

The Committee of the Whole met on Monday, April 13, 2020. President Sande called the meeting to order. Present at roll call: Mock, Marshall, Vein, Weber, Weigel, Dachtler. Absent: none

DISCUSSION

2020 CDBG Funding Update

Staff presented an update to committee members on the staff recommendation to review the 2020 CDBG, CARES, and Community Services Grant Program funding recommendation; review the draft Con Plan, CPP, and AI; approve any necessary budget amendments; and table the April 20 public hearing and final action pending procedural guidance from HUD. On April 2, the City was informed that CARES Act supplemental CDBG funding of \$268,054 will be awarded to Grand Forks to address COVID-19 needs. HUD has waived the 15% cap on public service/operating funds and is revising requirements regarding public input and deadlines; the LMI benefit requirement has not been waived. Since significant sales tax revenue shortfalls are expected, staff proposes using the CARES CDBG funds to replace Community Service Grants (Fund 2163). The balance would then be allocated across 2020 operating fund applicants since we had just completed a comprehensive competitive application process. The staff has contacted all 2020 applicants and given them the opportunity to revise their requests in light of COVID-19. Revised funding recommendations will be submitted to the Community Advisory Committee prior to presentation to the City Council. The proposed 2020 budget (page 3) has been revised to include CARES funds. When final guidance has been received from HUD, the public hearing to take final action will be rescheduled.

Motion by Marshall, second by Weigel to table indefinitely referring to City Council for approval. Motion carried unanimously.

Ordinance for Small Cell Wireless Facilities and Wireless Support Structures in the Public Right-of-Way

Staff presented to committee members the recommendation for preliminary and final approval of the Ordinance relating to Small Cell Wireless Facilities and Wireless Support Structures in the Public Right-of-Way. In September 2018, the Federal Communications Commission (FCC) adopted an order in its ongoing proceedings to streamline infrastructure rollout for broadband services. This order was effective on January 14, 2019. This included small cells for 4G and 5G services. The proposed Ordinance provides the framework for cell phone carriers to attach small cell equipment to our existing infrastructure. This concept was previously discussed as an informational item at the February 10, 2020, Committee of the Whole meeting.

Motion by Weigel, second by Dachtler to refer to City Council with a recommendation to approve. Motion carried unanimously.

Revised Engineers Report for Project No. 8211, District No. 578 - Stormwater Pond for Edgewood Village 2nd Resubdivision

Staff presented to committee members the staff recommendation to approve the revised Engineer's report for City Project No. 8211, District 578 – Stormwater Pond for Edgewood Village 2nd Resubdivision. City Project No. 8211 consists of constructing a regional stormwater pond in a parcel northeast of the intersection at 44th Avenue South and S 19th St. to serve the Edgewood Village 2nd Resubdivision development and surrounding properties. This project was initiated at the request of the property developer, Miskagisi Property A, LLC., along with companion project to install a water main, storm sewer, and paving/street lights to serve the Edgewood Village development.

On March 16, 2020 City Council approved the Engineer's report for project 8211 and directed that plans and specifications be developed. During the ensuing design work, it was deemed appropriate to realign material and

labor costs for pond inlet and outlet structures with the pond costs, rather than with Edgewood Village storm sewer installation (City Project No. 8210, District 577 – Storm Sewer for S 19th St., 40th-44th Ave South). This resulted in a revised construction cost estimate for project 8211 of \$370,100. This adjustment represents a 31% change from the approved Engineer's report, therefore a revised report is included and recommended for approval.

Additionally, at the request of the property developer, Engineering staff reviewed the recommended city cost share for this regional stormwater pond. Per city policy, the City's participation level for regional stormwater ponds is determined by the drainage area served by the pond. The pond to be constructed under project 8211 will serve approximately 36 acres of the Edgewood Village 2nd Resubdivision development and neighboring property outside the development. By policy, this corresponds to a maximum 10% City contribution, which the Council approved on March 16, 2020, as part of the Engineer's Report. However, since this pond is hydraulically connected to an adjacent stormwater pond serving the drainage area for Edgewood Village 1st Resubdivision, we recommend viewing Edgewood Village (1st and 2nd Resubdivision) as a single development for purposes of applying stormwater policy. In this case, the combined drainage area served by both ponds is 71 acres, which corresponds to a City maximum cost share of 15%. It is also worth noting that the pond infrastructure for Edgewood Village 1st Resubdivision was funded 100% by the developer and that the pond to be constructed under project 8211 will serve a broader area than just Edgewood Village. Therefore, the Engineering staff recommends applying the 15% maximum City cost share as allowed under current policy. This recommendation is reflected in the revised Engineer's Report.

Motion by Vein, second by Marshall to refer to City Council with a recommendation to approve. Motion carried unanimously.

**Plans & Specifications for Project Nos. 8209/10/11/12, District Nos. 349/577/578/750,
Watermain/Storm Sewer for S. 19th St (40th-44th Ave S)/Stormwater Pond for Edgewood 2nd
Resubdivision/Paving for S 19th St. (40th-44th Ave. South)**

Staff presented to committee members the staff recommendation to approve plans and specifications for City Project No. 8209, District 439 – Watermain for S 19th St (40th-44th Ave South) Project No. 8210, District 577 – Storm Sewer for S. 19th St (40th-44th Ave South); Project No 8211, District 578 – Stormwater Pond for Edgewood Village 2nd Resubdivision; and Project No 8212, District No. 750 – Paving and Street Lights for S. 19th St (40th-44th Ave South) and 44th Ave South (S. 19th St to S. 17th St). City project numbers 8209, 8210, 8211, and 8212 consist of installing a watermain, storm sewer, stormwater pond, and paving and street lights to serve properties at the Edgewood Village 2nd Resubdivision development. Watermain and storm sewer will be installed along S 19th St from 40th -44th Avenue South. Paving and street lights will be constructed at the same location, along with the section of 44th Avenue South from S. 19th St. to S. 17th St. A regional stormwater pond will be constructed in a parcel northeast of the intersection at 44th Avenue South and S. 19th St.

These projects were initiated at the request of the property developer, Miskagisi Property A, LLC. All costs for these projects will be specially assessed to the benefitting properties with the exception of a maximum 15% city share of the regional pond construction. Per City Policy, the City's participation level for regional stormwater ponds is determined by the drainage area of the pond. The proposed pond would serve approximately 71 acres of the Edgewood Village 1st and 2nd Resubdivision developments, which corresponds to a maximum 15% City contribution. The City share will be paid for out of Stormwater Fund 5400. Paving and street lighting projects can be protested per State law.

Motion by Weber, second by Vein to refer to City Council with a recommendation to approve. Motion carried unanimously.

Plans & Specifications for Project No. 8213, Paving S 17th St. (44-47th Ave. South)

Staff presented to committee members the staff recommendation to approve plans and specifications for City Project No. 8213 – Paving S. 17th Street for Edgewood Village First Resubdivision. This project is for the installation of pavement and street lighting located on S. 17th Street, from 44th Avenue S. to 7th Avenue S., in Edgewood Village First Resubdivision. The project site is generally located on the north side of 47th Ave S and west of the south end Drainway. Miskagisi Property A, LLC has requested the paving be constructed with private funds under an agreement with the City. A three-way agreement between the City, the developer, and a private engineer (CPS) was subsequently executed. Under the agreement, the developer will hire an engineer and a contractor and pay them directly. There is no City cost share of the special assessed portion of this project. Any work completed by City Engineering Department staff will be invoiced to the developer. At the time this staff report was written, CPS had submitted a set of project plans and specifications for City review. Engineering staff provided comments for revision, and in general, determined the plans and specifications to be acceptable.

Motion by Vein, second by Marshall to refer to City Council with a recommendation to approve. Motion carried unanimously.

Reimbursement Rates for City Engineering Services

Staff presented to committee members the staff recommendation to approve revised reimbursement rates for City of Grand Forks Engineering Department services provided to private developers. The City of Grand Forks enters into agreements with private developers for the design and construction of pavements, sanitary sewer, water main, and storm sewer that occur in the City right-of-way. These agreements benefit the City by enabling the engineering Department to provide close oversight of plans, specifications, and construction, thereby safeguarding public interests. In return for Engineering Department services provided, the developer pays the City for expenses incurred at agreed-upon rates.

Motion by Vein, second by Weber to refer to City Council with a recommendation to approve. Motion carried unanimously.

ADJOURNMENT

Motion by Weigel, second by Dachtler to adjourn the meeting at 7:18 p.m. Unanimous approval.

Respectfully submitted,
Brittany A Salwey
Administrative Specialist, Senior