

**THE CITY COUNCIL  
GRAND FORKS, NORTH DAKOTA  
6, 1997**

**PROCEEDINGS OF  
OF THE CITY OF  
Monday, January**

The city council of the city of Grand Forks, North Dakota met in its regular session in the council chambers in City Hall on Monday, January 6, 1997 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; absent: Council Member Glassheim - 1.

Mayor Owens announced that anyone wishing to speak to any item may do so by being recognized prior to a vote being taken on the matter.

Mayor Owens welcomed Gene Levitt and Troop 16 of United Lutheran Church who were present at the council meeting.

Officer Don Beck, police department, reported that their pistol range has been closed down because it does not meet OSHA standards, that they have made arrangements with the Border Patrol to use their firearms training system (FATS) at the police department's range, and invited council members to come in and to try the FATS training device.

**APPROVE MINUTES DECEMBER 2, 1996**

Typewritten copies of the minutes of the regular meeting of the city council held on December 2, 1996 were presented and read. It was moved by Council Member Hafner and seconded by Council Member Ellingson that these minutes be approved as read. Carried 13 votes affirmative.

**ADOPT ORDINANCE NO. 3628, RELATING TO VARIOUS  
FEES, CHARGES AND RATES**

An ordinance entitled "An ordinance amending Sections 13-0408, 13-0502, 15-0117.1, 15-0301, and 15-0304 of the Grand Forks City Code relating to various fees, charges and rates", which had been introduced and passed on its first reading on December 16, 1996, was presented and read for consideration on second reading and final passage.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the ordinance adopted.

**ADOPT RESOLUTION VACATING PORTION OF  
UTILITY EASEMENT WITHIN VACATED ASH STREET  
(AS PLATTED IN THE REPLATTING OF LINDSAY'S  
ADDITION)**

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate a portion of the perpetual dike easement located within vacated Ash Street as platted in the Replatting of Lindsay's Addition, and more specifically described as

being the westerly 14 feet of the easterly 31.5 feet of said vacated Ash Street, the required legal notice had been published calling for a public hearing to be held this evening and further that no protests or grievances had been filed with his office.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were no comments and the public hearing was closed.

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It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest on the request for vacation. Carried 13 votes affirmative.

Council Member Hanson introduced the following resolution which was presented and read: Document No. 7174 - Resolution.

It was moved by Council Member Hanson and seconded by Council Member Sande that this resolution be and is hereby adopted. Carried 13 votes affirmative.

#### APPROVE BILLS

Vendor Payment No. 96-23, dated January 6, 1997, and totaling \$396,194.29, all having been audited by the city auditor for payment in accordance with Regulation No. 2, was presented and read.

It was moved by Council Member Carpenter and seconded by Council Member Hanson 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 Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

#### AUTHORIZE CONTRIBUTION FOR AIR CARGO STUDY

Committee No. 1, Finance, reported having considered the matter of Air Cargo Study contribution, and recommended to authorize the \$15,000 contribution.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

#### APPROVE APPLICATIONS FOR EXEMPTION OF IMPROVEMENTS TO PROPERTIES

Committee No. 1, Finance, reported having considered the application for exemption of improvements for the following property: 311 Kittson Avenue, Ramesh Sharma, and recommended to approve a three-year exemption on the improvements.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Committee No. 1, Finance, reported having considered the application for exemption of improvements for the following property: 1416 8th Avenue North, Wayne Feltman, and recommended to approve the application and grant a three-year exemption on the improvements.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 13 votes affirmative.

INTRODUCE ORDINANCE TO AMEND BY-LAWS OF  
GREATER GRAND FORKS CONVENTION & VISITORS'  
BUREAU

Committee No. 1, Finance, reported having considered the matter of amendment of Greater Grand Forks Convention & Visitors' Bureau by-laws, and recommended

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that we adopt the changes to the by-laws and introduce the ordinance for first reading.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Carpenter introduced an ordinance entitled "An ordinance

which was presented, read and passed on first reading.

INTRODUCE ORDINANCE AUTHORIZING ISSUANCE OF  
REVENUE BONDS PAYABLE FROM SALES TAX PROCEEDS  
TO FINANCE THE COSTS OF AN EVENTS CENTER AND  
ESTABLISHING PROCEDURES THEREFOR

Committee No. 1, Finance, reported having considered proposed ordinance authorizing issuance of revenue bonds payable from sales tax proceeds to finance the costs of an events center and establishing procedures therefor, and recommended to introduce ordinance for first reading.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Carpenter introduced an ordinance entitled "An ordinance authorizing the issuance of revenue bonds payable from sales tax proceeds to finance costs of an events center and establishing procedures therefor", which was presented, read and passed on first reading.

CONSIDER MATTER OF BIDS FOR MONEY MANAGER

FOR DEFINED CONTRIBUTION PLAN, AND DETERMINE  
NOT TO OPEN ANY BIDS RECEIVED LATE OR NOT  
PROPERLY LABELED OR SEALED

Committee No. 1, Finance, reported having considered the matter of bids for money manager for Defined Contribution Plan, and recommended that none of the bids received late or not property labeled or sealed be opened.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be approved. (It was noted that the recommendation came to council with a 2-2 split vote; and also noted that three bids were opened.)

After some discussion it was moved by Council Member Hamerlik and seconded by Council Member Hanson to waive the irregularities in the bid and open the bid submitted by Edward Jones due to minor irregularity.

It was then moved by Council Members Carpenter and Bakken to waive irregularities in bids for the other three bidders. Upon roll call the following voted "aye": Council Members Hanson, Carpenter, Sande, Bakken, Hafner, Hagness - 6; voting "nay": Council Members Beach, Polovitz, Ellingson, Hamerlik, Klave, Beyer, Babinchak, Hafner - 7. Mayor Owens declared the amendment defeated.

Upon call for the question on the amendment to the motion (to waive irregularities and open the bid of Edward Jones) and upon roll call vote, the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Bakken, Hafner, Hagness - 6; voting "nay": Council Members Beach, Polovitz, Carpenter, Sande, Klave, Beyer, Babinchak - 7. Mayor Owens declared the amendment defeated.

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Upon call for the question on the original motion and upon voice vote, the motion carried 12 votes affirmative; Council Member Bakken voted against the motion.

AUTHORIZE POSTING 40 MPH SPEED LIMIT ON  
PORTION OF 47TH AVENUE SOUTH

Committee No. 2, Public Safety, reported having considered the matter of posting 47th Avenue South between South Columbia Road and South Washington Street at 40 mph on new asphalt roadway near Ulland Park, and recommended to approve signing of 47th Avenue South at 40 mph.

It was moved by Council Member Ellingson and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 13 votes affirmative.

DENY REQUEST FOR PARTIAL REIMBURSEMENT OF  
COST TO TERMINATE SEWER/WATER SERVICE AT  
1211 NORTH 5TH STREET

Committee No. 3, Public Service, reported having considered the request from Harold Rosenberg, 1211 North 5th Street, for partial reimbursement of cost to terminate sewer/water service, and recommended to deny the request.

It was moved by Council Member Hagness and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

REFER REQUEST FROM RED RIVER REGIONAL COUNCIL  
(DISTRICT IV SOLID WASTE MANAGEMENT BOARD) FOR  
CONTINUATION OF CONTRACT FOR SERVICES FOR 1997  
BACK TO COMMITTEE

Committee No. 3, Public Service, reported having considered the matter of request from Red River Regional Council for continuation of contract for services for 1997, and recommended to authorize funding for 1997, \$30,000 for contractual services and \$30,000 for projects with funding from the sanitation department budget.

It was moved by Council Member Hagness and seconded by Council Member Klave that this recommendation be and is hereby approved.

Council Members Klave and Beyer asked that this matter go back to committee for further consideration, and the matter was referred back to committee.

RECEIVE CONCEPT REPORT, STREET RECONSTRUCTION  
PROJECT NO. 4467, AND AUTHORIZE FORWARDING REPORT  
TO STATE DEPARTMENT OF TRANSPORTATION

Committee No. 3, Public Service, reported having considered the matter of project concept report, Street Reconstruction Project No. 4467, 42nd Street from University Avenue to 32nd Avenue South, and recommended to receive the report and to authorize mayor to forward to the Department of Transportation.

It was moved by Council Member Hagness and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

INSTRUCT STREET DEPARTMENT TO LOOK AT  
CLEANING INTERSECTIONS AND WIDEN STREETS IN  
MOST ECONOMICAL WAY POSSIBLE

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Committee No. 3, Public Service, reported having considered the matter of snow removal, and recommended to instruct street department to look at cleaning up intersections and widen streets in most economical way possible.

It was moved by Council Member Hagness and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

REFER MATTER OF BIDS FOR PAYLOADER BACK TO  
COMMITTEE

Committee No. 3, Public Service, reported having considered the bids for payloader for sanitation department, and recommended acceptance of the bid of RDO Equipment, Grand Forks (second low bid), for John Deere payloader in the amount of \$131,700 because of local service and overall benefit to the City.

It was moved by Council Member Hagness and seconded by Council Member Klave that this recommendation be and is hereby approved.

Council Member Hagness reported that there is \$2100 difference between low and second low bids, and that committee's recommendation was to award bid to second low bidder because of expense City would incur in transportation costs if bid of Krider Equipment of Fargo was accepted.

Harry Anderson, Krider Equipment, Fargo, stated they were low bidder by approximately \$2100.00, that concerns arose re. service of equipment, parts, warranty, etc. He stated they are oldest independent dealer in the area and have number of customers in Grand Forks. He reviewed parts and service availability, standard warranty, etc.

After further discussion it was moved by Council Member Beyer and seconded by Council Member Hagness to refer this matter back to committee for further consideration. Carried 13 votes affirmative.

Council Member Hagness cautioned bidders not to order equipment before receiving final approval from the full council.

#### APPROVE APPOINTMENT TO MAYOR'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

Mayor Owens announced the appointment of Richard Daucsavage to the Mayor's Committee on Employment of People with Disabilities for a three-year term, and asked for concurrence in this appointment. It was moved by Council Member Beyer and seconded by Council Member Ellingson that this appointment be and is hereby approved. Carried 13 votes affirmative.

#### APPROVE APPOINTMENT TO MECHANICAL BOARD

Mayor Owens announced the appointment of Gene Lill to the City Mechanical Board for a three-year term expiring December 31, 1999, and asked for concurrence in this appointment. It was moved by Council Member Hamerlik and seconded by Council Member Hanson that this appointment be and is hereby approved. Carried 13 votes affirmative.

#### APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 292, dated January 6, 1997, and totaling 472,710.13, was presented and read.

It was moved by Council Member Beyer and seconded by Council Member Sande that these estimates be and are hereby approved and that the city auditor be and is 14762  
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hereby authorized to issue warrants in payment of the same. Upon call for the question and upon roll call vote, the following voted "aye": Council

Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

#### APPROVE CERTIFICATES OF COMPLETION

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Storm Sewer Repair Project No. 4185, Gateway Drive outfall and 8th Avenue North outfall; Storm Sewer Repair Project No. 4185.6, Area 6; Storm Sewer Repair Project No. 4185.7, Area 7; Paving Project No. 4341, District No. 535; and Project No. 4427, 1996 concrete street repairs.

It was moved by Council Member Hanson and seconded by Council Member Beyer that these recommendations be and are hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

#### REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to the council and/or referred to committee for consideration.

- 1) Mr. Swanson, city attorney, reported that the State Legislature convened today, that the City's legislative committee needs to become more active, particularly in reviewing bills, hearing schedules and approving testimony to be provided or taking any positions for the City on any particular bill; and decide whether City going to seek the introduction of any legislation. He stated that the committee will meet at the call of the mayor, and that he and Mr. Schmisek will be in charge of distributing calendars and monitoring bill drafts.
- 2) Council Member Beyer brought to the attention of the public works department, the matter of pushing snow at 46th Avenue South farther into field so doesn't fill in corner.

#### ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Ellingson that we do now adjourn until Tuesday, January 21, 1997 at 7:30 o'clock p.m. Carried 13 votes affirmative.

Respectfully submitted,

Saroj Jerath  
Deputy City Auditor

Approved:

Patricia A. Owens, Mayor