

October 21, 2019

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
October 21, 2019**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, October 21, 2019 at the hour of 5:30 o'clock p.m. with Mayor Brown presiding. Present at roll call were Council Members Dachtler (via phone), Weber, Mock, Marshall, Sande (via phone), Vein-6; absent: Weigel - 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:

- Recognized Public Works for the amount of debris that they removed over the last month due to the extreme rain event.
- Called on Mark Walker, Asst. City Engineer, to provide an update on the flood event. Walker reported that the river is slowly falling, wastewater flows have decreased from the initial 27.8 million gallons to 15-16 million gallons; that Governor Burgum visited the community and region to review the damages which include billions of dollars in losses in agriculture alone; that there are also damages to road infrastructure especially in the county and that a state-wide disaster declaration is expected, which could lead to help with federal assistance.

PROCLAIM – Extra Mile Day, November 1, 2019

Mayor Brown read a proclamation designating November 1, 2019 as Extra Mile Day.

EMPLOYEE RECOGNITION

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

- Candi Stjern, Finance, 35 years
- John Bjorgo, Police, 20 years
- Rebecca Johnson, Fire, 15 years

**ADOPT RESOLUTION VACATING ROADWAY EASEMENT
LYING BETWEEN LOT 2, BLOCK 1, ENGER SUBDIVISION;
LOT A, BLOCK 1, BUSHAW'S RESUBDIVISION NO. 1;
AND LOT F, BLOCK 1, LOCKWOOD ADDITION**

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate part of the statutory 66 foot wide Columbia Road right of way described as: lying between Lot 2, Block 1, Enger Subdivision; Lot A, Block 1, Bushaw's Subdivision No. 1 and Lot F, Block 1, Lockwood Addition, with its southerly extent being the easterly extension of the south line of Lot A, Block 1, Bushaw's and its northerly extent being a line 50 feet westerly of the centerline of Mill Road; said vacation containing 18658.69 square feet of .43 acres, more or less; that the required legal notice had

October 21, 2019

been published calling for a public hearing to be held this evening and further that no protests had been filed with the auditor's office.

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

It was noted that this item along with the following three items are all related to the same development occurring at 3100 block of Mill Road for a project constructing an expansion at the State Mill.

It was moved by Council Member Vein and seconded by Council Member Marshall that we find and determine an insufficiency of protest to the proposed vacation; and a resolution was introduced, read and adopted. Motion carried unanimously.

ADOPT ORDINANCE NO. 4740, AMENDING STREET AND
HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN AS
DEDICATED ON THE REPLAT OF LOT 2, BLOCK 1,
ENGER SUBDIVISION AND APROVAL OF THE REPLAT

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 Replat of Lot 2, Block 1, Enger Subdivision to the City of Grand Forks, North Dakota", which had been introduced and passed on its first reading on September 16, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date 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.

The staff report from the city planner relating to final approval of the Replat of Lot 2, Block 1, Enger Subdivision and final adoption of an ordinance amending the Street and Highway Plan of the City of Grand Forks dedicating rights-of-way on the plat, with a recommendation to give final approval of the Replat, subject to the conditions shown on or attached to the review copy; to hold a public hearing; and give final approval of the ordinance amending the Street and Highway Plan.

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

John Warcup, Asst. City Attorney, noted that the published copy of the agenda noted listed this as a preliminary approval of the plat, so he recommended reconsideration of this item to note that it was a final approval.

It was moved by Council Member Vein and seconded by Council Member Mock to reconsider this item. Motion carried unanimously.

October 21, 2019

It was moved by Council Member Vein and seconded by Council Member Mock to give final approval of the replat. Upon call for the question, the following voted “aye”: Council Members Dachtler, Weber, Mock, Marshall, Sande, and Vein – 6; voting “nay”: None. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4741, AMENDING THE ZONING
MAP TO REZONE LOT 2, BLOCK 1, ENGER SUBDIVISION
FROM B-3 GENERAL BUSINESS DISTRICT TO I-2 HEAVY
INDUSTRIAL DISTRICT

An ordinance entitled “An ordinance to amend the zoning map of the City of Grand Forks, North Dakota, to rezone and exclude from the B-3 (General Business) District and to include within the I-2 (Heavy Industrial) District, Lot 2, Block 1, Enger Subdivision to the City of Grand Forks, North Dakota”, which had been introduced and passed on its first reading on September 16, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date 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.

The staff report from the planning department relating to a request to rezone Lot 2, Block 1, Enger Subdivision from B-3 General Business District to I-2 Heavy Industrial District, located in 3100 block of Mill Road, with a recommendation to give final approval of the rezoning, hold a public hearing and give final approval of the ordinance amending the zoning map.

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

ADOPT ORDINANCE NO. 4742, ANNEXING
LOT 2, BLOCK 1, ENGER SUBDIVISION

An ordinance entitled “An ordinance to annex Lot 2, Block 1, Enger Subdivision to the City of Grand Forks, North Dakota”, which had been introduced and passed on its first reading on September 16, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date 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.

October 21, 2019

The staff report from the planning department relating to an ordinance to annex all of Lot 2, Block 1, Enger Subdivision to the City of Grand Forks, ND, not previously annexed, with a recommendation to hold a public hearing and give final approval of the ordinance.

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

ADOPT ORDINANCE NO. 4743, AMENDING THE LAND
DEVELOPMENT CODE, RELATING TO DOG DAYCARE
AND BOARDING FACILITIES

An ordinance entitled “An ordinance amending Section 18-0216(11) of the Grand Forks City Code relating to Conditional Use Permits for Dog Daycare and Boarding Facilities in a B-3 General Business District”, which had been introduced and passed on its first reading on September 16, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date 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.

The staff report from the planning department relating to an ordinance amending Section 18-0216 B-3 General Business) District, Subsections (3) Conditional Uses and (11) Special Conditions, all relating to dog daycare and boarding facilities, with a recommendation to hold a public hearing and give final approval of the ordinance.

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

ADOPT ORDINANCE NO. 4744, AMENDING THE ZONING MAP
TO INCLUDE WITHIN SOUTHERN ESTATES PUD (PLANNED
UNIT DEVELOPMENT), CONCEPT DEVELOPMENT PLAN,
AMENDMENT NO. 13, 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

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. 12, and to include within Southern Estates PUD (Planned Unit Development), Concept Development Plan, Amendment No. 13, Edgewood Village First Resubdivision,

October 21, 2019

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, North Dakota”, which had been introduced and passed on its first reading on September 16, 2019 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date 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.

The staff report from the planning department relating to final approval of Southern Estates Planned Unit Development (PUD), Concept Development Plan, Amendment No. 13, with a recommendation to hold a public hearing and give final approval of the ordinance to amend the zoning map.

Brad Gengler, City Planner, gave a brief review of the lot development. Council Member Vein asked if 40th Avenue South will go through the development. Gengler replied that it would connect through to S 19th Street.

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

**HOLD PUBLIC HEARING AND APPROVE APPLICATION FOR
PROPERTY TAX INCENTIVE , PAYMENTS IN LIEU OF TAXES,
FOR ISS HC LLC, DBA INTEGRATED STEEL SOLUTIONS**

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 from ISS HC LLC, dba Integrated Steel Solutions, 1551 S 28th Ave, Suite L, for a five-year declining property tax incentive in the form of Payments in Lieu of Taxes (PILOT) for the proposed new construction of an 80’ x 240’ x 20’ industrial warehouse with 3 bathrooms, (4) 14’ x 14’ overhead doors 6” concrete floors, and a lot size of 264’ x 85’, which the applicants will use in the operation of their business located on Lot 1, Block 1, Korynta Second Addition, more commonly known as 2201 N 39th Street, 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.

It was moved by Council Member Mock and seconded by Council Member Weigel that the City of Grand Forks grant the request for a property tax incentive for the real property taxes to be levied and assessed against the ISS HC LLC for a period of five years, on a declining property tax incentives on the proposed construction with payments estimated to be: Year 1 100% \$0; Year 2 80% \$3,475; Year 3 60% \$6,949; Year 4 40% \$10,424; and Year 5 20% \$13,898 for the building only with the land continuing to be fully taxable.

October 21, 2019

Upon roll call the following voted “aye”: Council Members Dachtler, Weber, Mock, Sande, and Vein – 6; those voting “nay”: None. Mayor Brown declared the motion carried and the exemption approved.

Near the end of the meeting, Council Member Sande requested that a vote on this item be reconsidered so that he could ask to be recused, as he had neglected to ask for this prior to the vote being taken. It was so moved by Council Member Weber and seconded by Council Member Mock. Motion carried unanimously.

It was moved by Council Member Mock and seconded by Council Member Weber to approve this item as proposed. Upon call for the question, the following voted “aye”: Council Members Dachtler, Weber, Mock, Marshall, Vein – 5; voting “nay”: None. Council Member Sande recused. Mayor Brown declared the motion carried and the PILOT approved.

APPROVE ASSESSMENTS, VARIOUS PROJECTS

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation by the Commission on the following projects; the amount of the assessments, and reported that the legal notice to the public that these assessments would be presented to the City Council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor’s office:

| PROJECT # | #YRS | DIST # | TYPE | LOCATION | AMT | FINAL/EST |
|-----------|------|--------|--------------------|------------------------|-----------------|-----------|
| 4236.40 | 15 | 353.4 | SANITARY SEWER | 24th AVE S | \$ 1,660.54 | FINAL |
| 4704.19 | 20 | 14 | FLOOD PROTECTION | CITYWIDE | \$ 545,091.15 | FINAL |
| 4959.30 | 15 | 400.3 | STORM SEWER | S 42ND ST | \$ 49,360.77 | FINAL |
| 5048.10 | 20 | 563.8 | STREET PAVING | S 42ND ST/17&11 AV S | \$ 10,253.00 | FINAL |
| 5672.40 | 20 | 606.4 | STREET PAVING | 55TH AVE SOUTH | \$ 17,169.17 | FINAL |
| 6151.10 | 15 | 457.1 | SANITARY SEWER | N 42ND ST/16 AVE N | \$ 39,438.68 | FINAL |
| 6999.20 | 20 | 480.2 | STORM SEWER | 55TH AVE S | \$ 5,810.69 | FINAL |
| 7000.20 | 20 | 660.2 | PAVING & ST LIGHTS | 55TH AVE S | \$ 6,760.88 | FINAL |
| 7030.30 | 20 | 494.3 | STORM WATER POND | S ESTATES 8TH | \$ 44,648.62 | FINAL |
| 7046.20 | 20 | 489.2 | STORM SEWER | KIWANIS PK/S 34 ST | \$ 5,710.75 | FINAL |
| 7055.30 | 20 | 666.3 | PAVING & ST LIGHTS | S ESTATES 10TH | \$ 6,524.41 | FINAL |
| 7231.10 | 20 | 507.1 | STORM WATER POND | LECLERC'S/CRARY'S | \$ 120,599.14 | FINAL |
| 7245.10 | 20 | 508.1 | STORM SEWER | CRARY'S 2ND | \$ 56,729.81 | FINAL |
| 7435.10 | 10 | 691.1 | PAVING REHAB | N 42ND ST | \$ 18,803.68 | FINAL |
| 7436.00 | 25 | 518 | SANITARY SEWER | N 62ND ST/GATEWAY | \$ 1,160,359.00 | EST |
| 7437.00 | 25 | 323 | WATERMAIN | N 62ND ST/GATEWAY | \$ 461,141.00 | EST |
| 7588.10 | 25 | 530.1 | SANITARY SEWER | N 39 & 36 ST/20 AV N | \$ 102,524.93 | FINAL |
| 7631.00 | 25 | 329 | WATERMAIN | S 42ND ST (20-24 AV) | \$ 142,626.00 | EST |
| 7633.00 | 20 | 23 | BIKEPATH | S 32ND ST (43-44 AV) | \$ 29,036.00 | FINAL |
| 7648.10 | 25 | 535.1 | STORM WATER POND | N 36 ST/20 AVE N | \$ 77,287.29 | FINAL |
| 7650.10 | 25 | 536.1 | STORM SEWER | N 36/39 ST/20 AVE N | \$ 82,630.18 | FINAL |
| 7653.10 | 25 | 332.1 | WATERMAIN | N 39TH ST/27TH AVE N | \$ 36,962.11 | FINAL |
| 7654.00 | 25 | 705 | PAVING & ST LIGHTS | N 39TH ST | \$ 995,397.00 | FINAL |
| 7800.00 | 25 | 718 | STREET PAVING | 47TH AVE S | \$ 410,078.00 | FINAL |
| 7801.00 | 25 | 719 | STREET PAVING | 57TH AVE S | \$ 270,184.71 | FINAL |
| 7804.00 | 25 | 545 | STORM SEWER | 16TH AVE N | \$ 75,658.00 | FINAL |
| 7811.10 | 10 | 216.1 | STREET LIGHTS | 48TH/47TH AVE S | \$ 2,079.07 | FINAL |
| 7849.10 | 20 | | 2018 SIDEWALKS | CITYWIDE | \$ 73,292.74 | FINAL |
| 7864.00 | 25 | 547 | SANITARY SEWER | CRARY'S 7TH ADDN | \$ 112,642.21 | FINAL |
| 7865.00 | 25 | 548 | WATERMAIN | CRARY'S 7TH ADDN | \$ 152,993.31 | FINAL |
| 7866.00 | 25 | 548 | STORM SEWER | CRARY'S 7TH ADDN | \$ 148,827.29 | FINAL |
| 7867.00 | 25 | 720 | PAVING & ST LIGHTS | CRARY'S 7 & 8 ADDN | \$ 277,740.88 | EST |
| 7880.00 | 25 | 563 | SANITARY SEWER | COL PARK 25TH RESUB | \$ 55,465.00 | FINAL |
| 7881.00 | 25 | 343 | WATERMAIN | COL PARK 25TH RESUB | \$ 28,473.00 | FINAL |
| 7882.00 | 25 | 564 | STORM SEWER | COL PARK 25TH RESUB | \$ 118,540.00 | FINAL |
| 7883.00 | 25 | 729 | MILL & OVERLAY | 33RD AVE S & S 23RD ST | \$ 195,611.00 | FINAL |

October 21, 2019

| | | | | | | |
|---------|----|-----|----------------------|------------------------|--------------------|----------------|
| 7884.00 | 25 | 220 | STREET LIGHTS | COL PARK 25TH RESUB | \$66,060.00 | FINAL |
| 7920.00 | 25 | 339 | HYDRANT | N 69TH ST | \$102,273.00 | FINAL |
| 7922.00 | 25 | 556 | STORM SEWER | 12TH AVE N & N 53RD ST | \$41,674.00 | FINAL |
| 7928.00 | 25 | 557 | SANITARY SEWER | S ESTATES 11TH ADDN | \$58,712.88 | EST |
| 7929.00 | 25 | 340 | WATERMAIN | S ESTATES 11TH ADDN | \$21,352.64 | EST |
| 7930.00 | 25 | 558 | STORM SEWER | S ESTATES 11TH ADDN | \$167,301.43 | EST |
| 7935.00 | 25 | 561 | SANITARY SEWER | CRARY'S 9TH ADDN | \$80,219.90 | FINAL |
| 7936.00 | 25 | 342 | WATERMAIN | CRARY'S 9TH ADDN | \$95,237.53 | FINAL |
| 7937.00 | 25 | 562 | STORM SEWER | CRARY'S 9TH ADDN | \$245,110.02 | FINAL |
| 7938.00 | 25 | 728 | PAVING & ST LIGHTS | CRARY'S 9TH ADDN | \$261,903.92 | EST |
| 7962.00 | 25 | 345 | WATERMAIN | KINGS VIEW 7TH RESUB | \$32,896.21 | FINAL |
| 7963.00 | 25 | 221 | STORM SEWER | KINGS VIEW 7TH RESUB | \$103,767.16 | EST |
| 7964.00 | 25 | 344 | WATERMAIN | 2200 BLK - N 39TH ST | \$28,973.00 | FINAL |
| 7965.00 | 25 | 732 | PAVING & ST LIGHTS | 2200 BLK - N 39TH ST | \$156,512.00 | EST |
| 7976.00 | 25 | 222 | SANITARY SEWER | KINGS VIEW 7TH RESUB | \$2,594.41 | FINAL |
| 7977.00 | 25 | 733 | PAVING & ST LIGHTS | KINGS VIEW 7TH RESUB | \$242,739.91 | EST |
| 8005.00 | 20 | | 2019 SIDEWALKS | CITYWIDE | \$225,268.54 | FINAL |
| 8014.00 | 1 | | 2019 WEED CUTTING | CITYWIDE | \$14,035.00 | FINAL |
| 8015.00 | 25 | 730 | 2019 MILL & OVERLAY | S 17TH ST & WILLOW DR | \$63,312.00 | FINAL |
| 8097.00 | 5 | | CLUTTER ABATEMENT | 610 S 9TH ST | \$1,595.86 | FINAL |
| 9003.19 | 1 | | DELINQUENT UTILITIES | CITYWIDE | <u>\$53,670.29</u> | |
| | | | | | TOTAL | \$8,003,320.01 |

DEFERRED PROJECTS

| PROJECT # | #YRS | DIST # | TYPE | LOCATION | AMT | FINAL/EST |
|-----------|------|--------|--------------------|----------------------|----------------|------------------------|
| 4704.91 | 20 | 14 | FLOOD PROTECTION | CITYWIDE | \$229,572.03 | FINAL |
| 7592.89 | 25 | 559 | SANITARY SEWER | PEYTON'S PLACE | \$75,874.00 | FINAL |
| 7593.89 | 25 | 341 | WATERMAIN | PEYTON'S PLACE | \$47,558.00 | FINAL |
| 7594.89 | 25 | 560 | STORM SEWER | PEYTON'S PLACE | \$24,823.00 | FINAL |
| 7766.10 | 25 | 540.1 | STORM SEWER | CRARY'S 6TH RESUB | \$8,940.47 | FINAL |
| 7767.10 | 25 | 711.1 | STREET PAVING | CRARY'S 6TH RESUB | \$3,657.03 | FINAL |
| 7768.10 | 25 | 541.1 | STORM WATER PONDS | CRARY'S ADDITIONS | \$156,766.71 | FINAL |
| 7801.89 | 25 | 719 | STREET PAVING | 57TH AVE S | \$25,432.84 | FINAL |
| 7864.89 | 25 | 547 | SANITARY SEWER | CRARY'S 7TH ADDN | \$707,792.79 | FINAL |
| 7865.89 | 25 | 336 | WATERMAIN | CRARY'S 7TH ADDN | \$477,310.69 | FINAL |
| 7866.89 | 25 | 548 | STORM SEWER | CRARY'S 7TH ADDN | \$1,082,167.71 | FINAL |
| 7867.89 | 25 | 720 | PAVING & ST LIGHTS | CRARY'S 7 & 8 ADDN | \$2,363,967.12 | EST |
| 7888.89 | 25 | 549 | SANITARY SEWER | CRARY'S 8TH RESUB | \$165,349.00 | FINAL |
| 7889.89 | 25 | 337 | WATERMAIN | CRARY'S 8TH RESUB | \$97,322.00 | FINAL |
| 7890.89 | 25 | 550 | STORM SEWER | CRARY'S 8TH RESUB | \$173,792.00 | FINAL |
| 7892.89 | 25 | 551 | STORM SEWER | BELMONT ROAD | \$367,698.00 | EST |
| 7928.89 | 25 | 557 | SANITARY SEWER | S ESTATES 11TH ADDN | \$529,068.20 | EST |
| 7929.89 | 25 | 340 | WATERMAIN | S ESTATES 11TH ADDN | \$192,410.96 | EST |
| 7930.89 | 25 | 558 | STORM SEWER | S ESTATES 11TH ADDN | \$586,681.81 | EST |
| 7935.89 | 25 | 561 | SANITARY SEWER | CRARY'S 9TH ADDN | \$285,971.89 | FINAL |
| 7936.89 | 25 | 342 | WATERMAIN | CRARY'S 9TH ADDN | \$151,276.66 | FINAL |
| 7937.89 | 25 | 562 | STORM SEWER | CRARY'S 9TH ADDN | \$353,982.00 | FINAL |
| 7938.89 | 25 | 728 | PAVING & ST LIGHTS | CRARY'S 9TH ADDN | \$455,820.48 | EST |
| 7961.89 | 25 | 728 | PAVING & ST LIGHTS | PEYTON'S PLACE CIR | \$149,359.00 | EST |
| 7962.89 | 25 | 345 | WATERMAIN | KINGS VIEW 7TH RESUB | \$193,944.56 | FINAL |
| 7963.89 | 25 | 221 | STORM SEWER | KINGS VIEW 7TH RESUB | \$181,057.84 | EST |
| 7976.89 | 25 | 222 | SANITARY SEWER | KINGS VIEW 7TH RESUB | \$150,677.93 | FINAL |
| 7977.89 | 25 | 733 | PAVING & ST LIGHTS | KINGS VIEW 7TH RESUB | \$884,986.47 | EST |
| | | | | | TOTAL | \$10,114,868.43 |

GRAND TOTAL \$18,118,188.44

Mayor Brown opened the public hearing.

Ward Johnson, attorney for James Fail, owner of the property located at 1809 N 6th Street, addressed the City Council regarding the mowing assessment levied on the property. Johnson provided information to the City Council: that the property owner did try to mow the lot, however there were numerous pieces of

October 21, 2019

large debris throughout the lot as a result of some work done by the railroad on the tracks adjacent to the property, that he was trying to work with the railroad on cleanup so that he could comply with mowing, but the City came in and mowed prior to the property owner being able to mow. He added that the property owner did file a law suit against the railroad in regards to how they left his property and did recoup damages, however at that time did not know of and couldn't include the amount for this mowing assessment. He stated that in the past his client reports being told by the City that he had an exemption from having to mow this property, however the Health Department told him that they have no record of such direction.

Emily Fossen, Special Assessment Coordinator, addressed the City Council and explained that this is already a reduced assessment, as the actual cost to the City for the mowing was \$1700, but after conversations with Mr. Fail, the City agreed to reduce the amount to \$780.00 which is before the City Council for certification today.

The City Council discussed mowing assessment and whether it was able to decrease the amount of the assessment or delay action on this particular assessment to a later date. Fossen explained that the assessments need to be certified to the County prior to November 1 so action would be required today. John Warcup, Asst. City Attorney, stated that he was not certain whether the City Council had the authority to change the amount of the assessment at this time and would need to do further research to determine if that action could be taken, however they could choose to hold the assessment and not assess this year and it could be assessed at a later time.

There were no further comments and the public hearing was closed.

It was moved by Council Member Weber and seconded by Council Member Sande to certify all special assessments, except under Project No. 8014.0 to hold the assessment for Property #1706.056.01, 1809 N 6th Street; and it was also noted that the address for Project #8097, should be corrected to 610 S 9th Street on the attached list. Motion carried 5-1, with Council Member Vein dissenting.

ADOPT DECLARATION OF EMERGENCY AND NATURAL DISASTER EXTENSION

The City Council reviewed a Declaration of Emergency and Natural Disaster document that would expand and extend the Declaration of Emergency and Natural Disaster originally signed by Mayor Brown on September 26, 2019, as conditions due to the extreme weather events still exist within the City of Grand Forks and the need for continued monitoring of conditions, development of detailed damage assessments, and emergency actions are still needed. This declaration is made pursuant to authority granted in Grand Forks City Code Section 2-0301.

It was moved by Council Member Vein and seconded by Council Member Mock that this declaration of emergency and natural disaster be approved. Motion carried unanimously.

ADOPT RESOLUTION SELLING, ESTBALISHING TERMS AND DIRECTING ISSUANCE OF DEFINIIVE IMPROVEMENT WARRANTS ON THE FUNDS OF PAVING DISTRICT NO. 717, PAVING/STREET LIGHTING DISTRICT NOS 733, 728, 730, 731, 732, AND 738, PAVING RECONSTRUCTION DISTRICT NOS. 736 AND 730, WATERMAIN DISTRICT NOS, 329, 338, 344, AND 345, SANITARY SEWER

October 21, 2019

DISTRICT NOS. 554 AND 567, STORM SEWER DISTRICT NOS. 221, 553 AND 555, AND 2019 CITY SIDEWALKS, AND PROVIDING FOR AN APPROPRIATING SPECIAL ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS AND ADOPT RESOLUTION DIRECTING THE ISSUANCE OF \$22,160,000 REFUNDING IMPROVEMENT BONDS, SERIES 2019B AND PRESCRIBING THE TERMS AND COVENANTS THEREOF

The staff report from the finance director relating to a resolution awarding the sale of \$22,160,000 Refunding Improvement Bonds, Series 2019B, with a recommendation to award the sale to JP Morgan Securities LLC.

Paul Steinman, Baker Tilly, explained that bids were received today for the sale of the 2019B Refunding Improvement Bonds, that bids came in favorably, with the best bid from JP Morgan Securities LLC at 2.71%. He noted that the bonds were rated Aa2 by Moody's Investors Service which is a reaffirmation of the existing rating, which shows the City's strengths, strong fund balance, and conservative financial basis.

It was moved by Council Member Vein and seconded by Council Member Marshall to adopt a Resolution selling establishing terms and directing issuance of definitive warrants on the funds of Paving District No. 717, Paving/Street Lighting District Nos. 733, 728, 730, 731, 732, and 738, Paving Reconstruction District Nos. 736 and 730, Watermain District Nos. 329, 338, 344, and 345, Sanitary Sewer District Nos. 222, 552, and 568, Stormwater Pond District Nos. 554 and 567, Storm Sewer District Nos. 221, 553 and 555, and 2019 City Sidewalks, and providing for and appropriating special assessments for the support and maintenance of said funds and a Resolution directing the issuance of \$22,160,000 Refunding Improvement Bonds, Series 2019B and prescribing the terms and covenants thereof, and to award the sale to JP Morgan Securities, LLC. Upon call for the question, the following voted "aye: Council Members Dachtler, Weber, Mock, Marshall, Sande and Vein – 6; voting "nay": none. Mayor Brown declared the motion passed, resolution adopted and sale awarded.

ADOPT RESOLUTION AUTHORIZING THE ISSUANCE AND AWARDING THE SALE OF \$3,820,000 SANITATION RESERVE REVENUE BONDS, SERIES 2019C

The staff report from the finance department relating to a resolution awarding the sale of \$3,820,000 Sanitation Reserve Revenue Bonds, Series 2019C, with a recommendation to award the sale to Bernardi Securities, Inc.

Paul Steinman, Baker Tilly, explained that bids were received today for the sale of the 2019C Sanitation Reserve Revenue Bonds, with the low bidder being Bernardi Securities, Inc. at 2.44%. He noted that the bonds were rated Aa2 by Moody's Investors Service which is a reaffirmation of the existing rating, which shows the City's strengths, strong fund balance, and conservative financial basis.

It was moved by Council Member Vein and seconded by Council Member Marshall to adopt a Resolution authorizing the issuance and awarding the sale of \$3,820,000 Sanitation Reserve Revenue Bonds, Series 2019C to Bernardi Securities, Inc. Upon call for the question, the following voted "aye: Council Members Dachtler, Weber, Mock, Marshall, Sande and Vein – 6; voting "nay": none. Mayor Brown declared the motion passed, resolution adopted and sale awarded.

October 21, 2019

**APPROVE ADDENDUM TO NATIONWIDE 475(B)
RETIREMENT PLAN ALLOWING LOANS**

The staff report from the human resources department relating to approval of an addendum to the Nationwide 457(b) Retirement Plan allowing for participants to take a loan from their account, with a recommendation to approve addition of the loan addendum to the Nationwide 457(b) retirement plan document allowing employees the ability to enter into a loan agreement with his/her own 457(b) retirement funds.

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

**INTRODUCE ORDINANCE RELATING TO PENALTIES
FOR SPECIFIED OFFENSES (RACING)**

The staff report from the City Attorney relating to penalties for specified offenses, with a recommendation to give preliminary approval of the ordinance.

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

Council Member Mock 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.

APPROVE REAPPOINTMENT TO SPECIAL ASSESSMENT COMMISSION

The staff report from the finance director relating to a reappointment to the Special Assessment Commission, with a recommendation to reappoint Brian Poykko to a six year term on the Special Assessment Commission, with the term expiring November 2025.

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

APPROVE LEASE AMENDMENT FOR SOCIAL DETOX FACILITY

The staff report from the Community Development Director relating to a lease amendment for the Social Detox Facility, with a recommendation to authorize execution of a lease amendment as presented.

Richards provided information to the City Council on terms of the current lease agreement and the modifications proposed which clarifies the term for the initial lease period, addresses the proration of utilities, and maintenance for the leased area. The Council discussed funding for any maintenance needs and if that is being included in budgets for the facility. Richards stated that the costs should be minimal due to the facility just recently being opened, and that it seems reasonable for the city to take on the maintenance. Debbie Swanson, Director of Public Health, stated that they are in favor of moving forward but wanted City Council to review the terms and have the policy discussion.

October 21, 2019

It was moved by Council Member Weber and seconded by Council Member Marshall to approve the lease agreement, with the City being responsible for normal wear/tear and maintenance of the social detox area, subject to final review of the agreement by the city attorney. Motion carried unanimously.

AWARD CONTRACT FOR PROJECT NO. 7950, SHARED
USE PATH ON 17TH AVE SOUTH (20-25TH STREET SOUTH)

The staff report from the engineering department relating to bids for Project No. 7950, Shared Use Path on 17th Ave S from S 20th St to S 25th St, with a recommendation to award the contract to low bidder, Opp Construction in the amount of \$337,615.60 and approve any necessary budget amendment for the project, and note that award is contingent upon concurrence by NDDOT.

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

APPROVE FUNDING FOR PROJECT NO. 8164, 47TH AVE
SOUTH INTERCHANGE ENVIRONMENTAL IMPACT STUDY

The staff report from the engineering department relating to funding for an Environmental Document for Project No. 8164, 47th Ave S Interchange, with a recommendation to authorize City funding for the Environmental Document with City's share at 50% and no to exceed \$1.5 million and approve any necessary budget amendments for Project No. 8164.

Mark Walker, Asst. City Engineer, explained that when the Regional Roads Program request was submitted it included a request for funding of an Environmental Impact Study for an interchange at 47th Ave S with a requested cost share of 50% versus the typical cost share of 80% Federal, 10% State and 10% City. The request was submitted at the 50% level, as other cities had been successful in receiving funding when they increased their cost share. The request was not selected for funding earlier this year, but NDDOT recently contacted the City and asked for reaffirmation of their commitment to fund the preparation of the document at the 50% level, and that the City would work to preserve right of way should an environmental document and justification report be approved. He explained that completion of the report does not mean that the project would have to move forward at this time, but will provide necessary information to determine if the project would work or not and allow the City time to acquire the right-of-way before development occurs in the area. He added that this reconsideration is very rare and would be unlikely to be available in the future so would be in the City's best interest to accept.

It was moved by Council Member Vein and seconded by Council Member Weber to authorize City funding for the Environmental Document with City's share at 50% and not to exceed \$1.5 million and approve any necessary budget amendments for Project No. 8164.

The Council Members discussed whether proceeding with this document in any way implies that an interchange is a higher priority than a third bridge or 42nd Street Underpass, but that it would seem to make sense to proceed with this opportunity to get the information and not lose the potential funding partnership for the project. A document once completed can be held and even some time in the future be updated rather than starting over so there is no loss on going forward at this time and then not completing the interchange project immediately. They also discussed whether this would encourage develop to move more to the fringes of the city which also brings with it more demands for increased utility infrastructure and maintenance costs, versus encouraging infill development. On the other hand, this is an opportunity

October 21, 2019

to look at long-term city needs and making a plan for what type of development will occur in this area along with preserving the right-of-way that would be needed at that future time.

Council Member Weber suggested that perhaps we need to also explore tiered utility service rates so that those further from the core pay more. Council Member Sande added that while it may be something to consider, it should be noted that the main utilities are not located in the core of the city, but rather in Ward 1 on the northwest edge of the city so would actually be closer to this area than to the large residential area in Ward 5 and 6 in the southeast part of the city or the downtown core.

Council Member Mock asked when the 42nd St Underpass environmental document was done. Walker stated that it was completed about 6 years ago, that we continue to monitor traffic counts in that area, and it could be updated should that project be approved to move forward.

Upon call for the question, motion carried unanimously.

INTRODUCE ORDINANCE AMENDING SECTION 19-0101 AND
19-0121 RELATING TO ADOPTION OF THE INTERNATIONAL
BUILDING, INTERNATIONAL RESIDENTIAL AND INTERNATIONAL
ENERGY CONSERVATION CODES

The staff report from the inspection department relating to an ordinance to amend Sections 19-0101 and 19-0121 of the Grand Forks City Code, relating to the adoption of the International Building, International Residential and International Energy Conservation Codes, with a recommendation to introduce and give preliminary approval of the ordinance.

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

Council Member Mock introduced an ordinance entitled “An ordinance amending the Grand Forks City Code relating to adoption of the International Building Code; Amending Sections 19-0101 and 19-0121 relating to Adoption of the International Residential Code”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION 19-0325 OF
CITY CODE, RELATING TO ADOPTION OF THE 2018 NORTH
DAKOTA SEWER AND WATER SERVICE CODE

The staff report from the inspection department relating to an ordinance to amend Section 19-0325 of the Grand Forks City Code relating to adoption of the 2018 North Dakota Sewer and Water Service Code, with a recommendation to introduce and give preliminary approval of the ordinance.

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

Council Member Mock introduced an ordinance entitled “An ordinance amending Section 19-0325 of the Grand Forks City Code relating to North Dakota Sewer and Water Service Code”, which was presented, read and passed on its first reading.

October 21, 2019

INTRODUCE ORDINANCE AMENDING SECTION 12-0201
OF CITY CODE RELATING TO ADOPTION OF THE 2018
INTERNATIONAL FIRE CODE

The staff report from the inspection department relating to an ordinance amending Section 12-0201 of the Grand Forks City Code relating to the adoption of the 2018 International Fire Code, with a recommendation to introduce and give preliminary approval of the ordinance.

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

Council Member Mock introduced an ordinance entitled “An ordinance amending the Grand Forks City Code relating to Article 2. Adoption of the International Fire Code; amending Section 12-0201”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTIONS 19-0515, 19-0517,
AND 19-0518 OF CITY CODE RELATING TO ADOPTION OF THE
2018 INTERNATIONAL MECHANICAL AND FUEL GAS CODES

The staff report from the inspection department relating to an ordinance to amend Sections 19-0515, 19-0517, and 19-0518 of the Grand Forks City Code, relating to the adoption of the 2018 International Mechanical and Fuel Gas Codes, with a recommendation to introduce and give preliminary approval to the ordinance.

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

Council Member Mock introduced an ordinance entitled “An ordinance amending the Grand Forks City Code relating to adoption of the International Mechanical and International Fuel Gas Code; amending Sections 19-0515, 19-0517 and 19-0518”, which was presented, read and passed on first reading.

APPROVE APPOINTMENTS TO THE BOARD OF
ADJUSTMENTS AND REAPPOINTMENTS TO THE
BOARD OF APPEALS

The staff report from the mayor relating to appointment to the Board of Adjustments and Reappointments to the Board of Appeals, with a recommendation to appoint Larry Boltz to the Board of Adjustments to complete the term currently held by Kent Anderson expiring June 2022 and to reappoint Todd Blixt, Scott Meland, Bob Klave, and Brian Carlson to the Board of Appeals for three-year terms expiring November 2022.

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

October 21, 2019

APPROVE EASEMENT WITH NODAK ELECTRIC FOR ELECTRICAL
UTILITY SERVICE AT THE WATER TREATMENT PLAN

The staff report from the water works department relating to an easement with Nodak Electric for electrical utility service at the water treatment plant, with a recommendation to approve the easement and the invoice with Nodak Electric for the permanent service at the Water Treatment Plant at 955 S 58th Street.

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

APPROVE BUDGET AMENDMENT FOR
FIRE DEPARTMENT

The staff report from the fire department relating to a budget amendment for Grant #14, FY19 State Homeland Security Grant Program, DES Grant Code: EMW-2019-SS-0000033-S01, with a recommendation to approve the budget amendment in the amount of \$106,946 to be used for department training and equipment, noting that there is no local match for this grant.

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

APPROVE AMENDMENT TO CONDITIONAL USE PERMIT,
PETOPIA PET DAYCARE

The staff report from the planning department relating to an amendment to the Conditional Use Permit (CUP) for Petopia Pet Daycare located at 920 North 3rd Street, with a recommendation to approve the amendment to the CUP subject to final approval of an ordinance amending the section of City Code relating to dog daycare and boarding facilities.

APPROVE CONDITIONAL USE PERMIT,
RED RIVER BIOREFINERY

The staff report from the planning department relating to a request for a Conditional Use Permit (CUP) for the temporary storage of beet tailings on the property located at 2051 North 36th Street, Red River Biorefinery.

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

FINAL APPROVAL (FAST TRACK) OF REPLAT
OF LOTS B AND R, CLOCK 1, PERKIN'S 1ST ADDITION

The staff report from the planning department relating to a replat of Lots B and R, Block 1, Perkin's 1st Addition, with a recommendation to give final approval (fast track) of the request from Neset Land Surveys on behalf of Grand Forks Associates Limited Partnership, for the replat of Lots B and R, Block 1, Perkin's 1st Addition, located at 2751 32nd Ave S, subject to the conditions shown on or attached to the review copy.

October 21, 2019

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

FINAL APPROVAL (FAST TRACK) OF PLAT
OF CRARY'S TENTH ADDITION

The staff report from the planning department relating to the plat of Crary's Tenth Addition, with a recommendation to give final approval (fast track) to the request from CPS for the plat of Crary's Tenth Addition, located at the corner of 57th Avenue South and South Washington Street, subject to the conditions shown on or attached to the review copy.

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

FINAL APPROVAL (FAST TRACK) OF REPLAT
OF LOTS 18, 20, 22, AND 24, BLOCK 14,
BUDGE AND ESHELMAN'S SECOND ADDITION

The staff report from the planning department relating to the Replat of Lots 18, 20, 22, and 24, Block 14, Budge and Eshelman's Second Addition, with a recommendation to give final approval (fast track) of the request from Widseth Smith Nolting on behalf of Donna Miller et al, for the replat of Lots 18, 20, 22, and 24, Block 14, Budge and Eshelman's Second Addition, located at 814 and 816 University Avenue, subject to the conditions shown on or attached to the review copy.

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

INFORMATION ITEMS

The following item was presented for Council's information:

- Statement of Cash Balances as of August 31, 2019
- Investment Portfolio Summary as of 09/30/2019
- HR Quarterly Staffing Report – 3Q2019

APPROVE BILL LISTING

Vendor Payment Listing 19-20, dated October 21, 2019 totaling \$2,001,957.05 was presented and read.

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

October 21, 2019

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Marshall reminded everyone of the upcoming Art Show at Development Homes, 3880 S Columbia Road on October 29 from 3-7 p.m.

Council Member Vein commented that he participated on a conference call on October 10 for the State Water Commission meeting at which they gave final approval for the allocation of \$10 million dollars, which is the last installment of the State participation in the \$150 million plant. He also shared information regarding the Red River Valley Water Supply Conference held by Garrison and that there would be a briefing for City Council on this. He also commented on the recent fall flooding and community engagement with Gov. Burgum and our levels of protection.

Council Member Sande asked that item 3.7 be reconsidered as he should have asked to be recused from voting on that item.

It was moved by Council Member Weber and seconded by Council Member Mock to reconsider the approval of item 3.7, Public Hearing on application for Property Tax Incentive, Payment in Lieu of Taxes (PILOT) for ISS HC, LLC, (Integrated Steel Solutions). Motion carried unanimously.

It was moved by Council Member Mock and seconded by Council Member Weber to recuse Council Member Sande from voting on this item. Motion carried unanimously.

It was moved by Council Member Mock and seconded by Council Member Weber to approve the request for a this item as proposed. Upon call for the question, the following voted "aye": Council Members Dachtler, Weber, Mock, Marshall, Vein – 5; voting "nay": None. Council Member Sade Recused. Mayor Brown declared the motion carried and the PILOT approved.

ADJOURN

It was moved by Council Member Vein 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