

October 7, 2019

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
October 7, 2019**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, October 7, 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, Mock, Marshall, Vein-6; absent: Sande - 1.

Mayor Brown announced that anyone wishing to speak to any item may do so by being recognized prior to a vote being taken on the matter, and that the meeting is being televised.

PLEDGE OF ALLEGIANCE

City Council led the Pledge of Allegiance.

MAYOR'S ANNOUNCEMENT

Mayor Brown commented on the following:

- UND Homecoming events and the groundbreaking for the new Memorial Union on UND campus.
- Groundbreaking for Pure Development on the corner of Demers Ave and North 5th St.
- October includes the 100th Anniversary of women winning the right to vote and called on Council Member Marshall to read a proclamation.
- Read a proclamation designating Mental Health Awareness Week.

**PROCLAIM NATIONAL FIRE PREVENTION WEEK,
OCTOBER 6-12, 2019**

Mayor Brown read a proclamation designating October 6-12, 2019 as National Fire Prevention Week.

STORMWATER STUDY UPDATE

Todd Feland, City Administrator, provided information on the recent rain event, that currently wastewater is seeing 19 million gallons per day, with a normal flow of 8.5 million gallons per day. The increased flow has been consistent since the rain event. He explained that some years ago a separation of the sanitary and storm sewer systems was done within the community, but there are still some areas not separated. There is an ordinance that prohibits discharge of sump pumps to floor drains, but we also know that there are some that still drain this way. The effect of the event is compounded by the saturated soils in the region which have also further impacted the agricultural sector. Significant effects were felt in a couple of areas of the community, with one of the hardest hit the Vail Circle area. In 2002 a study was done with a proposal to update the storm sewer system in this area. When study results were reviewed with the neighborhood, it was determined that the project was too expensive and a smaller project to only improve the pump station was completed. Since then, there has been a change in our special assessment policy. Staff is reviewing to look for a strategic solution to address the issues, and perhaps, include a larger city share in the funding of the project as a means to support this infill area of the city.

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Al Grasser, City Engineer, provided some history of the stormwater system and issues in this area in particular. Presently the City designs infrastructure to handle a 5-year event, which was not the policy during the time of construction of the service in this area. The past study that was done could be reviewed and updated to provide information for use in determining a plan to move forward with infrastructure improvements in this area.

The following individuals commented regarding the effects that they suffered due to the recent rain event and stormwater system overload:

- Paul Nelson, President of the Townhome Association, shared photos of flooding and that residents in the area had effects ranging from inches to several feet of water in their basement as a result of the storm
- Gary Neimeier, 2417 Glen Circle, stated that they received 7' of flooding in their basement, 2' of which came up from seepage, but that overland water from the nearby greenspace area rose to 7' depth outside in 15 minutes and broke through 5 windows to contribute to the loss in their home.
- Kathy Loff, 34 Vail Circle, stated that storms with rapid 3" or more rain affects her property and suggested that perhaps the city should look at a property tax adjustment for the area due to the issues.
- Katie and Nathan Rokke, 33 Vail Circle, shared that they were out of town celebrating their first anniversary and received notification that they had 2' water in their basement despite the fact that both sump pumps were working. Included in the items they lost were all the gifts that they had recently received at a baby shower as well as their furnace and that they have no insurance coverage for this type of event. They encouraged the city to upsize the service in this area and help the neighborhood out with the cost.
- Emily Hahn, 18 Vail Circle, shared information regarding her losses as a result of the rain event.
- Rajeana Robertson, 19 Vail Circle, stated that she was one of the original homeowners in this area and has suffered losses in 1979, 1997 and again now; that she is still paying off loans for reconstruction after the flood of 1997 and now will have additional burden.
- Cindy Beyer, 35 Vail Circle, stated that they bought their property in 2005, that the English Coulee Diversion was constructed to help with flooding in the city; that she remembers the 2002 study and the determination, with input from the citizens, that it was too big and too costly, but this is not an affordable housing neighborhood when it will have devastating impacts that are not insurable. She stated that they had prior damage from a rain event, so they put in both inside and outside sumps, however the groundwater came through their foundation wall. She commented that some of their stormwater used to drain to Columbia Road, but with the construction of the Boulder apartment building and adjacent bagel shop, the water is no longer able to flow to the west out of their neighborhood and the apartment building actually has almost a dike effect on the flow. She added that the city is needing affordable housing and this area can provide that, but not when there are damages that occur to peoples property. She encouraged the City to look at a program to assist those affected by this event perhaps with the use of sales tax or Community Development Block Grant funds, in both direct assistance programs and infrastructure improvement programs. She added that the solution needs to come quickly so these homeowners get relief.

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- Gary Lund, 20 Vail Circle, stated that they were special assessed for the storm sewer improvements that did go forward, and wondered what the benefit from that has been.
- Susan Belcourt, 9 Vail Circle, stated that she has had continual seepage since the storm through today and has noticed that even after smaller events, the water stands for an extended period in the greenspace and need a solution.
- Sue Hurley, 17 Vail Circle, stated that she had 15” in her basement and that there was over 3’ sanding in the street.
- Paul Nelson, President of Townhome Association, stated that he had a video taken during and after the event which will be provided to Council Members.

Council Member Vein stated that staff will be looking at the past study that was done, updating it, and will come back with some solutions. He thanked all of the residents for coming forward and sharing their concerns with City Council.

ADOPT ORDINANCE NO. 4739 RELATING TO NOISY PARTY

An ordinance entitled “An ordinance amending Section 9-0110 of the Grand Forks City Code relating to noisy party or gathering and adopting Section 9-0206 relating to noisy party or gathering and adopting Section 9-0206 relating to noisy parties and amending Section 9-0503 regarding penalties for specified offenses”, which had been introduced and passed on its first reading on September 16, 2019, and upon which public hearing has been scheduled for this evening, was presented and read for consideration on second reading and final passage. The city auditor reported that no protests had been received in her office.

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

The staff report from the city administrator relating to a noisy party ordinance, with a recommendation to give final approval of an ordinance to amend City Code relating to noisy parties.

It was moved by Council Member Weigel and seconded by Council Member Dachtler that the recommendation be approved and to give final approval of the ordinance. Upon call for the question, the following voted “aye”: Weigel, Dachtler, Weber, Mock Marshall, Vein – 6; those voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

APPROVE APPOINTMENT TO GROWTH FUND COMMITTEE

The staff report from the mayor and community development director relating to a Growth Fund Committee appointment, with a recommendation to appoint Jonathan Holth to the Growth Fund Committee for a three-year term commencing November 1, 2019 as a representative from the Grand Forks Region Economic Development Corporation.

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

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**AWARD BID #2019-31 PUBLIC WORKS OPERATIONS SANITATION
DIVISION –REAR LOAD REFUSE TRUCK WITH TRADE-IN**

The staff report from the public works operations director relating to Public Works Operations Sanitation Division Rear Load Refuse Truck with Trade-in, with a recommendation to award the bid to Fargo Freightliner in the amount of \$144,931.00 and approve any associated budget amendment, contingent upon review and approval of the Finance Department.

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

**AWARD CONTRACT FOR PROJECT NO. 8073,
COMMUNICATIONS CABLING FOR ALL CITY BUILDINGS**

The staff report from the IT director, relating to approval of bids for Project No. 8073, Communications cabling for all city buildings, with a recommendation to approve construction bids and award the contract in full to RBB Electric in the amount of \$277,250.00 and to approve any needed budget amendment as reviewed and approved by the Finance Department.

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

**APPROVE CHANGE ORDER NO. 1 FOR PROJECT
NO. 8005, 2019 CITY SIDEWALKS**

The staff report from the engineering department relating to Change Order No. 1 for Project No. 8005, 2019 City Sidewalks, with a recommendation to approve the change order with Miller Motivations in the amount of \$119,800.00 and retain the city engineer's 15% Change Order approval authority for this project.

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

**APPROVE CHANGE ORDER NO. 3 AND ADDITIONAL CITY
FUNDING FOR PROJECT NO. 7436, DISTRICT NO. 518
AND PROJECT NO. 7437, DISTRICT NO. 323**

The staff report from the engineering department relating to Change Order No. 3 and Additional City Funding 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 Change Order No. 3 in the amount of \$205,000 with Sellin Brothers, authorize additional City funding in the amount of \$205,000.00, and approve any necessary budget amendment.

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

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**APPROVE DESIGN, BIDDING, AND CONSTRUCTION
ADMINISTRATION SERVICES AGREEMENT FOR PROJECT
NO. 8108, PUMP STATION 183 SAFETY UPGRADES AND
PUMP STATION 194 CONTROLS AND FLAP GATES**

The staff report from the engineering department relating to Design, Bidding, and Construction Administration Engineering Services Agreement for Project No. 8108, Pump Station 183 Safety Upgrades and Pump Station 194 Controls & Flap Gates, with a recommendation to Approve Task Order Agreement with Webster, Foster, and Weston for Design, Bidding, and Construction Administration Engineering Services in the amount of \$66,182.00.

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

**AWARD CONTRACT FOR PROJECT NO. 8057, FIBER CONNECTION
FROM PURPUR TO VIKING WATER TOWER**

The staff report from the water works director relating to Project No. 8057, fiber connection from the Purpur water tower to the Viking water tower, with a recommendation to approve bids to Fusion Automation in the amount of \$244,845.00.

Melanie Parvey, Water Works Director, gave a brief overview of the project, that bids were reviewed since the committee of the whole meeting and recommend proceeding with award to the low bidder on the project.

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

**RESCIND BID AWARD FOR PROJECT NO. 8030, CITY OF
GRAND FORKS BALING FACILITY IMPROVEMENTS;
AWARD CONTRACT FOR PROJECT NO. 8030; APPROVE
ANY NECESSARY BUDGET AMENDMENT; APPROVE
CONSTRUCTION SERVICE CONSULTING AGREEMENT;
AND ADOPT BOND REIMBURSEMENT RESOLUTION**

The staff report from the public works operations director relating to reconsideration of bids, approval of construction service consulting agreement, approval of use of Sanitation cash reserves, and adoption of Bond Reimbursement Resolution, with a recommendation to rescind the Schedule B bid award approved at City Council meeting of September 16, 2019 and to award the Schedule A including Unit Price Adjustment to ICS, Inc. in the amount of \$3,568,600; approve the construction service agreement with Burns and McDonnell in the amount of \$630,489, approve associated budget amendments to use Sanitation Cash Reserves in the amount of \$839,098; and adopt bond reimbursement resolution; all subject to review and approval of the finance department.

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

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APPROVE REQUEST FROM MPO TO INITIATE
HYRAULIC STUDY AT POTENTIAL BRIDGE LOCATIONS

The staff report from the engineering department relating to a request from the MPO to initiate hydraulic studies at potential future bridge locations, with a recommendation to direct engineering department to prepare a scope of work and advertise a request for qualifications for a hydraulic study at potential bridge locations at Elks Drive, 32nd Ave S and 47th Ave S.

Council Member Marshall commented regarding potential sites for bridges, that MPO has projections, but not actual data, that currently we don't have costs and a study will give more data to review when making a decision in the future, expressed a concern that East Grand Forks took action to only gather data on one site, and while she can understand them not participating in cost of 47th Ave S location as that is not within their city limits, but has a concern with their decision to not participate on Elks Drive and seems disproportionate.

Council Member Weigel commented that while we are not discussing spending dollars at this time, we are committing staff time, which has a cost. He stated that he is not in favor of a 32nd Ave S bridge and has not found support in the public for that site so will be voting against this tonight.

Council Member Weber commented that he does not agree there is no support for a bridge at 32nd Ave S as it has been included as a site since 2003. Weigel responded that he has yet to talk to someone from Grand Forks that is in favor of that site, that it seems to be a priority site only for East Grand Forks.

Mayor Brown shared comments regarding the planning that was done when constructing 47th Ave S to limit access points and plan for a heavier use road and the involvement of past-Council Member Christensen in past meetings with citizens and neighborhoods regarding potential bridge locations and that 32nd Ave S was not as fitting a location as 47th Ave S.

Council Member Mock commented that people are very disappointed in long-term planning for a southend bridge, that all agree that one is needed, but disagree on the location. She continued that this Council cannot bind a future Council to select a particular location, but we do want them to have as much data as possible to use in making their decision on how to proceed and completing this study will provide that. Mock added that there is a cost of doing nothing and we need to plan for the future. Mayor Brown commented on the traffic issues in the near south neighborhood and on Belmont Road and need to look at ways to address that.

Council Member Vein commented that we have taken a step back to consider more than one location and that there are politics involved with all locations. He continued that those concerns can be addressed by having additional meaningful data. Soliciting a Request for Qualifications and completing the study will bring back data to confirm the decision that is currently in place or point us in the best direction.

Council Member Weber commented that currently all three bridges are located within Ward 3.

It was moved by Council Member Weber and seconded by Council Member Mock to approve the staff recommendation to study the site of Elks Dr, 32nd Ave S and 47th Ave S. Upon call for the question, those voting "aye": Dachtler, Weber, Mock, Marshall, Vein – 5; voting "nay": Weigel – 1. Mayor Brown declared the motion passed.

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INFORMATION ITEMS

The following item was presented for Council's information:

- Statement of Cash Balances as of June 30 and July 31, 2019

APPROVE BILL LISTING

Vendor Payment Listing 19-19, dated October 7, 2019 totaling \$1,723,100.35, and engineers estimate dated September 30, 2019 totaling \$8,698,018.73 were presented and read.

It was moved by Council Member Marshall and seconded by Council Member Weigel 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, Vein – 6; voting "nay": none. Mayor Brown declared the motion carried and the bills ordered paid.

APPROVE MINUTES –JULY 15, 2019

Typewritten copies of the minutes of the City Council meeting held on July 15, 2019 were presented and read. It was moved by Council Member Weber and seconded by Council Member Dachtler that these minutes be approved as read. Motion carried unanimously.

CITY ADMINISTRATOR COMMENTS

Todd Feland, City Administrator, commented that he would be traveling to Bismarck for the Water Commission meeting this Thursday where they will consider the last cost share for the water treatment plant project; commented regarding taking a look at the previous stormwater study that was done for the Vail Circle area and see what options may be to improve drainage and then look at prioritization on projects; and will work with Community Development to see if there are any options for individual assistance for those in need.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Dachtler reminded everyone of upcoming events including the Clothesline Project, Takeback the Night, and Indigenous Peoples Day Celebration.

Council Member Weber expressed appreciation to the Fire Department, commented regarding Gov. Burgum's declaration of October as Humanities Month, and reminded everyone of Think & Drink conversation to be held at Rhombus Brewery.

Council Member Mock commented that City Council should look at upsizing some infrastructure even though sometimes the cost is higher, it maybe appropriate in some areas.

Council Member Marshall commented that it was informative to hear the stories from the public this evening and thanked Feland and Grasser for their work to revisit the study that was done.

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Council Member Vein stated that he would be going to Bismarck for the water commission meeting Thursday where they will be considering the final cost share allocation for the water treatment plant. He also expressed appreciation for the work that went into the Strategic Priorities meeting held last week.

ADJOURN

It was moved by Council Member Vein and seconded by Council Member Marshall that we adjourn at 7:10 p.m. Motion carried unanimously.

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor