

November 4, 2019

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
November 4, 2019**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, November 4, 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, Sande, Vein-7; absent: None.

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:

- Attendance at the 2019 Main Street ND Summit in Bismarck where Grand Forks was recognized with the Livability for All Ages Award for the city's annual Longest Table Event.
- Congratulated UND Hockey on their recent wins and wished the football team good luck in their upcoming game.
- Reminded all that City Hall will be closed on Monday, November 11 in observance of Veterans Day.

PRESENTATION FROM F5 PROJECT

Representatives from the F5 Project gave a brief presentation with information on their organization which assists recently released felons with reintegration into the community. They provide housing and support services for the individuals enrolled in the program which fills a needed gap in services.

**GRAND FORKS REGIONAL WATER TREATMENT
PLANT UPDATE**

Shari Ettlbutte, project engineer, provided an update on the construction of the Grand Forks Regional Water Treatment Plant. The update included video and pictures to show the progress on the plant. She noted that they are moving from the construction phase to the operational phase.

**ADOPT ORDINANCE NO. 4745 RELATING TO PENALTIES
FOR SPECIFIED OFFENSES (RACING)**

An ordinance entitled "An ordinance amending Section 8-1503 of the Grand Forks City Code relating to penalties for specified offenses", which had been introduced and passed on its first reading on October 21, 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.

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The staff report from the attorney relating to an ordinance amending Section 8-1503 relating to penalties for specified offenses, with a recommendation to give final approval of an ordinance to amend City Code relating to noisy parties.

It was moved by Council Member Vein and seconded by Council Member Sande 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, Sande, Vein – 7; those voting "nay": none. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4746 RELATING TO BUILDING CODES

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 had been introduced and passed on its first reading on October 21, 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 inspection department relating to an ordinance amending 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 give final approval of the ordinance.

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, Sande, Vein – 7; those voting "nay": none. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4747 RELATING TO PLUMBING CODES

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 had been introduced and passed on its first reading on October 21, 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 inspection department relating to an ordinance amending Sections 19-0325 of the Grand Forks City Code relating to the adoption of the 2018 North Dakota Sewer and Water Service Code, with a recommendation to give final approval of the ordinance.

It was moved by Council Member Weber and seconded by Council Member Mock that the recommendation be approved and to give final approval of the ordinance. Upon call for the question, the

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following voted “aye”: Weigel, Dachtler, Weber, Mock Marshall, Sande, Vein – 7; those voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4748 RELATING TO FIRE CODES

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 had been introduced and passed on its first reading on October 21, 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 fire department relating to an ordinance amending Sections 12-021 of the Grand Forks City Code, relating to the adoption of the 2018 International Fire Code, with a recommendation to give final approval of the ordinance.

It was moved by Council Member Marshall and seconded by Council Member Vein 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, Sande, Vein – 7; those voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

ADOPT ORDINANCE NO. 4749 RELATING TO MECHANICAL CODES

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 had been introduced and passed on its first reading on October 21, 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 inspection department relating to an ordinance amending 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 give final approval of the ordinance.

It was moved by Council Member Sande and seconded by Council Member Marshall 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, Sande, Vein – 7; those voting “nay”: none. Mayor Brown declared the motion passed and the ordinance adopted.

APPROVE APPLICATIONS FOR PROPERTY TAX EXEMPTION OF REMODELING IMPROVEMENTS TO COMMERCIAL AND RESIDENTIAL BUILDINGS AT VARIOUS LOCATIONS

The staff report from the city assessor relating to applications for property tax exemption of improvements to residential and commercial buildings at various locations, with a recommendation to grant property tax exemption of increased value due to remodeling or renovation for five years for the

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following properties: 920 N 3rd Street, 1608 S 14th Street, 1616 S 14th Street, 1207 S 20th St, 1203 1st Ave North, 1722 8th Ave N, 56 Parkview Circle, 1520 10th Avenue North, and 829 S 25th Street.

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

REFER APPLICATION FOR CLASS 3 (ON- AND/OR OFF-SALE BEER AND WINE) ALCOHOLIC BEVERAGE LICENSE FROM NORTHERN AIR FAMILY FUN CENTER, INC. BACK TO COMMITTEE

The staff report from the finance department relating to an application for a Class 3 (on- and/or off-sale Beer and Wine) Alcoholic Beverage License from Northern Air Family Fun Center, Inc., with a recommendation to review the license and approve subject to final review of various city departments and payment of applicable fees.

Council Member Marshall commented that she was reconsidering approval of this request, as it seemed that offering alcohol at a facility for family activities was in conflict and may not be a good idea. She noted that she served on the Call to Action regarding alcohol use in the community and the effect on minors and does not believe this may be a good fit for the community.

It was moved by Council Member Marshall to deny the request. Motion died for lack of a second.

It was moved by Council Member Dachtler to refer this item back to committee for further discussion. The motion was seconded by Council Member Marshall.

Council Member Sande commented that he understands the concerns regarding alcohol in the community, but that there are other similar businesses that have been approved and seems like there is precedent to support approval since they do meet the criteria in our City Code.

Council Member Vein commented that he understands some wanting to be cautious with the issuance of an alcohol license to a venue such as this and that it may have unintended consequences. He also commented regarding the definition of a restaurant which is included in our code and interpretation of that and was in favor of more time to discuss the item.

Upon call for the question of referring the item back to Committee of the Whole, the motion carried unanimously.

APPROVE AMENDMENT TO THE DESIGNATED PREMISE FOR JUDY'S TAVERN, LLC

The staff report from the finance department relating to a request for amendment to licensed premise for Class 3 (off- and/or on-sale Beer & Wine) Alcoholic Beverage License from Judy's Tavern, LLC, dba Judy's Tavern, with a recommendation to review the request. Applicant is seeking to remove the a portion of the lot in the southeast corner, with the area to be excluded 45' north of the lot line and 35' west of the lot line, said area contains a 20' by 20' building which will be leased to Oxford Brewing Company, LLC.

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

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APPROVE APPLICATION FOR CLASS 16 (BREWER/TAPROOM)
ALCOHOLIC BEVERAGE LICENSE FOR OXFORD BREWING, LLC

The staff report from the finance department relating to an application for a Class 16 (Brewer/Taproom) Alcoholic Beverage License from Oxford Brewing Company, LLC, dba Ox Brewing Company, located at 1215 N 20th Street, with a recommendation to review the application, noting that if approved, approval should be contingent on final review and approval of various city departments and payment of appropriate fees.

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

APPROVE PRE-APPLICATION FOR TAX INCREMENT
FINANCING FROM EDGEWOOD DEVELOPMENT GROUP, LLC

The staff report from the city administrator and business development manager relating to a Tax Increment Financing (TIF) Pre-Application from Edgewood Development Group, LLC, with a recommendation to invite applicant to submit a full TIF application.

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

AWARD CONTRACT FOR PROJECT NO. 8073.1,
IP TELEPHONE AND NETWORK SWITCHING
HARDWARE REPLACEMENT

The staff report from the it director relating to proposals for Project 8073.1 IP Telephone and Network Switching Hardware Replacement, with a recommendation to accept proposals and approve moving forward with the following contracts: High Point Networks in the amount of \$228,004.80 for IP Phone System; Marco in the amount of \$283,458.17 for Cisco Data Equipment; and Midco Communications in the amount of \$1,785 per month plus .04 cents per minute long distance, for 60 months for Public Switching Telephone Network (PSTN) Service, upon final review and approval by the city attorney; and approve any necessary budget amendments as reviewed and approved by the Finance Department.

APPROVE PRE-APPLICATION FOR TAX INCREMENT
FINANCING FROM EDGEWOOD DEVELOPMENT GROUP, LLC

The staff report from the city administrator and business development manager relating to a Tax Increment Financing (TIF) Pre-Application from Edgewood Development Group, LLC, with a recommendation to invite applicant to submit a full TIF application.

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

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**APPROVE DESIGN ENGINEERING SERVICES AGREEMENT
FOR PROJECT NO. 8100, INDUSTRIAL PARK DRAINAGE
STUDY AND STORMWATER MASTER PLAN**

The staff report from the engineering department relating to a Design Engineering Services Agreement for Project No. 8100, Industrial Park Drainage Study and Stormwater Master Plan, with a recommendation to approve a Task Order Agreement with CPS for Design Engineering Services in the amount of \$271,300.00 and approve any necessary budget amendments for Project No. 8100.

**APPROVE PRE-APPLICATION FOR TAX INCREMENT
FINANCING FROM EDGEWOOD DEVELOPMENT GROUP, LLC**

The staff report from the city administrator and business development manager relating to a Tax Increment Financing (TIF) Pre-Application from Edgewood Development Group, LLC, with a recommendation to invite applicant to submit a full TIF application.

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

**RECEIVE TABULATION OF BIDS, ESTIMATES OF TOTAL
COST AND AWARD CONTRACT FOR PROJECT NO. 7540,
DISTRICT NO. 567**

The city auditor presented and read tabulation of bids which had been received and opened on October 31, 2019, for District No. 567, Project No. 7540, Oscarville Storm Sewer, Storm Pond, Pump Station and Discharge Ditch, indicating that low bidders based upon their bids were: General Work – United Crane & Excavation Inc. in the amount of \$2,784,540.00 and for Electrical Work – Integrated Process Solutions Inc. in the amount of \$105,600.00, for a total cost of \$2,890,140.00.

The city engineer's estimate of total cost for Project No. 7540, District No. 567 in the amount of \$3,412,143.00 was presented and read.

The staff report from the engineering department relating to bids for Project No. 7540, District No. 567, Oscarville Storm Sewer, Storm Pond, Pump Station and Discharge Ditch, with a recommendation to award Schedule B contracts to low bidders as follows: General Work to United Crane & Excavation, Inc. in the amount of \$2,784,540.00; and Electrical Work to Integrated Process Solutions in the amount of \$105,600.00, and approve any necessary budget amendments for the project.

Mark Walker, Asst. City Engineer, explained that bids were opened for this project last week and low bidder was 27% above the engineer's latest estimate, 14% above the estimated construction cost included in the Engineer's Report and 15% above the estimated range that was provided to each property owner within the special assessment district. Staff has reviewed the bids thoroughly and does not believe that we would be able to secure lower bids by re-advertising the project so is recommending award of bid to the low bidders under Schedule B. The construction of the pond will be done over the winter months with the remainder of the work completed in the spring.

It was moved by Council Member Vein and seconded by Council Member Mock that this recommendation be approved and a Resolution awarding the contract was presented and read. Upon call

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for the question, the following voted “aye”: Weigel, Dachtler, Weber, Mock, Marshall, Sande, Vein – 7; voting “nay”: None. Mayor Brown declared the motion passed, resolution adopted and contracts awarded.

**APPROVE AMENDMENT NO. 1 TO ENGINEERING
SERVICES AGREEMENT WITH WIDSETH SMITH
NOLTING & ASSOCIATES FOR PROJECT NO. 7950**

The staff report from the engineering department relating to Amendment No. 1 to Engineering Services Agreement with Widseth Smith Nolting & Associates for Project No. 7950, 17th Ave S Shared Use Path from S 20th St to S 25th St, with a recommendation to approve Amendment No. 1 in the amount of \$75,000.00. The amendment will add services for construction engineering and inspection, including surveying, construction inspection, and other miscellaneous engineering services through the construction of the project.

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

APPROVE BILL LISTING AND ENGINEERS ESTIMATES

Vendor Payment Listing 19-21, dated November 4, 2019 totaling \$1,262,881.31, and engineers estimate dated October 31, 2019 totaling \$5,835,933.57 were presented and read.

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

CITY ADMINISTRATOR COMMENTS

Todd Feland, City Administrator, commented that Legislative Committee met today to discuss the upcoming Legacy Fund Committee meeting scheduled for next week which will include discussion of a potential Prairie Dog 2 Bill for the next session; that a joint City Council and Grand Forks School Board meeting has been set for November 18 following City Council and listed topics planned to be included.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Weber suggested that discussion of school buildings also be included in the discussion at the joint meeting.

Council Member Vein provided a brief update on the Red River Valley Water Supply Project (RRVWSP) and planning for funding requests for the next session including the Lake Agassiz Water Authority and Garrison Diversion and will brief the City Council at a later date; commented regarding the TIF preapplication that was approved this evening and is an exciting project for downtown, although it will be competition for the Alerus Center and some other venues in the community; and shared thoughts from the Mainstreet Summit which he attended.

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ADJOURN

It was moved by Council Member Marshall and seconded by Council Member Sande that we adjourn at 6:30 p.m. Motion carried unanimously.

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor