

January 6, 2020

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF GRAND FORKS, NORTH DAKOTA
January 6, 2020**

The city council of the city of Grand Forks, North Dakota met in the council chambers in City Hall on Monday, January 6, 2020 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 (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.

PLEDGE OF ALLEGIANCE

City Council led the Pledge of Allegiance.

MAYOR'S ANNOUNCEMENT

Mayor Brown commented on the following:

- Expressed condolences to the family of Eliot Glassheim who passed away recently. Mr. Glassheim was a long-time servant to the community, serving as City Council Member, State Senator and in various other leadership roles.
- Stated the City crews are working to remove snow and widen streets and urged people to drive with caution around equipment and in areas that still have high snow levels. He also reminded citizens to keep their sidewalks and fire hydrants clear.
- The City calendar is out and arriving in mailboxes. Again this year the calendar is a collaboration between the City, Park, School and County with good information for citizens regarding government services.

**ADOPT RESOLUTION VACATING PORTION OF STORM
SEWER EASEMENT ALONG SOUTH LINE OF LOT 2,
BLOCK 4, LECLERC'S ADDITION**

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate part of the 10 foot wide storm sewer easement along the south line of Lot 2, Block 4, LeClerc's Addition to the City of Grand Forks, North Dakota containing 59.52 Square Feet, more or less, the required legal notice had been published calling for a public hearing to be held this evening and further no protests or grievances 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 moved by Council Member Vein and seconded by Council Member Sande that we find and determine an insufficiency of protest to the proposed vacation, and introduced and adopted the following resolution, which was presented and read.

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APPROVE AMENDMENT TO
2019 CDBG ANNUAL ACTION PLAN

The staff report from the community development director relating to an amendment to the 2019 CDBG Annual Action Plan, with recommendation to hold a public hearing on proposed amendment; and to approve the proposed amendments and associated budget amendments. The amendment will move \$20,000 from the allocation for the HomeCents Program and use it to install sump pumps, drain tile, and replace sheetrock and floor coverings at the Ernie J. Norman Center.

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

ADOPT ORDINANCE NO. 4752, REPEALING SECTION
15-0212 RELATING TO ABANDONMENT OF SERVICE
LINES AND SECTION 15-0213 RELATING TO FLUORIDE
IN WATER AND ADOPTING SECTION 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

An ordinance entitled “An ordinance repealing Section 15-0212 of the Grand Forks City Code 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 had been introduced and passed on its first reading on December 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 staff report from the water works department relating to an ordinance amending sections of city code regarding level of fluoride and cadmium in the water and private hydrant maintenance, with a recommendation to give final approval of the ordinance amending the City Code.

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

ADOPT ORDINANCE NO. 4753, AMENDING SECTION
15-0404 AND 15-0406 OF CITY CODE RELATING
TO BUILDING SEWERS AND CONNECTIONS AND
SECTION 15-0406 RELATING TO RESTRICTIONS ON
USE OF PUBLIC SEWERS

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 had been introduced and passed on its first reading on December 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.

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The staff report from the water works department relating to an ordinance amending sections of city code regarding building sewers and connections and use of public sewers, sump pump discharge; and Symp Pump Sanitary Sewer Policy and Program Implementation Action Plan, with a recommendation to give final approval of the ordinance amending the City Code.

Since preliminary approval, an amendment to the ordinance was drafted which would require that connections be made by a licensed plumber. It was explained to city council that requiring the installation and connection be completed by a licensed plumber will not only ensure the connection is done properly, but also provide an opportunity to give the homeowner information on how and where their system is located, as well as answer any questions on the operation.

It was moved by Council Member Sande and seconded by Council Member Marshall to approve the amendment to the ordinance. Motion carried unanimously.

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

ADOPT ORDINANCE NO. 4754, ANNEXING
ALL OF AUDITOR’S SUBDIVISION NO. 51

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, North Dakota, excepting the south 33.0 feet thereof, which has been previously annexed. Said annexation contains 358,750 square feet or 8.23 acres more or less (625’x574’), which had been introduced and passed on its first reading on December 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 staff report from the planning department relating to an ordinance to annex all of Auditor’s Subdivision No. 51 the City of Grand Forks, ND, with a recommendation to hold a public hearing and give final approval of the ordinance amending the City Code.

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

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REFER CVIC GRANT REQUEST TO COMMITTEE OF THE WHOLE

Todd Feland, City Administrator, explained that this request is still be reviewed by staff and would request that City Council refer it to the next Committee of the Whole meeting for discussion.

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

APPROVE CHANGE IN OWNERSHIP OF CLASS 1
(GENERAL ON- AND/OR OFF-SALE) ALCOHOLIC
BEVERAGE LICENSE FOR E.C. GRILL, INC. DBA
EAGLES CREST GRILL

The staff report from the finance department relating to a request for approval of an ownership change for the Class 1 (General On- and/or Off- Sale) Alcoholic Beverage License and Class 7 (Golf Course) Alcoholic Beverage License from E.C. Grill, Inc., dba Eagles Crest Grill and Lincoln Golf Course, with a recommendation to review the request for ownership change and waiver of transfer fee.

It was moved by Council Member Sande and seconded by Council Member Vein that the ownership change for E.C. Grill, Inc. consisting of a transfer of 100% ownership in the corporation from Paul Waind to his son Jeffrey Waind and to approve a waiver of the transfer fee. Motion carried unanimously.

APPROVE 2019 ANNUAL REPORT,
SPECIAL EVENTS PROGRAM AND
AUTHORIZE CONTINUATION FOR 2020

The staff report from the community development department relating to Special Events Program Annual Report, with a recommendation to accept the Convention and Visitor's Bureau's 2019 report and reauthorize them to administer the 2020 Special Events Funds.

Julie Rygg, Executive Director, provided a summary of the report including number of events assisted and impact to the community from those events. Council Members expressed appreciation to the CVB for their work to administer this program. Council Member Weber asked where the other funds come from that are allocated in addition to the amount from the city. It was explained that those are CVB funds, which used to be used in for their special event granting program, but which are now added to the city funds with one joint program administered. Weber asked when the amount of city funding is adjusted, as it has been stable for some years. Maureen Storstad, Finance Director, explained that the allocation is reviewed yearly with the budget and was slightly adjusted this year based on sales tax projection.

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 2019 ANNUAL REPORT,
ARTS REGRAND PROGRAM

The staff report from the community development department relating to Arts Regrant Program Annual Report, with a recommendation to accept the Community Foundation's 2019 report and reauthorize them to administer 2020 Arts Regrant Program.

Becca Baumbach, Executive Director, Community Foundation of Grand Forks, East Grand Forks, and Region, gave a brief summary of the 2019 Arts Regrant Program which provided funding to 15 arts groups in the amount of \$115,905.76, as well as a timeline for 2020 program, should the City Council authorize them to administer the program for this year.

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

APPROVE APPOINTMENT TO BOARD OF HEALTH

The staff report from the health department relating to reappointment of Cynthia Pic to the Grand Forks Board of Health, representing Grand Forks County, with a recommendation to concur in the appointment of Ms. Pic to reappointment for a 5-year term expiring January 2025.

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 SAFETY ANSWERING POINT (PSAP)

The staff report from the PSAP/911 Director, relating to Grand Forks Public Safety Answering Point (PSAP/911) Budget Amendment, with a recommendation to approve the budget amendment totaling \$431,000 from Cash Carryover for Statewide Interoperable Radio Network console upgrade.

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

AWARD BID #2019-16, 2020 CHEMICAL REQUIREMENTS

The staff report from water works department relating to Bid #2019-16, 2020 Chemical Bids, with a recommendation to award the bid as designated on the bid tab.

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 PLANS AND SPECIFICATIONS FOR
PROJECT NO. 7951, TRAFFIC SIGNAL BACKPLATES
AND RED LIGHT CONFIRMATION INDICATOR LIGHTS

The staff report from the engineering department relating to plans and specifications for Project No. 7951, Traffic Signal Backplates and Red Light Confirmation Indicator Lights, with recommendation to approve the plans and specifications.

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 PROJECT NO. 8159,
DISTRICT NO. 744

The staff report from the engineering department relating to creating special assessment district for Project No. 8159, District No. 744, , Reconstruct 36th Ave S (700' east of S Columbia Rd to S Columbia Road), with a recommendation to approve the engineer's report, create the special assessment district, and direct engineering to prepare plans and specifications and advertise for bids.

Ed Liberman, Asst. City Engineer, gave a brief explanation of the project that is located just behind WalMart, that the paving is degraded due to the volume of truck traffic. With the reconstruction, the pavement will be upgraded to better withstand the traffic that it has.

Council Member Sande introduced a Resolution to create the special assessment district, which was presented and read.

The city auditor presented the engineer's report on Paving Project No. 8159, District No. 744.

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 recommendation be approved and the resolutions be adopted and the engineer's report approved, and that we declare intent to sell bonds to finance these improvements. Upon call for the question, the following voted "aye": Council Member Weigel, Dachtler, Weber, Mock, Marshall, Sande and Vein – 7; voting "nay": none. Mayor Brown declared the motion carried and the report and resolution adopted.

APPROVE COST PARTICIPATIO, CONSTRUCTION, AND
MAINTENANCE AGREEMENT WITH THE NDDOT
FOR PROJECT NO. 8028, MILL AND OVERLAY UNIVERSITY
AVENUE (N 3RD ST TO STATE STREET)

The staff report from the engineering department relating to a Cost Participation, Construction, and Maintenance Agreement with the NDDOT for Project No. 8028, Mill and Overlay University Avenue from N 3rd St to State Street, with a recommendation to approve the agreement with NDDOT.

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It was moved by Council Member Sande and seconded by Council Member Vein to approve the recommendation. Motion carried unanimously.

STREET CAPITAL MAINTENANCE UPDATE

The staff report from the engineering department relating to an update on 2019/2020 Street Projects, with a recommendation to receive the information.

Ed Liberman, Asst. City Engineer, gave an overview of the street projects completed in 2019 and a preview of the projects planned to be completed in 2020.

(No action needed. This item was for information only)

INTRODUCE CORRECTIVE ORDINANCE TO AMEND THE STREET AND HIGHWAY PLAN DEDICATING R/W ON THE PLAT OF SOUTHERN ESTATES TWELFTH ADDITION

The staff report from the planning department relating to a corrective ordinance to amend the Street and Highway Plan as it relates to Southern Estates Twelfth Addition, Correcting Ordinance No. 4713, with a recommendation to give preliminary approval of the ordinance and schedule 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.

Council Member Weigel introduced an ordinance entitled "A corrective ordinance to amend the Street and Highway Plan of the City of Grand Forks, North Dakota, to include the public rights-of-way shown as dedicated on the plat of Southern Estates Twelfth Addition to the City of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE CORRECTIVE ORDINANCE TO ANNEX LAND PLATTED AS SOUTHERN ESTATES

The staff report from the planning department relating to a corrective ordinance to annex lands platted as Southern Estates Twelfth Addition, correcting Ordinance No. 4715, with a recommendation to give preliminary approval of the ordinance 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.

Council Member Weigel introduced an ordinance entitled "A corrective ordinance to annex lands platted as Southern Estates Twelfth Addition as follows: that part of the west half of the southwest quarter of Section 21, Township 151 north, Range 50 west of the 5th Principal Meridian, described as follows: commencing at the northwest corner of said southwest quarter of Section 21; thence southerly along the west line of said southwest quarter having a platted bearing of south 00°02'15" west at a distance of 118.00 feet, thence north 89°32'13" east, a distance of 190.0 feet, to the point of beginning; thence south 0°02'15" west, along a line being 190.0 feet easterly of and parallel with the west line of said southwest quarter, a distance of 1691.2 feet, thence north 89°31'38" east, along a line being 140.0 feet northerly of

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and parallel with the platted north line of 45th avenue south, a distance of 290.0 feet, thence north 0°02'15" east, along a line being 140.0 feet westerly of and parallel with the platted west line of south 25th street, a distance of 1349.0 feet, to a point on the west line of Lot 1, Block 1, Southern Estates Seventh Addition, thence north 28°52'27" west, along said line, a distance of 60.7 feet, thence north 0°03'25" west, continuing along said west line of lot 1, block 1, southern estates seventh addition, a distance of 289.40 feet, to the northwest corner of said lot 1, block 1, thence south 89°32'13" west, along the south line of Lot 1, Block 1, Southern Estates First Addition, a distance of 260.14 feet, to the point of beginning. said described area being equal to 480,805.9 square feet or 11.0 acres more or less", which was presented, read and passed on its first reading.

APPROVE AGREEMENT WITH PASSPORT LABS FOR PARKING SOLUTION AND ASSOCIATED BUDGET AMENDMENT

The staff report from the planning department relating to Parking Solution for on-street and public off-street parking enforcement, with a recommendation to approve Passport Labs, including parking solution and any associated budget amendment.

Andrea Edwardson, Community Development, gave a brief presentation on the downtown parking study that was conducted. Feedback that has been received from users is that our current process is antiquated and hard to use. Currently we only accept payment for permits via cash and check, with payments having to be made at City Hall during regular office hours or sent in the mail. Having the ability to use credit cards for payment and to purchase online permits has been requested, but we our current process does not allow for that. Staff has researched how other cities handle parking enforcement and are recommending proceeding with an agreement with Passport to utilize their services. This is the same system used by UND so would be convenient and easy for students to use. Along with implementation of the Passport service, wayfinding signage improvements would be put in place. The system will eliminate the need to chalk tires, due to how it functions and tracks vehicles. Fargo also uses this company, although they go one step further and have a third party operate the passport system, rather than city departments.

It was discussed that with this system, enforcement will be more consistent, which leads to more compliance There is a CSO position already included in the 2020 budget which will have parking as part of their duties. The City Attorney was asked to research whether there could be graduated charges so that repeat offenders have a higher citation.

(Council Member Sande left the meeting at 6:45 p.m.)

The group discussed the benefits and detriments to going beyond just the parking management application and moving to outsourcing to a third party with the application. At this time staff recommended that keeping the management in house would be a better fit and implementing the Passport system would be sufficient to address needs for users. It would also allow staff to better determine needs as we move forward, and further that the Police Department has a good reputation of working with users and would like to continue that relationship. The goal is to have the system operational before the start of school in the fall.

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

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APPROVE BILL LISTING AND ENGINEERS ESTIMATES

Vendor Payment Listing 20-01, dated January 6, 2020 totaling \$3,242,411.17, and engineers estimate dated December 31, 2019 totaling \$3,916,470.36 were presented and read.

It was moved by Council Member Weber and seconded by Council Member Weigel that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted “aye”: Council Members Weigel, Dachtler, Weber, Mock, Marshall, Vein – 6; voting “nay”: none. Mayor Brown declared the motion carried and the bills ordered paid.

APPROVE MINUTES – OCTOBER 7 & 21, NOVEMBER
4 AND 18, AND DECEMBER 2, 2019

Typewritten copies of the minutes from the city council meeting held on October 7 and 21, November 4 and 18, and December 2, 2019 were presented and read. It was moved by Council Member Dachtler and seconded by Council Member Vein that this recommendation be approved. Motion carried unanimously.

MAYOR AND COUNCIL MEMBER COMMENTS

Council Member Weber commented regarding the number of minutes approved this evening.

Council Member Marshall expressed appreciation for the update on street projects.

Council Member Vein thanked the street department for their work on snow removal and maintenance on the streets.

ADJOURN

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

Respectfully submitted,

Maureen Storstad
City Auditor

Approved:

Michael R. Brown, Mayor

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