

December 16, 2019

**PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF GRAND FORKS, NORTH DAKOTA  
December 16, 2019**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, December 16, 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 (via phone), Mock(via phone), 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.

**MAYOR'S ANNOUNCEMENT**

Mayor Brown commented on the following:

- Expressed condolences to the family of Kent Anderson, who served on the Board of Adjustments for 35 years.
- Provided a brief report on the delegation visit to Air Command which he was a part of.
- Congratulated Jon Jensen on being selected as the next Chief Justice for the ND Supreme Court.
- Expressed appreciation to Brent Jiran for the opportunity to speak with his class on local government.

**RIVERSIDE POOL 2019 YEAR END REPORT**

Melanie Parvey, Water Works Director, and Bill Palmiscno, GF Park District Executive Director, gave a brief presentation on the 2019 operations of Riverside Pool. Attendance for 2019 was 9,237, which was down from the prior year. The pool did open later than usual due to needed flood cleanup that, along with the number of days of inclement weather and the availability of the East Grand Forks Pool all most likely contributed to the decline.

It was moved by Council Member Sande and seconded by Council Member Marshall to receive and file the report. Motion carried unanimously.

**PRESENTATION – LONGEST TABLE**

Kathryn Kester, Executive Director of Greater Grand Forks Young Professionals, along with Becca Baumbach, Community Foundation, and Becca Krueger and Brandon Baumbach from the GF Region Economic Development Corporation, gave a brief report on the Longest Table Event held in September 2019. As part of the event, attendees completed a survey and the results of that survey are now available online in an interactive database for the public to review. A demonstration of the online site was given, along with examples of how the data collected can be used by various groups in the community, including focus points for redevelopment.

Kester stated that Longest Table provided an opportunity for nine micro-grants which were awarded to individuals submitting ideas for projects to complete in the community totaling \$22,000.

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A date and location for next year's event has not been set yet, but plans are underway. Council Member Sande suggested perhaps reaching out to the School District and partnering with them, as they are having community discussions regarding several neighborhood schools and this might be a good additional way to get public input.

RECOGNITION FROM IMLA LOCAL GOVERNMENT  
FELLOWS PROGRAM – HOWARD SWANSON

Mayor Brown stated that Howard Swanson, City Attorney, was recently recognized at the International Municipal Lawyers Association (IMLA) annual conference as being one of only six inaugural Local Government Fellows that has maintained the designation for 20 consecutive years. He noted that Swanson has been elected and serves as an IMLA Regional Vice President since 1996, representing North Dakota, South Dakota, and Minnesota.

EMPLOYEE RECOGNITION

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

- Rory Suby, Police Department, 10 years
- Erin Ray, Police Department, 20 years
- Debbie Hoverson, PSAP. 20 years
- Chris Carlson, Fire Department, 15 years
- Lisa Botnen, Wastewater Lab, 5 years
- Nicholas Reineke, Engineering (Electrician), 5 years

ADOPT ORDINANCE NO. 4751, RELATING TO  
GRAVEL ALLOWANCES IN HEAVY INDUSTRIAL AREAS

An ordinance entitled “An ordinance amending Section 18-0204 Subsection (2) of the Grand Forks City Code relating to Definitions; Section 18-0219 Subsection (9) of the Grand Forks City Code relating to side yard requirements in I-2 Heavy Industrial District; Section 18-0302 Subsection (12) of the Grand Forks City Code relating to construction and maintenance in off street parking and loading; and Section 18-0309 Subsection (4) of the Grand Forks City Code relating to Special Requirements in industrial districts I-1 and I-2 of landscaping”, which had been introduced and passed on its first reading November 18, 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 for this evening 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.

The staff report from the planning department relating to an ordinance amending Sections 18-0204(2) Rules & Definitions; 18-0219(9) I-2 Heavy Industrial District side yard requirements; 18-0302(12) Off-Street Parking & Loading; 18-0309(4) Landscaping sections of the Grand Forks City Code for the purpose of establishing allowances for gravel, and requirements for curb and gutter, landscaping in I-2

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districts, with a recommendation to hold a public hearing, and give second reading and final approval of the ordinance.

It was moved by Council Member Sande and seconded by Council Member Weigel that this recommendation be approved. Upon call for the question of final adoption of the ordinance, the following voted “aye”: Council Members Weigel, Dachtler, Weber, Mock, Marshall, Sande and Vein – 7; voting “nay”: None. Mayor Brown declared the motion passed and the ordinance adopted.

APPROVE FARM LEASE ADDENDUM WITH  
UND FOR MAIZE RESEARCH

The staff report from the city planner relating to Dr. Sheridan/UND Maize Research Farm Lease Addendum, with a recommendation to approve the addendum and authorize appropriate City staff to execute the subject lease with the University of North Dakota.

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

CANCEL DECEMBER 23, 2019 COMMITTEE OF THE WHOLE MEETING

City Council discussed the cancellation of the Committee of the Whole meeting scheduled for December 23, 2019.

It was moved by Council Member Sande and seconded by Council Member Vein that the December 23, 2019 Committee of the Whole meeting be cancelled and that any item that would have been placed on this agenda instead be brought directly to the City Council meeting on January 6, 2020. Motion carried unanimously.

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

The staff report from the city assessor relating to applications for property tax exemption of improvements to residential and commercial buildings as listed, with a recommendation to grant five year property tax exemption of increased value due to remodeling or renovation of the properties at: 2845 36<sup>th</sup> Ave Sm 2449 N 43<sup>rd</sup> St, 724 N 18<sup>th</sup> St, 1726 S 35<sup>th</sup> St, 205 Conklin Ave, 2226 9<sup>th</sup> Ave N, 2123 9<sup>th</sup> Ave N, 4217 Walnut St, 250 Northridge Hills Ct, 3814 Fairview Dr, 521 Hamline St, 1014 Darwin Dr, 811 24<sup>th</sup> Ave S, 833 S 25<sup>th</sup> St, 366 Woodlawn Circle, 505 N 6<sup>th</sup> St, 1104 S 11<sup>th</sup> St, 1024 Sunset Dr, and 903 19<sup>th</sup> Ave S.

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

APPROVE LETTER OF INTENT AGREEMENT EXTENSION  
WITH NORTHERN PLAINS NITROGEN, LLP

The staff report from the city administrator relating to Northern Plains Nitrogen, LLP, Letter of Intent Agreement Extension, with a recommendation to approve an extension of the Letter of Intent (LOI)

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Agreement with Northern Plains Nitrogen, LLP (NPN) related to Industrial Water Supply and Discharge Permitting from January 1, 2020 to June 30, 2020, subject to the City Attorney's Office final review and approval.

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

APPROVE JOINT POWERS AGREEMENT WITH  
GRAND FORKS COUNTY FOR JUNE 9, 2020 ELECTION

The staff report from the finance director relating to a Joint Powers Agreement with Grand Forks County for the June 9, 2020 election, with a recommendation to approve the agreement.

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

APPROVE COST SHARE AGREEMENT AMENDMENT II WITH  
NORTH DAKOTA STATE WATER COMMISSION (NDSWC) FOR THE  
GRAND FORKS REGIONAL WATER TREATMENT PLANT PROJECT

The staff report from the city administrator relating to NDSWC Cost Share Agreement Amendment II for the Grand Forks Regional Water Treatment Plant Project in the amount of \$9.875 million for the 2019-2021 biennium, with a recommendation to approve the NDSWC Cost Share Agreement Amendment II for the project in the amount of \$9.875 million for the 2019-2021 biennium.

Todd Feland, City Administrator, reported that this is the last \$9.875 million to bring the state cost share for the project to 50%. He cited a recent article in the paper that recognized the efforts of our local legislators for their efforts to assist in the funding for this project. Council Member Sande also recognized Council Member Vein for the knowledge and time that he has contributed to this project and working with legislators to bring it to a conclusion. Council Member Weber also expressed appreciation for the time and effort of Council Member Vein, local legislators and staff on securing the final portion of funding. It was noted that past-Council Member Terry Bjerke also worked hard on this project in support of securing funding for the City.

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

APPROVE UTILIZING CMAR METHOD FOR  
PROJECT NO. 8172.1, CITY HALL RENEWAL,  
SELECT PCL/COMMUNITY CONTRACTORS AS  
CMAR, AND AUTHORIZE STAFF TO NEGOTIATE  
A PRECONSTRUCTION PHASE AGREEMENT

The staff report from the city administrator relating to Grand Forks City Hall Renewal Project Overview and Construction Manager at Risk (CMAR) Consideration, with a recommendation to (1) Approve moving forward with CMAR project delivery approach for the Grand Forks City Hall Renewal Project through the preconstruction phase with subsequent project phases to be determined in the future; (2) Select PCL/Community Contractors to perform the services as the CMAR of Grand Forks City Hall

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Renewal Project; and (3) Authorize staff to negotiate a preconstruction phase agreement with PCL/Community Contractors.

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

APPROVE 2020 CDBG PROGRAM AND PROPOSED  
COMMUNITY SERVICES GRANT PROGRAM

The staff report from the community development director relating to the 2020 Community Development Block Grant (CDBG) and Proposed Community Services Grant Program, with a recommendation to Authorize staff to proceed with (1) 2020 CDBG Program allocation process per the attached budget and schedule, and (2) implementation of a Community Services Grant Program on a pilot basis per the attached program description and schedule, including a \$125,700 budget amendment in Fund 2163.

Meredith Richards, Community Development Director, provided additional information on the proposed Community Services Grant Program. The allowed uses of the 1% sales tax include the creation of new jobs, enhance the economic climate, save existing jobs, create new wealth, enhance the local property tax base, encourage capital investment, improved the quality of life, enhance tourism and local events, promote public, private or public/private enterprises or partnership, and diversify the local economy. The proposed Community Services Grant Program would support these, and it was concluded are necessary, especially in regard to enhancing quality of life and will help to address workforce issues.

It was moved by Council Member Marshall and seconded by Council Member Dachtler 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 to move grant revenue into the 2019 budget, with a recommendation to approve the budget amendment for FY18 Homeland Security Grant/DES Grand Code EMW-2018-SS-0008/#168, for the grant period October 1, 2018-December 31, 2019 in the amount of \$96,193.88, which will be used to fund education and training, wages and salary for overtime due to grant specified training and purchase of fire suppression tools and equipment.

It was moved by Council Member Sande and seconded by Council Member Vein 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 to move grant revenue into the 2019 budget, with a recommendation to approve the budget amendment for FY17 Homeland Security Grant/DES Grand Code A1220-001-2017-R/#19, for the grant period of October 5, 2017 through August 31, 2019, in the amount of \$71,038.27, to be used for education and training, wages and salary for overtime due to grant specified training, and purchase of fire suppression tools and equipment.

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

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APPROVE BUDGET AMENDMENT – POLICE DEPARTMENT

The staff report from the police department relating to a budget amendment for State Homeland Security Grant, with a recommendation to approve the budget amendment for FY18 State Homeland Security Grant in the amount of \$100,600.00, to bring the 4<sup>th</sup> quarter revenue and expense funding into the 2019 budget.

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

APPROVE BUDGET AMENDMENT – PUBLIC TRANSPORTATION

The staff report from the transportation division director relating to a budget amendment for additional federal funding/expenses, with a recommendation to approve the budget amendment for revenue in the amount of \$306,300.00, of which \$578,040.00 is federal funds and \$61,260.00 is 20% local match from cash carryover and the related expenses totaling \$306,300.00.

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

APPROVE BUDGET AMENDMENT – DIAL-A-RIDE/SENIOR RIDER

The staff report from the transportation division director relating to a budget amendment for additional funding/expense, with a recommendation to approve the budget amendment in the amount of \$263,200.00.

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

APPROVE BUDGET AMENDMENT –  
PUBLIC WORKS OPERATIONS DIVISION

The staff report from the public works operations director relating to public works operations division budget amendments in the amount of \$1,208,000.00.

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

ADOPT RESOLUTION CREATING SPECIAL ASSESSMENT  
DISTRICT, ACCEPT ENGINEER’S REPORT AND ADOPT  
RESOLUTION OF NECESSITY FOR PAVING AND STREET  
LIGHTING PROJECT NO. 8094.2, DISTRICT NO. 746

The staff report from the engineering department relating to creating special assessment district for Project No. 8094.2, District No. 746, Paving and Street Lighting for 43<sup>rd</sup> Avenue Circle (Columbia Road to S 25<sup>th</sup> St), with a recommendation to approve the engineer’s report, create the special assessment district, direct engineering to prepare plans and specifications and advertise for construction bids, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Sande introduced a resolution of necessity, which was presented and read.

It was moved by Council Member Sande and seconded by Council Member Vein that the recommendations be approved and that the resolution creating the special assessment district, the engineer's report and the resolution of necessity be accepted and adopted. Upon call for the questions, the following voted "aye": Council Members Weigel, Dachtler, Weber, Mock, Marshall, Sande and Vein – 7; voting "nay": none. Mayor Brown declared the motion carried, the report accepted and the resolutions adopted.

APPROVE DESIGN ENGINEERING AND BIDDING SERVICES  
AGREEMENT FOR PROJECT 8094.1 AND 8094.2, DISTRICT NO. 746

The staff report from the engineering department relating to a Design Engineering and Bidding Services Agreement for Project No. 8094.1 and 8094.2, District No. 746, 43<sup>rd</sup> Ave and Columbia Road Intersection Improvements and Paving and Street Lights for 43<sup>rd</sup> Ave Circle (Columbia Road to S 25<sup>th</sup> St), with a recommendation to approve Task Order Agreements with Houston Engineering for Design Engineering and Bidding Services in the amount of \$94,910.00.

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

APPROVE CHANGE ORDER #2 FOR PROJECT NO. 8001,  
2019 SANITARY SEWER REPAIRS

The staff reports from the engineering department relating to Change Order No. 2 for Project No. 8001, 2019 Sanitary Sewer Repair, with a recommendation to approve Change Order No. 2 with United Crane & Excavation, Inc. in the amount of \$49,577.48, approve any necessary budget amendments, and retain city engineer's authority to approve future change orders for this project within 15% of the original bid excluding the amount of this change order.

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

INTRODUCE ORDINANCE TO AMEND CITY CODE  
RELATING TO PRIVATE HYDRANT MAINTENANCE

The staff report from the fire chief and water works director relating to an ordinance amending sections of city code regarding private hydrant maintenance, with a recommendation to give preliminary approval of the ordinance amending sections of City Code including Section 15-1202 Private Hydrant Maintenance, 15-0213 Abandonment of service lines; and 15-0214 Fluoride in Water.

It was moved by Council Member Weigel and seconded by Council Member Dachtler to approve the proposed ordinance. Motion carried unanimously.

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Council Member Vein introduced an ordinance entitled “An ordinance repealing Section 15-0212 of the Grand Forks City relating to abandonment of service lines and Section 15-0213 relating to fluoride in water and adopting Sections 15-0212 relating to private hydrant maintenance, Section 15-0213 relating to abandonment of service lines and Section 15-0214 relating to fluoride in water”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING CITY CODE  
RELATING TO BUILDING SEWERS AND CONNECTIONS,  
AND RESTRICTIONS ON USE OF PUBLIC SEWERS;  
SUMP PUMP DISCHARGE TO SANITARY SEWER  
POLICY AND PROGRAM IMPLEMENTATION  
ACTION PLAN

The staff report from the public works operations director, waterworks director, and city engineer relating to an ordinance amending Grand Forks City Code Section 15-0404 relating to building sewers and connections and Section 15-0406 Restrictions on use of public sewers; Sump Pump Discharge to Sanitary Sewer Policy and Program Implementation Action Plan, with a recommendation to give preliminary approval of the ordinance and Implementation Plan.

Melanie Parvey, Water Works Director, explained that after the drafting of the proposed ordinance, an audit determined that the incorrect level for cadmium was listed in City Code and requested that the proposed ordinance be amended to correct the listed limit in the table in Section 15-0406(4)(P) for cadmium to 0.11 mg/l to align with the federal limit.

It was moved by Council Member Sande and seconded by Council Member Vein that this recommendation be approved with the requested amendment to correct the limit for cadmium. Motion carried unanimously.

Council Member Vein introduced an ordinance entitled “An ordinance amending Section 15-0404 and 15-0406 of the Grand Forks City Code relating to building sewers and connections and Section 15-0406 of the Grand Forks City Code relating to restrictions on use of public sewers”, which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO ANNEX ALL OF  
AUDITOR’S SUBDIVISION NO. 51

The staff report from the planning department relating to an ordinance to annex all of Auditor’s Subdivision No. 51 to the City of Grand Forks, ND, with a recommendation to approve the request from the planning department on behalf of the City of Grand Forks, ND for approval of an ordinance to annex all of the South 658.0 feet of the east 574.0 feet of the southeast quarter of Section 30, Township 152 North, Range 50 West of the Fifth Principal Meridian, Grand Forks County, North Dakota. Also known as Auditor’s Subdivision No. 51 to the City of Grand Forks, ND, excepting the South 33.0 feet thereof, which has been previously annexed, said annexation contains 3358,750 square feet or 8.23 acres more or less (625’x574’), and set a public hearing for January 6, 2020.



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

Council Member Vein introduced an ordinance entitled “An ordinance to annex all of the South 658.0 feet of the east 574.0 feet of the southeast quarter of Section 30, Township 152 North, Range 50 West of the Fifth Principal Meridian, Grand Forks County, North Dakota. Also known as Auditor’s Subdivision No. 51 to the City of Grand Forks, ND, excepting the South 33.0 feet thereof, which has been previously annexed, said annexation contains 3358,750 square feet or 8.23 acres more or less (625’x574’), which was presented, read and passed on its first reading.

ACCEPT PETITION TO VACATE WALKWAY AND  
DRIVEWAY EASEMENTS IN LECLERC’S ADDITION

The staff report from the planning department relating to a vacation of a 10-foot walkway easement lying within Lots A, B, C and 10, Block A, LeClerc’s Addition, and a 15-foot walkway and driveway easement located on Lots A and B, Block A, LeClerc’s Addition, with a recommendation to approve the request and set a public hearing for January 21, 2020.

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

INFORMATION ITEMS

The following items were presented for City Council’s information:

- 2020 Salary Plan
- Statement of Cash Balances as of 10/31/2019
- Investment Portfolio Summary as of 11/30/2019

APPROVE BILL LISTING AND ENGINEER ESTIMATE

Vendor Payment Listing 19-24, dated December 16, 2019 totaling \$1,118,744.16 and Engineer Estimate dated December 16, 2019 in the amount of \$2,778,768.66 were presented and read.

It was moved by Council Member Weigel and seconded by Council Member Dachtler 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.

APPROVE MINUTES OF SEPTEMBER 3 AND 16, 2019

Typewritten copies of the minutes of the city council held on September 3 and 16, 2019, were presented and read. It was moved by Council Member Marshall and seconded by Council Member Dachtler that the minutes be approved as read. Motion carried unanimously.

APPROVE WATER DEPARTMENT  
EXPENSES OVER \$10,000

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A report from the Water Works Department relating to emergency repairs over \$10,000 that have been completed was presented for City Council's review. It was moved by Council Member Weigel and seconded by Council Member Sande that this report be accepted. Motion carried unanimously.

#### CITY ADMINISTRATOR COMMENTS

Todd Feland, City Administrator, commented on the accomplishments the City had in 2019, due to the leadership from City Council.

#### MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Weigel commented that city offices are scheduled to be open from 8:00 am to 5:00 pm on Christmas Eve and most other government offices are closed at noon that day and would suggest that the City should also close at noon. It was discussed that there is not much customer traffic on that day, that most administrative offices run with a very small staff to allow as many as possible to have the time off with family.

It was moved by Council Member Weigel and seconded by Council Member Dachtler to close city offices at noon on Christmas Eve, excepting emergency services which will operate as normal. Council Member Sande commented that they had approved 4 holiday bonus hours for employees to use. Upon call for the question, motion carried unanimously.

Council Member Dachtler congratulated all the local December graduates.

Council Member Sande commented regarding emails he has received concerning items related to the School Board and Park District and would like to discuss scheduling of another joint meeting with the School Board and perhaps also include the Park Commission. Feland stated that staff will look at that for early 2020.

#### ADJOURN

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

Respectfully submitted,

Maureen Storstad  
City Auditor

Approved:

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Michael R. Brown, Mayor