and seconded by Council Member Sande to give final approval of the ordinance as amended and to adopt a Resolution establishing fees as follows: Issuance Fee \$3,000 and Annual Fee \$615. Motion carried unanimously.

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TABLE PUBLIC HEARING AND SECOND READING OF AN ORDINANCE
RELATED TO REPEAL OF TRANSIENT MERCHANT LICENSE AND
ESTABLISHING DOOR-TO-DOOR SALES AND SOLICITATION LICENSE

An ordinance entitled “An ordinance repealing Article 12 of Chapter XXI relating to transient merchants and re-enacting Article 12 relating to Door-to-Door Sales and Solicitation”, which had been introduced and passed on its first reading March 18, 2019, and upon which public hearing was set for this evening, was presented and read for consideration on second reading.

John Warcup, City Attorney, stated that City Attorney Swanson had made some changes in the ordinance to clarify language and make minor technical corrections. A motion to amend the ordinance should be made prior to final vote on the item.

It was moved by Council Member Sande and seconded by Council Member Mock to table this item to the April 15 meeting to allow time for the amendments to be reviewed. Motion carried unanimously.

ADOPT ORDINANCE NO. 4704 AMENDING SECTION 21-2808
RELATING TO VIOLATIONS; PENALTIES, NOTICE;
APPEAL OF TOBACCO LICENSING VIOLATIONS

An ordinance entitled “An ordinance amending Section 21-2808 of the Grand Forks City Code relating to violations; penalties, notice; appeal of tobacco licensing violations”, which had been introduced and passed on its first reading March 18, 2019, and upon which public hearing was set 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 Sande and seconded by Council Member Marshall, to give final approval of the ordinance. Upon call for the question, the following voted “aye”: Dachtler, Weber, Mock, Marshall, Sande – 5; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4705 AMENDING SECTION 21-0234
RELATING TO HEARING ON ALLEGED VIOLATIONS (ALCOHOL)

An ordinance entitled “An ordinance amending Section 21-0234 of the Grand Forks City Code relating to hearing on alleged violations (alcohol)”, which had been introduced and passed on its first reading March 18, 2019, and upon which public hearing was set 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 Sande and seconded by Council Member Marshall, to give final approval of the ordinance. Upon call for the question, the following voted “aye”: Dachtler, Weber, Mock, Marshall, Sande – 5; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

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ADOPT ORDINANCE NO. 4706 ADOPTING SECTION 3-0402
RELATING TO NONSUBSTANTIVE CORRECTIONS OF ORDINANCES
AND CITY CODE PROVISIONS

An ordinance entitled “An ordinance adopting Section 3-0402 of the Grand Forks City Code relating to nonsubstantive corrections or ordinances and city code provisions”, which had been introduced and passed on its first reading March 18, 2019, and upon which public hearing was set 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.

An updated ordinance was presented which included edits to the types of corrections and included edits to the types of corrections and authorized was presented.

It was moved by Council Member Sande and seconded by Council Member Mock to amend the original ordinance to include the changes as presented. Motion carried unanimously.

It was moved by Council Member Sande and seconded by Council Member Marshall, to give final approval of the ordinance as amended. Upon call for the question, the following voted “aye”: Dachtler, Weber, Mock, Marshall, Sande – 5; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

DETERMINE INSUFFICIENCY OF PROTEST ON
PAVING DISTRICT NO. 730, PROJECT NO. 8015

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 730, Project No. 8015, 2019 mill & overlay (S 17th St from 17th Ave S to Continental Drive and Willow Drive), had expired on March 28, 2019 and that no protests had been received.

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

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

It was moved by Council Member Sande and seconded by Council Member Marshall that we find and determine an insufficiency of protest against paving District No. 730, Project No. 8015, as no protests were filed, and further that the resolution be adopted. Motion carried unanimously.

DETERMINE INSUFFICIENCY OF PROTEST ON
PAVING/STREET LIGHTING DISTRICT NO. 736,
PROJECT NOS. 8019.1/8019.2/8019.3

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving and Street Lighting District No. 736, Project Nos. 8019.1/8019.2/8019.3, Reconstruction of Cherry St from 14-17th Ave S/Mill & Overlay of Cherry St from 11-14th Ave S/Street Lights on Cherry St from 11-17th Ave S, had expired on March 28, 2019 and that no protests had been received.

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

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

It was moved by Council Member Sande and seconded by Council Member Marshall that we find and determine an insufficiency of protest against paving District No. 736, Project No. 8019.1/8019.2/8019.3, as no protests were filed, and further that the resolution be adopted. Motion carried unanimously.

**APPROVE APPLICATIONS FOR PROPERTY TAX
EXEMPTION OF IMPROVEMENTS TO RESIDENTIAL/
COMMERCIAL PROPERTIES**

The staff report from the city assessor relating to applications for property tax exemption of improvements to residential and commercial buildings as listed: 2832 20th Ave S, 2617 S Columbia Rd, 1024 Belmont Rd, 2911 Clover Dr, 2715 Chestnut St, 221 Chestnut St, 618 Columbia Rd, and 503 S 5th St, with a recommendation to grant property tax exemption of increased value due to remodeling or renovation of the properties listed for five (5) years.

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

**APPROVE COST PARTICIPATION MAINTENANCE AGREEMENT
WITH NDDOT FOR PROJECT NO. 7956, ADA SIDEWALK
CURB RAMPS ON WASHINGTON STREET (HAMMERLING TO 8TH AVE N)**

The staff report from the engineering department relating to a cost participation and maintenance agreement with the ND Department of Transportation (NDDOT) for Project No. 7956, ADA Sidewalk Curb Ramps on Washington Street from Hammerling Avenue to 8th Avenue North, with a recommendation to approve the cost participation and maintenance agreement. The estimated city share is \$66,637 which will be funded from the Street/Infrastructure Fund 4815.

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

AWARD CONTRACT FOR PROJECT NO. 8005, 2019 CITY SIDEWALKS

The staff report from the engineering department relating to bids for Project No. 8005, 2019 City Sidewalks, with a recommendation to award the contract to low bidder, Miller Motivations in the amount of \$254,160.

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

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AWARD CONTRACT FOR PROJECT NO. 8006,
2019 ADA CURB RAMPS AND SIDEWALKS

The staff report from the engineering department relating to bids for Project No. 8006, 2019 ADA Curb Ramps and Sidewalks, with a recommendation to award the bid to Tony Anderson Construction in the amount of \$110,930.00.

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

AWARD CONTRACT FOR PROJECT NO. 8007,
2019 ASPHALT STREET REPAIRS

The staff report from the engineering department relating to bids for Project No. 8007, 2019 Asphalt Street Repairs, with a recommendation to award the contract to low bidder, Opp Construction, in the amount of \$116,779.00.

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

AWARD CONTRACT FOR PROJECT NO. 8008,
2019 CONCRETE STREET REPAIRS

The staff report from the engineering department relating to bids for Project No. 8008, 2019 Concrete Street Repairs, with a recommendation to award the contract to low bidder, MAK Construction in the amount of \$159,320.

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

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, MILL & OVERLAY
PROJECT NO. 8015, DISTRICT NO. 730

The city auditor presented and read tabulation of bids which had been received and opened on March 18, 2019 for Paving Mill & Overlay Project No. 8015, District No. 730, 2019 Mill and Overlay, indicating that Opp Construction, LLC was the low bidder in the amount of \$287,660.00.

The city engineer's estimate of total cost for Project No. 8015, District No. 730, in the amount of \$71,340.00, was presented and read.

The staff report from the engineering department relating to consideration of bids for Project No. 8015, District No. 730, 2019 Mill & Overlay, with recommendation to award the contract to low bidder Opp Construction, LLC, in the amount of \$287,660.00.

It was moved by Council Member Sande and seconded by Council Member Mock that this recommendation be approved and a resolution awarding the contract to Opp Construction be adopted.

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Upon call for the question, the following voted “aye”: Dachtler, Weber, Mock, Marshall, and Sande – 5; voting “nay”: none. Mayor Brown declared the motion passed and the resolution adopted.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, MILL & OVERLAY
PROJECT NO. 8019, DISTRICT NO. 736

The city auditor presented and read tabulation of bids which had been received and opened on March 18, 2019 for Paving, Mill & Overlay and Street Light Project No. 8019.1/.2/.3, District No. 736.1/.2/.3, Reconstruction of Cherry St (14-17th Ave S); Mill & Overlay Cherry St (11-14th Ave S); and Street Lights for Cherry St (11-17th Ave S), indicating that Strata Corporation was the low bidder in the amounts of \$924,846.68, \$103,216.75, and \$67,614.00 respectively, for a total bid of \$1,097,677.43.

The city engineer’s estimate of total cost for Project No. 8019.1/.2/.3, District No. 736.1/.2/.3, in the amount of \$319,644.90, \$37,804.45, and \$35,480.58, respectively, was presented and read.

The staff report from the engineering department relating to consideration of bids for Project No. 8019, District No. 736, Paving and street lights for Cherry St from 11th Ave S to 17th Ave S, with recommendation to award the contract to low bidder Strata Corporation in the amount of \$1,097,677.43. It was noted that the project will be done in three separate parts: Project No. 8019.1, District No. 736.1, Reconstruction of Cherry St from 14-17th Ave S, \$926,846.68; Project No. 8019.2, District No. 736.2, Mill and Overlay of Cherry St from 11-14th Ave S, \$103,216.75; and Project No. 8019.3, District No. 736.3, Street Lights on Cherry St from 11-17th Ave S, \$67,614.00; Total Project Cost of \$1,097,677.43.

It was moved by Council Member Sande and seconded by Council Member Mock that this recommendation be approved and a resolution awarding the contract to Strata Corporation be adopted. Upon call for the question, the following voted “aye”: Dachtler, Weber, Mock, Marshall, and Sande – 5; voting “nay”: none. Mayor Brown declared the motion passed and the resolution adopted.

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT NO. 7974,
CONCRETE PANEL REPLACEMENT ON WASHINGTON ST
(8TH AVE N TO GATEWAY DR)

The staff report from the engineering department relating to plans and specifications for Project No. 7974, Concrete Pavement Repair on N Washington Street from 8th Avenue N to Gateway Dr and Over the English Coulee Diversion, with a recommendation to approve the plans and specifications.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT NO. 7954,
TRAFFIC SIGNALS/TURN LANES AT DEMERS AVENUE AND
COLUMBIA ROAD WEST RAMP

The staff report from the engineering department relating to plans and specifications for Project No. 7954, Traffic Signals and Turn Lanes at Demers Avenue and Columbia Road West Ramp with a recommendation to, approve the plans and specifications.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT NO. 7953,
TRAFFIC SIGNALS/TURN LANES AT GATEWAY DR AND
NORTH 55TH STREET

The staff report from the engineering department relating to plans and specifications for Project No. 7953, Traffic Signals and Turn Lanes at Gateway Dr and N 55th Street, with a recommendation to approve the plans and specifications.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT NO. 7750,
DEMERS AVENUE RECONSTRUCTION (SORLIE BRIDGE TO 6TH AVE N)

The staff report from the engineering department relating to plans and specifications for Project No. 7750, Reconstruction of Demers Avenue from the Sorlie Bridge to 6th Street, with a recommendation to approve the plans and specifications.

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

APPROVE REVISED ENGINEER'S REPORT AND AUTHORIZE
STAFF TO REBID PROJECT NO. 7922, DISTRICT NO. 556

The city auditor presented and read the revised engineer's report on Sewer Project No. 7922, District No. 556.

The staff report from the engineering department relating to revised engineer's report for Project No. 7922, District No. 556, Storm Sewer for intersection of 12th Avenue N & N 53rd Street, with a recommendation to approve the revised engineer's report and authorize staff to rebid Project No. 7922, District No. 556.

It was moved by Council Member Sande and seconded by Council Member Mock that this recommendation be approved and staff authorized to rebid the project. Upon call for the questions, the following voted "aye": Dachtler, Weber, Mock, Marshall, Sande – 5; voting "nay": none. Mayor Brown declared the revised engineer's report and recommendation adopted.

ADOPT RESOLUTION CREATING SPECIAL ASSESSMENT
DISTRICT, ACCEPT ENGINEER'S REPORT AND ADOPT
RESOLUTION OF NECESSITY FOR PAVING PROJECT NO.
7799, DISTRICT NO. 717

The staff report from the engineering department relating to creating a special assessment district for Project No. 7799, District No. 717, Paving North 62nd Street from Gateway Dr to 500 feet north, with a recommendation to create the special assessment district, approve engineer's report, including estimate of

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cost, an assessment district map, and direct engineering to prepare plans and specifications, and that we declare the intent to sell bonds to finance these improvements.

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

The city auditor presented and read the engineer's report on Paving Project No. 7799, District No. 717.

Council Member Sande introduced a resolution to prepare the plans and specifications, which was presented and read.

It was moved by Council Member Sande and seconded by Council Member Mock that the recommendation be approved and that the resolution creating the special assessment district, the engineer's report and the resolution to prepare plans and specifications for Project No. 7799, District No. 717, be accepted and adopted. Upon roll call the following voted "aye": Council Members Dachtler, Weber, Mock, Marshall, Sande – 5; voting "nay": none. Mayor Brown declared the motion carried and the report and resolution adopted.

AWARD BID #2019-7, WATER METERS AND ERT'S

The staff report from the water distribution supervisor relating to Bid #2019-7, 2019 Water Meters and Electronic Remote Transmitted (ERT's), with a recommendation to approve the award of bid to the lowest bidders: Water Meters – Badger Meter in the amount of \$54,099.00 for 249 meters; ERT's – Badger Meters for 100WE ERT's at a price of \$82.00 each and Itron, Inc. for 100WP ERT's at a price of \$87.50 each.

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

INFORMATION ITEMS

The Investment Portfolio Summary as of February 28, 2019 was presented for council's information.

APPROVE BILL LISTING

Vendor Payment Listing 19-7, dated April 1, 2019 totaling \$1,183,614.16, and was presented and read.

It was moved by Council Member Dachtler and seconded by Council Member Marshall 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 Dachtler, Weber, Mock, Marshall, Sande – 5; voting "nay": none. Mayor Brown declared the motion carried and the bills ordered paid.

CITY ADMINISTRATOR COMMENTS

Todd Feland, City Administrator, commented on the following: 1) a Strategic Planning Meeting has been scheduled for April 29 and will be a kickoff to the budget process; 2) work has begun on the Budget and Salary Plan; 3) Prairie Dog Bill status; 4) Will be working to reorganize and schedule a meeting of the

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Housing and Growth Development Group to review what has happened in the community with housing and discuss if any further actions are recommended.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Weber congratulated Inspire Pharmacy on their anniversary and expressed appreciation for all they do in the community.

Council Member Marshall stated that it is Autism Awareness Month and one of the observations is a walk starting at the UND Wellness Center at 9:30 a.m. and encouraged all to participate.

Mayor Brown commented that also April 13 is the annual Spin for Kids fundraiser event at Red River High School.

Council Member Sande expressed appreciation for the work of Public Works employees to clean up the ditches, medians and other public right-of-way.

ADJOURN

It was moved by Council Member Sande and seconded by Council Member Mock that we adjourn at 6:10 p.m. Motion carried unanimously.

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor