

THE CITY COUNCIL

GRAND FORKS, NORTH DAKOTA

17, 1997

PROCEEDINGS OF

OF THE CITY OF

Monday, March

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Monday, March 17, 1997 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; absent: Council Members Beach, Ellingson, Glassheim - 3.

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.

REPORT RE. FLOOD VOLUNTEERS

Tom Mulhern, United Way, stated that the United Way Volunteer Center has been asked to be the overall coordinator for volunteer efforts for the flood fight, that they are gathering volunteers and when the Emergency Operations Center goes into full operation, which happens when the river reaches 37 ft., they will be opening a volunteer reception center at the civic auditorium where all volunteers will come to be bused to filling facility or to sites where needed, and that they are trying to concentrate the effort on volunteers and have at one site. He stated that as part of this reception center they need volunteers to help do paperwork and move volunteers to where needed, that tonight he is asking members of the city council to volunteer some time to help staff the volunteer reception center. He stated that he thought it would be a good thing for people to see the city council members working as part of the flood fighting operations, that they are going to need a lot of people to fight the flood this year, and thinks city council could be visible support for the people by working at the reception center, and anyone interested can call him at the United Way Office. He stated they will not open until the Emergency Operations Center goes into full operation, and that they will appreciate any help council can give them.

**ADOPT ORDINANCE NO. 3635, RELATING TO LAND
DEVELOPMENT CODE OF 1987, AMENDING ADMINISTRATIVE
FEE SCHEDULE FOR DEVELOPMENT REQUESTS**

An ordinance entitled "An ordinance relating to Chapter XVIII of the Grand Forks City Land Development Code of 1987, as amended; Article II. Violation, Penalties and Fees; Section 18-1103. Fees; amending the administrative fee schedule for development requests", which had been introduced and passed on its first reading on February 18, 1997, 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 to be held on this matter this evening and further that to date no protests or grievances had been filed with his office.

Mayor Owens called for the public hearing; there were no comments and the hearing was closed.

The city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from the Planning Department for final approval of an ordinance to amend the text of the Land Development Code; Article II, Violations, Penalties and Fees; Section 18-1103 Fees, and the increase thereof, and recommended final approval and passage of the ordinance, as amended, to reduce the fee for "appeal filed with Planning and Zoning Commission" from \$150.00 to \$50.00. The recommendation

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had been moved and seconded by Council Members Polovitz and Hagness.

It was moved by Council Member Polovitz and seconded by Council Member Hagness that the ordinance be amended to reduce the fee for appeal filed with Planning and Zoning Commission from \$150.00 to \$50.00. Carried 11 votes affirmative.

Upon call for the question of adoption of this ordinance, as amended, and upon roll call vote, the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3636, AMENDING STREET
AND HIGHWAY PLAN TO INCLUDE PUBLIC R/W
SHOWN AS DEDICATED ON THE PLAT OF LONGVIEW ADDITION

An ordinance entitled "An 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 Longview Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on February 18, 1997, 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 to be held on this matter this evening and further that to date no protests or grievances had been filed with his office.

Mayor Owens called for the public hearing. There were no comments and the public hearing was closed.

The city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from CPS, Ltd. on behalf of Longview Fibre Company for final approval of the plat of Longview Addition to the city of Grand Forks, North Dakota lying within a portion of the West One-half of the Southwest Quarter of Section 18, T151N, R50W, of the 5th Principal Meridian (located at 5400 32nd Avenue South), and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Street and Highway Plan. The recommendation had

been moved and seconded by Council Members Polovitz and Hagness.

Upon call for the question of adoption of this ordinance and upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3637, AMENDING ZONING MAP
TO INCLUDE WITHIN LONGVIEW PUD DISTRICT, CONCEPT
DEVELOPMENT PLAN, ALL OF LONGVIEW ADDITION

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-2 (Agricultural Reserve) District and to include within Longview PUD (Planned Unit Development) District, Concept Development Plan, all of Longview Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on February 18, 1997, 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 to be held on this matter this evening and

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further that to date no protests or grievances had been filed with his office.

Mayor Owens called for the public hearing. There were no comments and the public hearing was closed.

The city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from CPS, Ltd on behalf of Longview Fibre Company for final approval of an ordinance to amend the Zoning Map to exclude from the A-2 (Agricultural Reserve) District and to include within Longview PUD (Planned Unit Development) District, Concept Development Plan, all of Longview Addition to the city of Grand Forks, ND (located at 5400 32nd Avenue South), and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the zoning map. The recommendation had been moved and seconded by Council Members Hagness and Polovitz.

Upon call for the question of adoption of this ordinance, and upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the ordinance adopted.

DETERMINE INSUFFICIENCY OF PROTEST ON
PAVING DISTRICT NO. 548, PROJECT NO. 4537

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 548, Project No. 4537, paving in 3700 block of 15th Avenue South, had

expired on March 13, 1997, and that he had received no written protests.

Mayor Owens called for the audience to see if there was anyone present who had comments to make on this matter. There were no comments.

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7262- Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Paving District No. 548, Project No. 4537, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 11 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, PAVING PROJECT NO.
4537, DISTRICT NO. 548

The city auditor presented and read tabulation of bids which had been received and opened on Monday, March 10, 1997 for Paving Project No. 4537, District No. 548, paving in 3700 block of 15th Avenue South, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$35,673.00: Document No. 7263 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4537, District No. 548, in the amount of \$45,500.00, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of consideration of bids for Project No. 4537, District No. 548, paving 15th Avenue South, 3700 block, and recommended that we accept the low bid of Valley Contracting Company in the amount of \$35,673.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

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Council Member Beyer introduced the following resolution which was presented and read: Document No. 7264 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that the resolution awarding the contract for Paving Project No. 4537, District No. 548, to Valley Contracting Company, be and is hereby adopted. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

REPORTS OF OFFICERS

The city auditor's statement of investment activity for the period ending February 28, 1997, was presented and read. It was moved by Council Member Hanson and seconded by Council Member Hagness that this report be and is hereby received and filed. Carried 11 votes affirmative.

The city auditor's statement of changes in cash balances as of February

28, 1997, was presented and read. It was moved by Council Member Hafner and seconded by Council Member Hagness that this report be and is hereby received and filed. Carried 11 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 97-04, dated March 17, 1997 and totaling \$1,400,771.69, 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 Beyer and seconded by Council Member Sande 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 Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

APPROVE APPLICATIONS FOR ABATEMENT AND SETTLEMENT OF 1994, 1995 AND 1996 TAXES ON SOUTH FORKS MALL PROPERTIES, INC.

Committee No. 1, Finance, reported having considered the applications for abatement and settlement of taxes on South Forks Mall properties, Inc., 1700 block of South Washington Street, for years 1994, 1995 and 1996, and recommended to adopt assessor's recommendation as presented: 1994, \$7,251,700; 1995, \$6,585,600; and 1996, \$5,734,300.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved, and that we adopt the findings, conclusions and recommendations as prepared by the city attorney. Carried 11 votes affirmative.

EXTEND BOARD OF EQUALIZATION HEARING DATE

Committee No. 1, Finance, reported having considered the matter of extending the Board of Equalization hearing dates, and recommended to extend the Board of Equalization meeting from April 8 to May 5 at 7:00 p.m.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 11 votes affirmative.

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INTRODUCE ORDINANCE RELATING TO ANNUAL FEE FOR DIRECT OR AUTOMATIC CONNECTIONS TO PSAP

Committee No. 2, Public Safety, reported having considered the matter of request from fire department to amend City Code re. fire alarm connections, and recommended amendment of the City Code, Section 12-0602, to delete the graduated fee schedule for connection permit and to establish a single \$25.00 fee for direct or automatic connections to PSAP (Public Safety Answering Point), and to introduce the ordinance for first

reading.

It was moved by Council Member Sande and seconded by Council Member Hagness that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance amending Section 12-0602 of the Grand Forks City Code relating to annual fee for direct or automatic connections to PSAP", which was presented, read and passed on its first reading.

APPROVE TRANSFER OF ALCOHOLIC BEVERAGE LICENSE
FROM CHI CHI'S TO MANZANA GRANDE, INC. DBA RIO
BRAVO

Committee No. 2, Public Safety, reported having considered the application for transfer of Class 4 alcoholic beverage license from Chi Chi's to Manzana Grande, Inc. dba Rio Bravo, and recommended to approve the transfer of the Chi Chi's liquor license to Manzana Grande, Inc. dba Rio Bravo, subject to final payment of all fees and review and approval by the police, health, fire and inspection departments.

It was moved by Council Member Sande and seconded by Council Member Hagness that this recommendation be and is hereby approved. Carried 11 votes affirmative.

INTRODUCE ORDINANCE RELATING TO THE TRAFFIC
SIGNAL PREEMPTION SYSTEM

Committee No. 2, Public Safety, reported having considered the matter of proposed ordinance relating to traffic signal preemption system, and recommended approval of the proposed ordinance and to introduce for first reading.

It was moved by Council Member Sande and seconded by Council Member Hagness that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance adopting Article 16, Chapter VIII of the Grand Forks City Code relating to the traffic signal preemption system", which was presented, read and passed on its first reading.

Council Member Sande reported that she had observed a United Hospital ambulance accessing the system, and that accessing the system requires approval by the council upon adoption of this ordinance. She asked that communication be sent to United Hospital informing them of this.

DECLARE FUEL OIL AND TANK AT WATER
RECLAMATION PLANT AS SURPLUS

Committee No. 3, Public Service, reported having considered the matter of declaring used fuel oil in underground tank behind W.R.S. (water reclamation

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system) as surplus and look for potential buyer, and recommended to declare the fuel oil and underground tank as surplus and to offer for sale.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ACCEPT BID FOR EQUIPMENT FOR WATER TREATMENT PLANT

Committee No. 3, Public Service, reported having considered the matter of consideration of bids for ion chromatography equipment for water treatment plant, and recommended to accept the bid of Dionex Corporation in the amount of \$35,395.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT OFFER OF FEED-RITE CONTROLS, INC.
TO PURCHASE SURPLUS PROPERTY

Committee No. 3, Public Service, reported having considered the matter of resale of potassium permanganate, and recommended to accept the offer of Feed-Rite Controls, Inc. in the amount of \$0.90/lb. for 97 - 330.75 lb. drums free flow potassium permanganate, for total purchase price of \$28,874.48.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT NO. 4591, REHAB. LIFT STATION NO. 29

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4591, Rehab Lift Station No. 29, and recommended to approve plans and specifications, and to authorize city auditor to call for bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE CHANGE ORDER, PROJECT NO. 4199, REHAB LIFT STATION NO. 22

Committee No. 3, Public Service, reported having considered the matter of Change Order No. 2 for Project No. 4199, Rehab. Lift Station No. 22, replace suction piping, and recommended to approve the change order in the amount of \$4,742.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BID FOR PROJECT NO. 4575, 1997 ADA
CURB RAMPS

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Committee No. 3, Public Service, reported having considered the bids for Project No. 4575, 1997 ADA curb ramps, and recommended that we accept the low bid of Kalenze Construction in the amount of \$49,800.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BID FOR PROJECT NO. 4576, WATERMAIN
REPLACEMENT, PHASE I

Committee No. 3, Public Service, reported having considered the bids for Project No. 4576, watermain replacement, Phase I, and recommended to accept the low bid of Soberaski, Inc. in the amount of \$371,814.75.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION APPROVING PLANS AND
SPECIFICATIONS AND ADVERTISEMENT FOR BIDS,
PAVING PROJECT NO. 4557, DISTRICT NO. 551

The city engineer's estimate of total cost of the construction of paving in Rivers Edge in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Paving Project No. 4557, District No. 551, paving in Rivers Edge, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7265 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave

that this resolution be and is hereby adopted. Carried 11 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, SEWER PROJECT NO. 4625, DISTRICT NO. 385

The city engineer's estimate of total cost of the construction of sanitary sewer to serve Longview Fibre property in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Sewer Project No. 4625, District No. 385, Longview sanitary sewer, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

It was moved by Council member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

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Council Member Beyer introduced the following resolution which was presented and read: Document No. 7266 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 11 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, WATERMAIN PROJECT NO. 4626, DISTRICT NO. 254

The city engineer's estimate of total cost of the construction of watermain to serve Longview Fibre property in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Watermain project No. 4626, District No. 254, Longview watermain, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7267 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 11 votes affirmative.

AUTHORIZE ENTERING INTO AGREEMENT FOR ENGINEERING SERVICES FOR STORM SEWER DESIGN

ON SOUTH 42ND STREET

Committee No. 3, Public Service, reported having considered the matter of engineering services for storm sewer design on South 42nd Street from DeMers Avenue to 17th Avenue South, and recommended that we authorize entering into an agreement with CPS, Ltd. for engineering services, including design, staking, and construction phase, on an hourly basis not to exceed \$71,284.00, including reimbursable expenses, contingent upon engineer's and city attorney's approval.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE ENTERING INTO AGREEMENT FOR
ENGINEERING SERVICES FOR DESIGN OF STORM
SEWER SYSTEM ON SOUTH WASHINGTON STREET

Committee No. 3, Public Service, reported having considered the matter of proposal for engineering services for South Washington Street storm sewer system, and recommended to authorize entering into an agreement with Houston Engineering, Inc., Fargo, for design of storm sewer for South Washington Street on an hourly basis not to exceed \$12,000.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none.

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Mayor Owens declared the motion carried.

CONCUR IN AWARD OF CONTRACT TO STRATA CORP.
FOR PROJECT NO. 4225, DISTRICT NO. 544, RE-
CONSTRUCTION OF SOUTH WASHINGTON STREET

Committee No. 3, Public Service, reported having considered the matter of Project No. 4225, South Washington Street reconstruction, selection of alternative bids, and recommended to approve alternate bids, with exception of median brick pattern and colored median, as follows: change asphalt to concrete for bikeway, \$49,764.00, subject to negotiation to stay with asphalt; change asphalt to concrete for service roads, \$450,454.00, subject to protest; HBP bid price, \$14,647.00; festoon circuit, \$7,357.00; and frontage road underdrain, \$3,911.00.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4225, South Washington Street reconstruction, re. concurrence in award of bids, and recommended that the public service committee be given power to act on the matter of concurrence in award of the bids.

It was moved by Council Member Beyer and seconded by Council Member Klave

that these recommendations be and are hereby approved.

Council Member Hagness reported that it has been brought to their attention that the State Highway Department is ready to award the bid for reconstruction of South Washington Street from Hammerling Avenue to 24th Avenue South, and for luminare relocation on DeMers Avenue from South 30th Street to South 34th Street, that the low bid was \$5,574,654.87, submitted by Strata Corp. of Grand Forks.

It was moved by Council Member Hagness and seconded by Council Member Hafner that we concur in the award of the bid to Strata Corporation in the amount of \$5,574,654.87, with City's share of \$770,850.00.

Ken Vein, city engineer, stated they were asking for award of the project as bid, and come back with change order items to the original contract for alternate bids (service road, bikeway, colored median, etc.)

It was moved by Council Member Hagness and seconded by Council Member Hafner that the alternate bids be referred back to the public service committee. Carried 11 votes affirmative.

Upon call for the question on the amendment to the motion, to concur in the award of the bids and upon voice vote, the motion carried 11 votes affirmative.

Upon call for the question on the motion, as amended, and upon roll call vote the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

TABLE RECOMMENDATIONS FROM COMMITTEES TO
APRIL 7, AND REFER REPORT FROM AFFORDABLE
HOUSING COMMITTEE TO PLANNING AND ZONING
COMMISSION

Committee No. 2, Public Safety, reported having considered the matter of Affordable Housing Plan, and recommended that the public safety committee supports the affordable housing concept but has concerns over safety aspects of the width of streets mentioned in the report.

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Committee No. 3, Public Service, reported having considered the matter of Affordable Housing Plan, and recommended to approve with changes as noted:

- 1) limit the initial number of districts to no more than 3;
- 2) limit the initial number of lots in each district to no more than 100;
- 2a) that when the total number of lots available falls below 150, a new district could be established;
- 3) reduce special assessment mark-up from current 27% down to 15%;
- 4) eliminate the 50% up-front money requirements;
- 5) lot widths not to exceed 60 feet;
- 6) lot depths a minimum of 120 feet;
- 7) reduce right of way widths to 70 feet;
- 8) add 5 ft. of easement on each side of right of way;
- 9) that the Park District consider reducing their park and open space requirements, with suggestion they reduce it from 8% to 5% - refer to

Planning and Zoning, the Park Dedication Committee and to the Park District;

- 10) protective covenants would require city council approval;
- 11) limit any one builder to no more than 50% of the lots in each district, with annual review to re-evaluate the 50% rate at a public hearing;
- 12) raise the 2-year tax exemption to \$75,000 - finance committee item.
- 13) financial institutions to establish a special funding mechanism to assist construction financing - financing committee item.
- 14) real-estate agencies limit fee to 5% for initial sale - financing committee item.

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

Council Member Carpenter reported that the finance committee held any recommendation until their next meeting as they wanted more information as to actual impact to the City; and that committee had concerns re. what is affordable housing, who determines district, etc.

Council Member Hamerlik suggested that council not act on this matter until they have all the recommendations.

It was noted that only part of the affordable housing committee's recommendation that Planning Commission would consider would be the 8% open park space.

There was some discussion relative to the location of affordable housing districts, other areas better suited than expensive land on the south end; that the affordable housing has to be marketable. There were also some questions raised as to time-frame for these recommendations.

Howard Swanson, city attorney, reported he has not reviewed the report from the committee so has no detailed information, but based upon discussion, he has identified at least three separate ordinances which would require amendment of the City Code and those amendments could not be acted upon until sometime in May.

There was some discussion as to current developments coming under this plan, and it was noted that developer could ask for variance to the subdivision regulations, but until entire negotiations in place, old rules would apply. There were some questions raised as to whether savings would be passed on to the home owner and how they could insure that they were.

After further discussion it was moved by Council Member Beyer and seconded by Council Member Klave to table recommendations from public safety and public service to April 7 and refer original document from Affordable Housing Committee to Planning and Zoning for their input and recommendation back to council on April 7. Carried 11 votes affirmative.

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OPEN 15-DAY PUBLIC COMMENT PERIOD FOR
GRANTEE PERFORMANCE REPORT

Committee No. 4, Urban Development, reported having considered the matter of opening 15-day public comment period for the Grantee Performance Report and recommended that we open public comment period as of March 14, 1997.

It was moved by Council Member Polovitz and seconded by Council Member Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ADOPT RESOLUTION TO ANNEX PORTIONS OF DANKS'
SECOND ADDITION, McENROE PROPERTY, BIRKHOLZ'
PROPERTY AND UNPLATTED PROPERTY IN AREA OF
SOUTH 42ND STREET

The Planning and Zoning Commission reported having considered the matter of resolution to annex to the city of Grand Forks, ND portions of Danks' Second Addition, McEnroe property and Birkholz property, and unplatted property located east and west of South 42nd Street from DeMers Avenue to 30th Avenue South, and recommended approval of the Resolution of Annexation and to set the date of the public hearing from April 21, 1997, to hear and determine the sufficiency of written protest.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced the following resolution of annexation, which was presented and read: Document No. 7268 - Resolution.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this resolution of annexation be and is hereby adopted and further that the 21st day of April, 1997 be set as date for public hearing for the purpose of hearing and determination of the sufficiency of any protest to the proposed annexation. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

APPROVE PRELIMINARY PLAT OF REPLAT OF
LOT 12, BLOCK 12, VALLEY PARK 2ND ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Sidney B. Bina for preliminary approval of the Replat of Lot 12, Block 12, Valley Park 2nd Addition to the city of Grand Forks, North Dakota (located east of South 20th Street on 23rd Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE PRELIMINARY PLAT OF REPLAT OF
LOT 2, BLOCK 1, COLUMBIA PARK 21ST ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Steve Adams on behalf of Art Greenberg, Jr. for preliminary approval of a Replat of Lot 2, Block 1, Columbia Park 21st

Addition, Grand Forks, ND (located southwest of the intersection of 32nd Avenue South and 14848 March 17, 1997

South 23rd Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE PRELIMINARY PLAT, AND INTRODUCE
ORDINANCE TO AMEND STREET AND HIGHWAY PLAN
TO INCLUDE PUBLIC R/W SHOWN AS DEDICATED
ON THE PLAT OF PRAIRIE VIEW FIRST ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Tim Crary for preliminary approval of the plat of Prairie View First Addition, lying in the NE Quarter of the SE Quarter of Section 27, T151N, R50W of the 5th Principal Meridian (located south of Adams Drive and along Belmont Road), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Map and to set the date of the public hearing for April 7, 1997.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An 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 Prairie View First Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

ADOPT RESOLUTION TO ANNEX ALL OF PRAIRIE
VIEW FIRST ADDITION, INCL. THE LECLERC FARM
HOME AND UNPLATTED/UNDEVELOPED PROPERTY ADJACENT
THERETO

The Planning and Zoning Commission reported having considered the matter of annexing all of Prairie View First Addition, including the LeClerc farm home and unplatted/undeveloped property adjacent thereto (located south of Adams Drive and along both sides of Belmont Road), and recommended approval of the Resolution of Annexation and to set the date of the public hearing for April 21, 1997, to hear and determine the sufficiency of written protest.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced the following resolution of annexation, which was presented and read: Document No. 7269 - Resolution.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this resolution of annexation be and is hereby adopted and further that the 7th day of April, 1997 be set as date for public hearing for the purpose of hearing and determination of the sufficiency of any protest to the proposed annexation. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

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INTRODUCE ORDINANCE TO AMEND ZONING MAP
TO INCLUDE WITHIN PRAIRIE VIEW FIRST PUD,
CONCEPT DEVELOPMENT PLAN, ALL OF BLOCKS
1 - 5, PRAIRIE VIEW FIRST ADDITION AND TO
INCLUDE WITHIN R-1 DISTRICT ALL OF BLOCK
6, PRAIRIE VIEW FIRST ADDITION

The Planning and Zoning Commission reported having considered the matter of request from CPS, Ltd. on behalf of Tim Crary, etal, for preliminary approval of an ordinance to amend the Zoning Map to exclude from the A-2 (Agricultural Reserve) District and to include within Prairie View First PUD (Planned Unit Development), Concept Development Plan, all of Blocks 1 through 5, Prairie View First Addition, Grand Forks, ND and to include within the R-1 (Single Family Residence) District all of Block 6, Prairie View First Addition, Grand Forks, ND (located south of Adams Drive along Belmont Road), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for April 7, 1997.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-2 (Agricultural Reserve) district and to include within Prairie View First PUD (Planned Unit Development) District, Concept Development Plan, all of Blocks 1 through 5, Prairie View First Addition, and to include within the R-1 (Single Family Residence) District all of Block 6, Prairie View First Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND STREET AND
HIGHWAY PLAN TO INCLUDE THE PUBLIC R/W
SHOWN AS DEDICATED ON THE PLAT OF PERKINS
FOURTH ADDITION

The Planning and Zoning Commission reported having considered the matter of request from Pribula Engineering and Surveying on behalf of David

Parker for preliminary approval of a plat of Perkins Fourth Addition to the city of Grand Forks, ND, lying within a portion of the Northeast Quarter of Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian (located east of South 34th Street between 36th and 40th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Plan and to set the date of the public hearing for April 7, 1997.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An 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 Perkins Fourth Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE AMENDING SECTION
18-0304 OF THE CITY CODE RELATING TO YARDS

The City Planning and Zoning Commission referred the matter of the request 14850
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from the Inspection Department for preliminary approval of an ordinance to amend the text of the Land Development Code, Section 18-0304 (5) Yards, and recommended preliminary approval of the ordinance amending the text of the Land Development Code relating to "yards", to introduce the ordinance and to set the date of the public hearing for April 7, 1997.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance amending Section 18-0304 of the Grand Forks City Code relating to yards", which was presented, read and passed on its first reading.

APPROVE FINAL PLAT OF REPLAT OF LOT 1,
SPRUCEWOOD ADDITION

The Planning and Zoning Commission reported having considered the matter of request from CPS, Ltd. on behalf of Dr. Homer Rovelstad for final approval (fast track) of a Replat of Lot 1, Sprucewood Addition, Grand Forks, ND (located in the southeast corner of Belmont road and 32nd Avenue South), and recommended final approval (fast track) subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Hagness and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ADOPT RESOLUTION TO ANNEX ALL OF LONGVIEW
ADDITION, AND OTHER PROPERTIES ALONG 32ND
AVENUE SOUTH

The Planning and Zoning Commission reported having considered the matter of the request or petition from the Longview Fibre Company and others for approval of a resolution to annex all of Longview Addition and other properties to the city of Grand Forks, ND (located near the intersection of 32nd Avenue South and the Burlington Northern and Santa Fe Railway right of way), and recommended approval of the resolution of annexation and to set the date of the public hearing for April 21, 1997, to hear and determine the sufficiency of written protest.

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

Council Member Babinchak asked for clarification on other properties, and why forcing other properties to come in with Longview Addition when Longview selected their location and wanted to come into the city, and whether other properties would benefit.

Ray LeClerc, acting city planner, reported that included in this annexation are the following: 32nd Avenue South R/W, including UND runway, Simplot property, and south of 32nd Avenue South Johnson Brothers warehouses. He stated that there is policy in the Land Use Plan that states that if there is an area being annexed, they should look at surrounding area and if property developed, should include with the annexation.

Council Member Hagness explained that to take the adjoining property into the city now is the proper time rather than to try to bring in later, and as city expands to the west, property will benefit from city services. He reported that Simplot was not in favor of this but wouldn't oppose.

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Mr. LeClerc reported that Mr. Bushfield had talked with the University re. annexation of the landing strip and they had no particular objection to it. Mr. LeClerc also stated that Tim Crary was in the audience, that he had voiced objection for Johnson Farms to the annexation of the warehouses at the Planning meeting. Mr. LeClerc stated that there may be an advantage if they are annexed and they perhaps will come in for a zoning change to use those buildings for more of an industrial use.

Council Member Beyer questioned benefit to Simplot and UND property; and Council Member Carpenter spoke in favor of annexing fully developed property adjacent to Longview Property and that City will be providing services in that area and is in the best interest of the city.

Council Member Bakken spoke in favor of the annexation as this will increase tax base and will open up land to the west for development.

Upon call for the question and upon voice vote, the motion carried 11 votes affirmative.

Council Member Hagness introduced the following resolution of annexation, which was presented and read: Document No. 7270 - Resolution.

It was moved by Council Member Hagness and seconded by Council Polovitz that this resolution of annexation be and is hereby adopted and further that the 21st day of April, 1997 be set as date for public hearing for the purpose of hearing and determination of the sufficiency of any protest to the proposed annexation. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

RECONSIDER MATTER OF ANNEXATION OF PRAIRIE
VIEW FIRST ADDITION, INCLUDING LECLERC FARM
HOME AND UNPLATTED/UNDEVELOPED PROPERTY
ADJACENT THERETO; AND ADOPT RESOLUTION OF
ANNEXATION AS AMENDED

Council Member Hagness moved for reconsideration of the resolution to annex all of Prairie View First Addition, including the LeClerc farm home and unplatted/undeveloped property adjacent thereto, for discussion; seconded by Council Member Polovitz. Carried 11 votes affirmative.

Ray LeClerc was excused from comment on this matter as acting planning director because of conflict of interest.

The Planning and Zoning Commission reported having considered the matter of annexing all of Prairie View First Addition, including the LeClerc farm home and unplatted/undeveloped property adjacent thereto (located south of Adams Drive and along both sides of Belmont Road), and recommended approval of the Resolution of Annexation and to set the date of the public hearing for April 21, 1997, to hear and determine the sufficiency of written protest.

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

Council Member Hagness reported that when Mr. Crary requested annexation of property for which he is proposing as an affordable housing area, the Planning staff recommended taking in Mr. LeClerc's property which is located across Belmont Road, at the same time; that Planning Commission moved to include annexation of the one lot Mr. LeClerc wishes to plat now and to grant him until January 1, 2002 before annexing his farmstead area. He reported that in 14852
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discussing with Mr. LeClerc, five years not acceptable and asked for ten year delay, and moved an amendment to the resolution to grant a delay of seven years or until January 1, 2004. Council Member Polovitz seconded the motion.

Council Member Sande asked what difference was in this piece of property and the Simplot property which was included in the Longview annexation. Council Member Hagness stated that the LeClerc property farther back and no hydrant and if put hydrant on public property still long distance away from the property and long time before development of the property, and because it is a farmstead more practical to wait for seven years before receiving services for single family lot.

Council Member Beyer raised question of annexation of George McEnroe farmstead which has been delayed to 2002. Council Member Hagness reported that the McEnroe property is within housing development area and within feet of services (hydrant).

Upon call for the question on the amendment and upon voice vote, the motion carried 11 votes affirmative.

Upon call for the question on the motion, as amended, and upon voice vote, the motion carried 11 votes affirmative.

Council Member Hagness introduced the following resolution of annexation, which was presented and read: Document No. 7271 - Resolution.

It was moved by Council Member Hagness and seconded by Council Polovitz that this resolution of annexation be and is hereby adopted and further that the 21st day of April, 1997 be set as date for public hearing for the purpose of hearing and determination of the sufficiency of any protest to the proposed annexation. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

REPORT FROM EVENTS CENTER COMMITTEE

Council Member Carpenter reported their next meeting probably will be in two weeks, that they may have to have special council meeting on the 31st re. bids on next bid package.

APPROVE APPOINTMENT TO MAYOR'S COMMITTEE ON EMPLOYMENT OF PEOPLE W/DISABILITIES

Mayor Owens announced the appointment of Heather Drees to the Mayor's Committee on Employment of People w/Disabilities for term expiring in September, 1999, and asked for concurrence in this appointment. It was moved by Council Member Sande and seconded by Council Member Babinchak that this appointment be and is hereby approved. Carried 11 votes affirmative.

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to council for referral to committee and/or department for consideration.

- 1) Council Member Hanson presented the matter of removing parking at intersections on arterial and major streets during winter months; the matter was referred to the public safety committee.
- 2) Council Member Hamerlik presented the matter of considering need, priority, timing, financing, etc. for renovation of storm sewer serving area between RR tracks and Gateway Drive between Washington and English Coulee; this matter

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was referred to the public service committee.

3) Council Member Polovitz suggested holding a committee of the whole meeting to inform council members of flood fighting efforts, funding. etc. The mayor's office will take under advisement.

4) Council Member Hagness referred matter of appointment of council member to the Airport Authority as a voting member and also to refer to the County Commissioners the matter of appointment of a county commissioner as a voting member of that Board; and to refer to proper committee and the mayor for recommendation.

5) Council Member Bakken presented matter of streets in Riverside dike area that are only one lane wide and they need to look at cleaning of those streets around dikes.

6) Council Member Klave presented the matter of removal of snow in residential areas; this matter was referred to the public service committee for consideration.

UPDATE ON FLOOD ISSUE

Ken Vein, city engineer, reported they have already addressed issue of cleaning streets in the dike areas of the city, and that they are hearing that in the neighborhood of 2 million sandbags is projected for the coming season

and are projecting about 60,000 c.y. of clay; that magnitude of flood is going to be quite severe as being projected; that National Weather Service raised flood forecast last week from 47.5 ft. with no additional precipitation to 49 ft. with normal precipitation, and that they are planning for that.

ADJOURN

It was moved by Council Member Sande and seconded by Council Member Hanson that we do now adjourn. Carried 11 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Patricia A. Owens, Mayor