

April 15, 2019

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

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, April 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, Marshall, Sande, Vein -6; absent: Mock - 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 that Grand Forks was a busy community over the past week hosting several events including: Spin for Kids fundraiser, Autism Awareness Walk, UND's 49th Annual Wacipi, National Collegiate Drone competition at UND's High Performance Center, and Monster Truck Tour Event at the Alerus Center, all while enduring the 8th highest river flood in history.

PROCLAMATION – COMMUNITY DEVELOPMENT BLOCK GRANT WEEK

Mayor Brown read a proclamation designating April 22-26, 2019 as Community Development Block Grant Week.

PROCLAMATION – FAIR HOUSING MONTH

Mayor Brown read a proclamation designating April 2019 as Fair Housing Month.

PROCLAMATION – NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

Mayor Brown read a proclamation designating April 14-20, 2019 as National Public Safety Telecommunications Week.

EMPLOYEE RECOGNITION

Mayor Brown recognized the following employees for their years of service:

- William Wyatt, 20 years, Police Department
- Meredith Richards, 20 years, Community Development
- Matt Myrfield, 5 years, Public Health
- Joseph Aamot, 5 years, Fire Department
- Vanessa Richter, 5 years, Police Department
- Rachel Chisholm, 5 years, Wastewater

UPDATE – FLOOD EVENT

Al Grasser, City Engineer, gave a brief update on the flood event. The river crested over the weekend and is in a slow fall through about Wednesday, when it is projected to again rise to a second crest on Saturday at about 45'. The rise is due to the recent rainfall that the region has had. Police and Fire will both

April 15, 2019

continue to maintain a presence in the Shadyridge neighborhood until the river recedes. Bridges will also remain closed until they have passed inspection by both ND and MN DOT. A meeting is scheduled later this week to discuss potential timing for inspections as the river falls.

UPDATE – LEGISLATIVE BRIEFING

Council Member Vein gave a brief wrap up of the legislative session and bills that are still awaiting final action.

ADOPT ORDINANCE NO. 4707, REPEALING ARTICLE 12 OF CHAPTER XXI RELATING TO TRANSIENT MERCHANTS AND RE-ENACTING ARTICLE 12 OF CHAPTER XXI RELATING TO DOOR-TO-DOOR SALES AND SOLICITATION

An ordinance entitled “An ordinance repealing Article 12 of Chapter XXI relating to transient merchants and re-enacting Article 12 of Chapter XXI of the Grand Forks City Code 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.

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 Weigel to amend the ordinance to include edits made by the city attorney. Motion carried unanimously.

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

ADOPT ORDINANCE NO. 4708 AMENDING THE STREET AND HIGHWAY PLAN TO INCLUDE RIGHT-OF-WAY SHOWN AS DEDICATED ON THE PLAT OF UNIVERSITY PLACE FIRST RESUBDIVISION

An ordinance entitled “An ordinance to amend the Street and Highway Plan of the City of Grand Forks, North Dakota, to include the public rights-of-way shown as dedicated on the plat of University Place First Resubdivision to the City of Grand Forks, North Dakota”, 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 Weigel and seconded by Council Member Marshall that this ordinance be adopted. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Marshall, Sande and Vein – 6; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

April 15, 2019

ADOPT ORDINANCE NO. 4709 AMENDING THE STREET AND
HIGHWAY PLAN TO INCLUDE RIGHT-OF-WAY SHOWN AS
DEDICATED ON THE PLAT OF SHANNAHAN FIRST 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 Shannahan First Addition to the City of Grand Forks, North Dakota”, 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 Weber and seconded by Council Member Weigel that this ordinance be adopted. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Marshall, Sande and Vein – 6; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4710 AMENDING TEXT OF LAND
DEVELOPMENT CODE, CHAPTER XVIII OF THE GRAND FORKS
CITY CODE OF 1987, AS AMENDED, AMENDING SECTION 18-0204
RULES AND REGULATION AND SECTION 18-0301 RELATING TO
SIGNS IN THE R-1, R2, R-3, R-4, R-5, AND R-M DISTRICTS

An ordinance entitled “An ordinance amending Chapter XVIII, Article 3, Section 18-0204, Rules and Definitions, and Section 18-0301, Signs, of the Grand Forks City Code relating to signs in the R-1, R-2, R-3, R-4, R-5, and R-M Districts”, 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 that this ordinance be adopted. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Marshall, Sande and Vein – 6; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

DETERMINE INSUFFICIENCY OF PROTEST ON
PAVING DISTRICT NO. 738, PROJECT NO. 8042

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 738, Project No. 8042, University Avenue Reconstruction (Coulee to Columbia), had expired on April 11, 2019, and that no written protests had been received.

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

It was moved by Council Member Dachtler and seconded by Council Member Weber that this ordinance be adopted. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Marshall,

April 15, 2019

Sande and Vein – 6; voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

**PRELIMINARY APPROVAL AND SET PUBLIC HEARING ON
PROPERTY TAX INCENTIVE FOR EXPANDING BUSINESS FOR
ACME TOOLS**

The staff report from the deputy city planner relating to an application for Property Tax Incentives for New or Expanding Businesses from Acme Electric Motor, Inc. (dba AcmeTools.com), with a recommendation to give preliminary approval and set a public hearing on the application for May 20, 2019. The application requests a five-year declining property tax exemption, with Year 1 100%, Year 2 80%, Year 3, 60%, Year 4 40%, Year 5 20%, which is consistent with the exemptions granted for manufacturing business expansions. The proposed expansion will construct a 40,000 sq. ft. addition to the existing ecommerce distribution center. The building will be a steel and block construction with architectural design by JLG Architects.

It was moved by Council Member Vein and seconded by Council Member Sande that this recommendation be approved and a public hearing on the application be set for May 20, 2019. Motion carried unanimously.

**INTRODUCE ORDINANCE AMENDING SECTION 24-0203 OF
GRAND FORKS CITY CODE RELATING TO MEMBERS AND
GENERAL PROVISIONS OF THE EVENTS CENTER COMMISSION**

The staff report from the city attorney relating to an ordinance amending Section 24-0203 of the Grand Forks City Code relating to quorum of the Events Center Commission, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Sande introduced an ordinance entitled “An ordinance amending Section 24-0203 of the Grand Forks City Code relating to members and general provisions of the Events Center Commission”, which was presented, read and passed on its first reading.

APPROVE REAPPOINTMENTS TO CIVIL SERVICE COMMISSION

The staff report from the mayor relating to reappointments to the Civil Service Commission, with a recommendation to reappoint Patricia Nies, representing the general public, to a three year term to expire May 2022 and to reappoint Wayne Burlog, representing labor occupations, for a three year term expiring April 2022.

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

April 15, 2019

**APPROVE ADDITIONAL PARKLET FOR
HALF BROTHERS BREWING COMPANY**

The staff report from the planning department relating to Downtown Parklet Pilot Project, with a recommendation to consider an additional parklet.

It was moved by Council Member Vein and seconded by Council Member Sande to approve an additional parklet in front of Half Brother Brewing Company. Motion carried unanimously.

**ADOPT RESOLUTION ESTABLISHING 2020 CENSUS
COMPLETE COUNT COMMITTEE (CCC)**

The staff report from the city planner relating to a resolution establishing the 2020 Census Complete Count Committee (CCC), with a recommendation to adopt the resolution establishing the Grand Forks Complete Count Committee (CCC) in preparation for the 2020 Census.

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

**AWARD BID #2019-10, MOSQUITO CONTROL
CHEMICALS AND EQUIPMENT AND BID #2019-11,
AERIAL SPRAYING**

The staff report from the mosquito control manager relating to mosquito control bids for chemicals, equipment and aerial spraying, with a recommendation to award the bid to low bidders shown on provided bid tabulation.

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

**ADOPT RESOLUTION CREATING SPECIAL ASSESSMENT
DISTRICT, ACCEPT ENGINEER'S REPORT AND ADOPT
RESOLUTION OF NECESSITY FOR PAVING/STREET LIGHT
PROJECT NO. 7907, DISTRICT NO. 723**

The staff report from the engineering department relating to creating a special assessment district for Project No. 7907, District No. 723, Paving/Street Lights for Opportunity Park 1st Resubdivision, with a recommendation to create the special assessment district, approve engineer's report, including estimate of 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 Vein 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. 7907, District No. 723.

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

April 15, 2019

It was moved by Council Member Vein and seconded by Council Member Sande 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. 7907, District No. 723, be accepted and adopted. Upon roll call the following voted "aye": Council Members Weigel, Dachtler, Weber, Marshall, Sande, Vein – 6; voting "nay": none. Mayor Brown declared the motion carried and the report and resolution adopted.

**ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS
FOR PROJECT NO. 7799, DISTRICT NO. 717**

The city engineer's estimate of total cost of the construction of paving N 62nd Street from Gateway Dr to 500 foot north, in the amount of \$65,967.40, was presented and read.

The staff report from the engineering department relating to plans and specifications for Project No. 7799, District No. 717, Paving N 62nd Street from Gateway Dr to 500 feet north, with a recommendation to approve the plans and specifications.

It was moved by Council Member Vein and seconded by Council Member Sande that the recommendation be approved and that a resolution approving the plans and specifications be adopted. Motion carried unanimously.

**RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, PROJECT NO. 7903/7904/7905
DISTRICT NO. 552/338/553, SANITARY SEWER/WATERMAIN/
STORM SEWER FOR OPPORTUNITY PARK 1ST RESUBDIVISION**

The city auditor presented and read the tabulation of bids which had been received and opened on April 1, 2019 for Project No. 7903/7904/7905, District No. 552/338/553, Sanitary Sewer, Watermain, and Storm Sewer for Opportunity Park 1st Resubdivision, indicating that R.J. Zavoral & Sons, Inc. was the low bidder in the amounts of \$405,558.25, \$216,294.00, and \$68,524.00, respectively, for a total bid of \$690,376.25.

The city engineer's estimate of total cost for Project Nos. 7903/7904/7905, District Nos. 552/338/553, in the amount of \$490,245.00, \$226,790.00, and \$84,970.00, respectively, was presented and read.

The staff report from the engineering department relating to bids for Projects No. 7903, District No. 552; Project No. 7904, District No. 338, and Project No. 7905, District No. 553, Sanitary Sewer, Watermain, and Storm Sewer for Opportunity Park 1st Resubdivision, with a recommendation to award the bid to low bidder, R. J. Zavoral & Sons, Inc. in the amount of \$405,558.25, \$216,294.00, and \$68,524.00, respectively, for a total bid of \$690,376.25.

It was moved by Council Member Vein and seconded by Council Member Sande that this recommendation be approved and the resolution awarding the contract to R. J. Zavoral & Sons, Inc. was presented and read. Upon call for the question, the following voted "aye": Weigel, Dachtler, Weber, Marshall, Sande and Vein – 6; voting "nay": none. Mayor Brown declared the motion passed, resolution adopted and the contract awarded.

April 15, 2019

AWARD CONTRACT FOR PROJECT NO. 7909,
LIFT STATION #7 UPGRADE

The staff report from the engineering department relating to bids for Project No. 7909, Lift Station #7 Upgrade, with a recommendation to award Schedule B Contracts to low bidders as follows: General Work to CC Steel LLC in the amount of \$233,350 and Electrical Work to RBB Electric, Inc. in the amount of \$95,009.00.

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

CONCUR IN AWARD OF CONTRACT FOR PROJECT
NO. 7953 AND 7954, TRAFFIC SIGNALS/TURN LANES
AT GATEWAY/55TH AND DEMERS/COLUMBIA

The staff report from the engineering department relating to bids for Projects No. 7953 and 7954, Traffic Signals and Turn Lanes at Gateway Dr & N 55th Street and Traffic Signals and Turn Lanes at Demers Ave and Columbia Road West Ramp, with a recommendation to concur in award of contract to low bidder Strata Corporation in the amount of \$1,997,946.09, contingent upon concurrence of NDDOT.

Al Grasser, City Engineer, explained that bids for this project were opened on April 12, 2019 by NDDOT, that the apparent low bidder is Strata Corporation, that the ND DOT is currently reviewing the bids, and City Council concurrence on the award is required. The bid is approximately seven percent above engineer's estimate. The anticipated city share is \$0 for the Gateway/55th project and \$103,838 for the Demers/Columbia Project.

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

CONCUR IN AWARD OF CONTRACT FOR PROJECT
NO. 7974, CONCRETE PANEL REPLACEMENT ON
NORTH WASHINGTON ST (8TH AVE N – GATEWAY)

The staff report from the engineering department relating to bids for Project No. 7979, Concrete Pavement Repair on N Washington St from 8th Ave N to Gateway Dr and over the English Coulee Diversion, with a recommendation to concur in award of contract to low bidder Opp Construction, LLC in the amount of \$1,223,357.20, contingent upon concurrence of NDDOT.

Al Grasser, City Engineer, explained that bids for this project were opened on April 12, 2019 by NDDOT, that the apparent low bidder is Opp Construction, LLC, that the ND DOT is currently reviewing the bids, and City Council concurrence on the award is required. The bid is approximately twenty percent above engineer's estimate. The anticipated City Share is \$101,117.00 and does not include any portion of the cost for the part of the project outside the city limits over the English Coulee Diversion.

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

April 15, 2019

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, PROJECT NO. 8042,
DISTRICT NO. 738

The city auditor presented and read the tabulation of bids which had been received and opened on April 3, 2019 for Project No. 8042, District No. 738, University Ave Reconstruction (Coulee to Columbia) and Medians & Street Lights (Coulee to 42nd Street), indicating that Opp Construction, LLC was the low bidder in the amounts of \$11,997,092.67.

The city engineer's estimate of total cost for Project No. 8042, District Nos. 738, in the amount of \$11,727,501.14, was presented and read.

The staff report from the engineering department relating to bids for Project No. 8042, District No. 738, University Ave Reconstruction (Coulee to Columbia) and Medians & Street Lights (Coulee to 42nd Street), with a recommendation to award the bid to low bidder, Opp Construction, LLC in the amount of \$11,997,092.67, and to approve a budget amendment in the amount of \$3,130,000.00.

It was moved by Council Member Vein and seconded by Council Member Sande that this recommendation be approved and the resolution awarding the contract to Opp Construction, LLC was presented and read. Upon call for the question, the following voted "aye": Weigel, Dachtler, Weber, Marshall, Sande and Vein – 6; voting "nay": none. Mayor Brown declared the motion passed, resolution adopted and the contract awarded.

(Note: For tracking purposes only, the portion of the project related to watermain replacement which is being funded 100% city share is being tracked under Project No. 8025.1)

CONCUR IN AWARD OF CONTRACT FOR PROJECT
NO. 7750, RECONSTRUCTION OF DEMERS AVENUE
FROM SORLIE BRIDGE TO 6TH STREET

The staff report from the engineering department relating to bids for Project No. 7750, Reconstruction of Demers Avenue from Sorlie Bridge to 6th Street, with a recommendation to concur in award of contract to Strata Corporation in the amount of \$8,116,433.95, contingent upon concurrence of NDDOT.

Al Grasser, City Engineer, explained that a single bid for this project was opened on April 12, 2019 by NDDOT, from Strata Corporation, that the ND DOT is currently reviewing the bid, and City Council concurrence on the award is required. The bid is approximately thirty-two percent above engineer's estimate. The anticipated city share is 1,013,581, exclusive of \$88,010 for streetscape design fees.

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

APPROVE ENGINEERING SERVICES AGREEMENT
(TASK ORDER EDITION) WITH CPS FOR
VARIOUS FUTURE CITY PROJECTS – PROJECT NO. 8054

The staff report from the engineering department relating to an Engineering Services Agreement (Task Order Edition) with CPS for Various Future City Projects, Project No. 8054, with a recommendation to

April 15, 2019

approve the engineering services agreement for a three year period unless extended or terminated by both parties.

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

APPROVE AMENDMENT NO. 2 TO CONSTRUCTION ENGINEERING
AGREEMENT FOR PROJECT NO. 8019, DISTRICT NO. 736

The staff report from the engineering department relating to Amendment No. 2 to Engineering Services Agreement with CPS for Project No. 8019, District No. 736, Paving and Street Lights on Cherry St, 11th to 17th Ave S, with a recommendation to approve Amendment No. 2 with CPS for Construction Administration Services in the amount of \$223,213.

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

APPROVE CONSTRUCTION ENGINEERING AGREEMENT
FOR PROJECT NO. 7784

The staff report from the engineering department relating to Construction Administration Engineering Services Agreement for Project No. 7784, 6th Ave N Shared Use Path, N 40th St to English Coulee, with a recommendation to approve agreement with Widseth, Smith, Nolting & Associates for Construction Administration Engineering Services in the amount of \$65,981.00 and approve any necessary budget amendments for Project No. 7784.

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

APPROVE DESIGN ENGINEERING AGREEMENT
FOR PROJECT NO. 7950

The staff report from the engineering department relating to Design Engineering Services Agreement for Project No. 7950, 17th Ave S Shared Use Path, S 20th St to S 25th St, with a recommendation to approve the agreement with Widseth Smith Nolting & Associates for Design Engineering Services in the amount of \$68,880.00 and approve any necessary budget amendment for Project No. 7950.

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

APPROVE DESIGN ENGINEERING AGREEMENT
FOR PROJECT NO. 7951

The staff report from the engineering department relating to Design Engineering Services Agreement for Project No. 7951, Traffic Signal Backplates and Red Light Confirmation Indicator Lights, with a recommendation to approve the agreement with KLJ Engineering for Design Engineering Services in the amount of \$104,754.00 and approve any necessary budget amendment for Project No. 7951.

April 15, 2019

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

APPROVE PUBLIC TRANSPORTATION ROUTE CHANGES

The staff report from the public transportation division director and mobility manager relating to Public Transportation Route Changes, with a recommendation to approve the proposed changes to begin June 3, 2019.

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

INTRODUCE ORDINANCE TO AMEND STREET AND
HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN AS
DEDICATED ON PLAT OF EDGEWOOD VILLAGE
FIRST RESUBDIVISION

The staff report from the planning and zoning commission relating to request from CPS, Ltd. on behalf of Miskagisi LLP, for preliminary approval of the plat of Edgewood Village First Resubdivision, located east of South 19th St, between 40th Avenue South and 47th Avenue South, with a recommendation to give preliminary approval of the plat, subject to the conditions shown on or attached to the review copy and to include preliminary approval of the Street and Highway Ordinance, and set a public hearing for May 20, 2019.

Ryan Brooks, Deputy Planner, provided information on the proposed development which will construct a senior living village consisting of a main building along 47th Ave S and a group of patio homes on the northerly portion of the property. The next several agenda items also pertain to vacation of easements and zoning for this development. The vacation will be for a portion of S 19th St and a future vacation will come forward from the Park District for a vacation of a portion of 45th Ave S in that area. The development is looking to make this seem more park like and be open from the patio homes to the park property. The group discussed the loss of parking that now happens on the street, but will be accommodated in the future by a parking lot that the park district will be bringing forward.

Phil Gisi, 1762 Lydia Circle, shared comments on behalf of the development team for their vision of the 60-unit residential and medical community development.

It was moved by Council Member Weigel and seconded by Council Member Weber 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 Edgewood Village First Resubdivision to the City of Grand Forks, North Dakota”, which was presented, read and passed on first reading.

ACCEPT PETITION TO VACATE A PORTION OF
SOUTH 19TH STREET, BETWEEN 40TH AVE S AND
47TH AVE S PLATTED WITHIN SOUTHERN ESTATES
ADDITION

April 15, 2019

The staff report from the planning and zoning commission relating to a request from Miskagisi LLP and the Grand Forks Park District to vacate the South 19th Street right-of-way, platted within Southern Estates First Addition from the south line of 44th Avenue South extended, to the north line of 47th Avenue South, including the 10-foot wide utility easement easterly thereof, being 1,189.27 feet by 90 feet and containing 107,034 square feet, with a recommendation to approve the request and set a public hearing for June 5, 2019.

It was moved by Council Member Weber and seconded by Council Member Weigel that this recommendation be approved with the condition the City retain the west half of the vacated right-of-way utility easement and a public hearing be set for June 5, 2019. Motion carried unanimously.

INTRODUCE ORDINANCE TO AMEND ZONING MAP
TO INCLUDE WITHIN THE SOUTHERN ESTATES PUD
(PLANNED UNIT DEVELOPMENT), CONCEPT DEVELOPMENT
PLAN, AMENDMENT NO. 12, ALL OF EDGEWOOD
VILLAGE FIRST RESUBDIVISION, COLUMBIA PARK
24TH AND 26TH ADDITIONS, COLUMBIA PARK 29TH
RESUBDIVISION, AKK IF SIYTGERB ESTATES FIRST,
SECOND, THIRD, FOURTH, FIFTH, SIXTH, SEVENTH,
AND TWELFTH ADDITIONS, AND UNPLATTED LAND

The staff report from the planning and zoning commission relating to a request from CPS, Ltd on behalf of Miskagisi LLP, for preliminary approval of an ordinance to amend the zoning map to rezone and exclude from the Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 10 and to include within the Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 12, all of Edgewood Village First Resubdivision, Columbia Park 24th and 26th Additions, Columbia Park 29th Resubdivision, all of Southern Estates First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Twelfth Additions to the City of Grand Forks, ND, and also to include unplatted portions of the South Half of Section 21, Township 151 North, Range 50 West of the 5th Principal Meridian, located east of Columbia Road, between 36th Avenue South and 47th Avenue South, with a recommendation to give preliminary approval to the attached ordinance and set a public hearing for May 20, 2019.

It was moved by Council Member Weber 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 zoning map of the City of Grand Forks, North Dakota, to rezone and exclude from the Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 10 and to include within the Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 12, all of Edgewood Village First Resubdivision, Columbia Park 24th and 26th Additions, Columbia Park 29th Resubdivision, all of Southern Estates First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Twelfth Additions to the City of Grand Forks, ND, and also to include unplatted portions of the South Half of Section 21, Township 151 North, Range 50 West of the 5th Principal Meridian, located east of Columbia Road, between 36th Avenue South and 47th Avenue South, to the City of Grand Forks, North Dakota”, which was presented, read and passed on its first reading.

April 15, 2019

**INTRODUCE ORDINANCE TO ANNEX PORTIONS OF
EDGEWOOD VILLAGE FIRST RESUBDIVISION**

The staff report from the planning and zoning commission relating to a request from Miskagisi LLP for approval of an ordinance to annex portions of Edgewood Village First Resubdivision not previously annexed, located between 40th Ave S and 47th Ave South, between South 19th Street and the southend drainway, with a recommendation to give preliminary approval of an ordinance to annex the property and set a public hearing for May 20, 2019.

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

Council Member Sande introduced an ordinance entitled “An ordinance to annex all of Edgewood Village First Resubdivision to the City of Grand Forks, North Dakota, not previously annexed”, which was presented, read and passed on first reading.

**INTRODUCE ORDINANCE TO AMEND THE ZONING MAP TO INCLUDE
WITHIN THE COLUMBIA PARK SOUTH PUD (PLANNED UNIT
DEVELOPMENT), AMENDMENT NO. 3, LOT J, BLOCK 1, COLUMBIA
PARK 25TH RESUBDIVISION**

The staff report from the planning and zoning commission relating to a request from Lithia Real Estate, Inc. for preliminary approval of an ordinance to amend the zoning map to rezone and exclude from Columbia Park South (Planned Unit Development) PUD, Concept Development Plan, Amendment No. 2 and to include within the Columbia Park South PUD (Planned Unit Development), Concept Development Plan, Amendment No. 3, Lot J, Block 1, Columbia Park 25th Resubdivision to the City of Grand Forks, ND, located at 2350 36th Ave S, with a recommendation to give preliminary approval of the request and set a public hearing for May 20, 2019.

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

Council Member Sande introduced an ordinance entitled “An ordinance to amend the zoning map to rezone and exclude from the Columbia Park South PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, and to include within the Columbia Park South PUD (planned Unit Development), Concept Development Plan, Amendment No. 3, Columbia Park 25th Resubdivision to the City of Grand Forks, ND”, which was presented, read and passed on its first reading.

**DEFEAT ORDINANCE TO RELATING TO TECHNICAL
CORRECTIONS RELATING TO GRAND FORKS-EAST
GRAND FORKS 2045 TRANSPORTATION PLAN UPDATE**

The staff report from the planning and zoning commission relating to preliminary approval of a technical code corrections ordinance relating to the Grand Forks-East Grand Forks 2045 Transportation Plan Update, with a recommendation to approve the request from the Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) and the Grand Forks City Planning Department for preliminary approval of an ordinance relating to technical code corrections amending Chapter 18, Article 8, Comprehensive Plan: Section 18-0802, elements of the Grand Forks City Code of 1987, as amended,

April 15, 2019

pertaining to the Grand Forks-East Grand Forks Transportation Plan Update, correcting previously adopted Ordinances No. 4696 and No. 4698 and to set a public hearing for May 20, 2019.

Council Member Sande stated that he asked this item be pulled so it could be voted on separately.

It was moved by Council Member Weber and seconded by Council Member Dachtler that this recommendation be approved. Upon call for the question, those voting “aye”: Dachtler, Weber, Vein – 3; those voting “nay”: Weigel, Sande, Marshall – 3. Mayor Brown cast the deciding vote of Nay. Mayor Brown declared the motion failed.

Howard Swanson, City Attorney, pointed out that this was just a technical correction ordinance to format the code and is not the approval of the plan. The plan was previously approved with the adoption of Ordinance Nos. 4696 and 4698 in December and January. The defeat of this ordinance does not change the approval of the plan.

INTRODUCE ORDINANCE TO AMEND THE ZONING MAP
TO INCLUDE WITHIN THE R-2 (ONE AND TWO FAMILY
RESIDENCE DISTRICT) LOTS 13 AND 14, BLOCK 3, BUDGE
AND ESHELMAN’S THIRD ADDITION

The staff report from the planning and zoning commission relating to a request from Aaron and Katie Larson for preliminary approval of an ordinance to amend the zoning map to rezone and exclude from the B-3 General Business District and to include within the R-2 One and Two Family Residence District, Lots 13 and 14, Block 3, Budget and Eshelman’s Third Addition to the City of Grand Forks, also known as 1324 1st Ave N and to set a public hearing for May 20, 2019.

Ryan Brooks, Deputy City Planner, explained that this property is currently a nonconforming use under the zoning use of the property and the property owners are requesting a zoning change to bring the property in to conforming status. Having a property listed as nonconforming can effect financing or sale of the property and property owners have requested the change. Staff has also reached out to a neighboring property that is also in the same nonconforming state, but they have not responded that they would also like to be included. It was noted that this type of issue was discussed during the legislative session, but it was viewed as a local issue to resolve as needed.

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

Council Member Sande introduced an ordinance entitled “An ordinance to amend the zoning map to rezone and exclude from the B-3 (General Business) District and to include within the R-2 (One and Two Family Resident District), Lots 13 and 14, Block 3, Budge & Eshelman’s Third Addition to the City of Grand Forks, North Dakota”, which was presented, read, and passed on its first reading.

CITIZEN REQUESTS

Leslie Woinarowicz, Grand Forks resident, expressed concerns over the difficulty that felons have finding housing in the community once they have fulfilled their sentence. He suggested that City Council should include a felon as a protected class under the discrimination resolution. He cited research that has shown that not having housing can lead to a higher rate of recidivism and also shared that there are a number of

April 15, 2019

second chance employers in town that have been willing to work with those trying to transition, but that there are very few second chance landlords. He also expressed support for organizations like F-5 that help with provision of housing and other programs for felons.

APPROVE BILL LISTING

Vendor Payment Listing 19-8, dated April 15, 2019 totaling \$-1,816,087.77, and was presented and read. (Note: The monthly listing includes a large payment that was voided due to an error with the input of the vendor payment on March 7. A corrected payment was issued to the vendor earlier in March, however the void is processed at the end of the month so is reflected on this bill listing.)

It was moved by Council Member Marshall and seconded by Council Member Sande 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, Marshall, Sande Vein – 6; 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) the benefit that the University Ave and Demers Avenue bring to the community; 3) commented regarding the recent pedestrian fatalities and staff will study whether there are measures that could be put in place to improve safety in those areas.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Sande recognized Public Health for their efforts. He also commented regarding the section of our City Code that addresses the timing for notice prior to action by the JDA and asked for more information. City Attorney Swanson stated that notice must be given three days prior to action on any item except for routine matters such as minute approval. He also stated that if City Council wanted to look at modifying that section of code, an ordinance change could be done.

ADJOURN

It was moved by Council Member Sande and seconded by Council Member Marshall that we adjourn at 7:20 p.m. Motion carried unanimously.

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor