

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
7, 1997**

**PROCEEDINGS OF
OF THE CITY OF
Monday, April**

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, April 7, 1997 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Beyer, Babinchak, Bakken - 9; absent: Council Members Ellingson, Glassheim, Hafner, Hagness - 4.

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.

COUNCIL MEMBER KLAVE REPORTED PRESENT

PRESENTATION OF PUBLIC HEALTH EXCELLENCE AWARDS

Mayor Owens made presentation of the public health awards of excellence as follows: Media/Communications Award to Jeff Tiedeman, reporter for the Grand Forks Herald; Education Award to Kathy Dunn, Greater Grand Forks Immunization Coalition; Business Award to Minnesota Dairy, Tom Hagness; Public Official Award to Keith Berger, Grand Forks County Commission Chair; and Public Health Worker to Debbie Hanson-Misialek, public health department.

APPROVE MINUTES MARCH 3, 17, 21 AND 31, 1997

Typewritten copies of the minutes of the regular, adjourned and special meetings of the city council held on Monday, March 3 and March 17, Friday, March 21, and Monday, March 31, 1997, were presented and read. It was moved by Council Member Sande and seconded by Council Member Hanson that these minutes be approved as read. Carried 10 votes affirmative.

APPROVE FINAL PLAT; ADOPT ORDINANCE NO. 3638, AMENDING STREET AND HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON THE PLAT OF PRAIRIE VIEW FIRST 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 Prairie View First Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on March 17, 1997 and upon which public hearing was 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.

Council Member Sande questioned the naming of a street and avenue with same name: Prairie View Street and Prairie View Avenue. Ray LeClerc, acting city planner, reported that one of the conditions of the plat approval suggests that the one-half block segment of street coming in off Adams Drive named Prairie View Street runs same direction as all streets in the city, that the short one-half block segment coming in off Belmont Road and which runs east and west would be known as Prairie View Avenue, and that no lots will front on that street or avenue.

14861

April 7,

1997

There were no additional 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 CPS, Ltd. on behalf of Tim Crary for final approval of the plat of Prairie View First Addition, including a variance to the subdivision requirements as it relates to right of way widths, 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 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, and approval of a variance to the street right of way widths from 80 feet to 70 feet or a 12.5% reduction. The recommendation had been moved and seconded by Council Members Polovitz and Beyer.

Upon call for the question of adoption of this ordinance and upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3639, AMENDING ZONING
MAP TO INCLUDE WITHIN PRAIRIE VIEW FIRST PUD
DISTRICT, CONCEPT DEVELOPMENT PLAN, ALL OF
BLOCKS 1-5, PRAIRIE VIEW FIRST ADDITION AND TO
INCLUDE WITHIN R-1 (SINGLE FAMILY RESIDENCE)
DISTRICT ALL OF BLOCK 6, PRAIRIE VIEW FIRST
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 Prairie View First PUD (Planned Unit Development) District, Concept Development Plan, all of Blocks 1 thru 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 had been introduced and passed on its first reading on March 17, 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 CPS, Ltd. on behalf of Tim Crary, etal, for final 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 thru 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 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 Polovitz and Beyer.

Upon call for the question of adoption of this ordinance and upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson,
14862
April 7, 1997

Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the ordinance adopted.

TABLE FINAL PLAT, PUBLIC HEARING AND SECOND
READING OF ORDINANCE TO AMEND STREET AND HIGHWAY
PLAN TO INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON
PLAT OF PERKINS FOURTH ADDITION UNTIL MAY 19, 1997

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 had been introduced and passed on its first reading on March 17, 1997, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

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 Pribula Engineering and Surveying on behalf of David Parker for final 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 Avenues South), and

recommended tabling the request until May 19, 1997. The recommendation had been approved by Council Members Polovitz and Babinchak.

ADOPT ORDINANCE NO. 3640, TO AMEND TEXT OF THE
LAND DEVELOPMENT CODE, SECTION 18-0304(5) YARDS

An ordinance entitled "An ordinance amending Section 18-0304 of the Grand Forks City Code relating to yards", which had been introduced and passed on its first reading on March 17, 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.

Council Member Sande spoke in favor of adopting the ordinance because of problem with property owner(s) building abutting fence and obstructing view of adjacent property owner when exiting driveway onto street.

There were no additional 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 Inspections Department for final approval of an ordinance to amend the text of the Land Development Code, Section 18-0304(5), and recommended defeat of the ordinance amending the text of the Land Development Code. The recommendation was approved by Council Members Polovitz and Hanson.

Council Member Sande stated she feels ordinance not difficult to enforce, and

14863

April 7,

1997

urged council to reject the Planning and Zoning recommendation and to pass the ordinance. City Attorney Swanson advised that they amend the recommendation of the Planning and Zoning Commission if that was their intent.

Council Member Sande moved to amend the recommendation of the Planning and Zoning Commission to adopt the ordinance. Council Member Hanson seconded the motion to amend. Carried 10 votes affirmative.

Upon call for the question of adoption of this ordinance and upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3641, RELATING TO
ANNUAL FEE FOR DIRECT OR AUTOMATIC
CONNECTIONS TO PSAP

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 had been introduced and passed on its first reading on March 17, 1997, 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 the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3642, RELATING TO
TRAFFIC SIGNAL PREEMPTION SYSTEM

An ordinance entitled "An ordinance adopting Article 13, Chapter VIII, of the Grand Forks City Code relating to the traffic signal preemption system", which had been introduced and passed on its first reading on March 17, 1997, 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 the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the ordinance adopted.

ADOPT RESOLUTION RELATING TO TAXABLE WATER
RESERVE REVENUE BONDS, SERIES 1997C, CALLING
FOR THE PUBLIC SALE THEREOF AND SETTING SALE
DATE OF MAY 5, 1997

The city auditor reported that the notice to the public that the City proposes to construct a water system improvement, design and construction of waterline and lift station to serve the Grand Forks Air Force Base, that the estimated cost of the improvement is \$2,027,650, and that the City proposes to issue bonds to defray the estimated cost by adoption of a resolution authorizing the issuance of bonds and including a provision for a reserve fund, and giving notice that written protests against the issuance of such bonds must be filed in the office of the city auditor within twenty days after the publication of the notice and determination of sufficiency or insufficiency of protest would be made at its March 3, 1997 meeting, had been published as required; and further that the city council held the public hearing on March 3, 1997 and moved a declaration of insufficiency of protest as no protests had been filed with the city auditor's office. The city auditor also reported that the city council continued action on the resolution until this evening.

14864
April 7, 1997

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

It was moved by Council Member Beyer and seconded by Council Member Babinchak to declare an insufficiency of protest against the issuance of said bonds. Carried 10 votes affirmative.

Committee No. 1, Finance, reported having considered the matter of Water Revenue Bonds, Series 1997C, and recommended that we adopt resolution

relating to taxable water reserve revenue bonds, \$1,935,000, Series 1997C, calling for the public sale thereof and set the sale date for May 5, 1997.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Babinchak introduced the following resolution and moved its adoption, which motion was seconded by Council Member Hamerlik:
Document No. 7276 - Resolution.

Upon vote being taken thereon, the following voted in favor thereof: Council Members Babinchak, Bakken, Beach, Beyer, Carpenter, Hamerlik, Hanson, Klave, Polovitz, Sande - 10; and the following voted against the same: none; whereupon the resolution was declared duly passed and adopted.

HOLD PUBLIC HEARING ON PROPOSED URBAN
RENEWAL PLAN FOR RENOVATION OF FORMER POST
OFFICE BUILDING AT 311 SOUTH 4TH STREET
AND APPROVE TAX EXEMPTION

The city auditor presented the matter of the request by Postal Investors for tax increment financing (tax exemption) for proposed project for renovation of the former post office building property at 311 South 4th Street; and reported that the public hearing on the proposed project had been scheduled for this evening and that the notice of public hearing had been published as required. He reported further that no protests or comments had been filed with his office.

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

It was moved by Council Member Beyer and seconded by Council Member Babinchak that we declare an insufficiency of protest to the proposed project. Carried 10 votes affirmative.

Committee No. 1, Finance, reported having considered the matter of TIF/tax exemption for the former post office property at 311 South 4th Street, and recommended to grant a tax exemption for a period of eight (8) years.

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, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

DETERMINE INSUFFICIENCY OF PROTEST ON
PAVING PROJECT NO. 4225.3, DISTRICT NO. 544

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 544, Project No. 4225.3, frontage roads along South Washington Street from

14865

April 7,

1997

Hammerling to 26th Avenue South, had expired on March 24, 1997, and that he had received no written protests.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

Council Member Hanson introduced the following resolution as to protests which was presented and read: Document No. 7277 - Resolution.

It was moved by Council Member Hanson and seconded by Council Member Hamerlik that we do hereby find and determine an insufficiency of protest against Paving District No. 544, Project No. 4225.3, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 10 votes affirmative.

CONTINUE PUBLIC HEARING AND DETERMINATION OF
PROTEST ON PAVING DISTRICT NO. 551, PROJECT
NO. 4557

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 551, Project No. 4557, paving in Rivers Edge Resubdivision and Anderson's Sub-division had expired on March 24, 1997, and that he had received no written protests. However, it was reported that the bid opening had been extended to May 12, 1997 and in order to give the property owners an opportunity to see the bids and the cost of the project, it was moved by Council Member Klave and seconded by Council Member Sande that the hearing on the determination of protest be and is hereby continued to May 19, 1997. Carried 10 votes affirmative.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
IMPROVEMENT DISTRICT NO. 85, PROJECT NO. 4578

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Street Improvement District No. 85, Project No. 4578, asphalt maintenance overlay of existing asphalt concrete pavement in Medvue 2nd Addition and in Kuster's Addition, had expired on March 24, 1997, and that he had received no written protests.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

Council Member Beyer introduced the following resolution as to protests which was presented and read: Document No. 7278 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Street Improvement District No. 85, Project No. 4578, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 10 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL

COST AND AWARD CONTRACT, STREET IMPROVEMENT
PROJECT NO. 4578, DISTRICT NO. 85

The city auditor presented and read tabulation of bids which had been received and opened on March 24, 1997 for Street Improvement Project No. 4578, District No. 85, asphalt maintenance overlay of existing asphalt concrete pavement, indicating that Nodak Contracting was the low bidder based upon their bid in the amount of \$161,800.00: Document No. 7279 - Bid Tabulation.

14866
April 7, 1997

The city engineer's estimate of total cost on Street Improvement Project No. 4578, District No. 85, in the amount of \$206,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Street Improvement Project No. 4578, District No. 85, overlay in Medvue, and recommended that we accept the low bid of Nodak Contracting in the amount of \$161,800.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7280 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Street Improvement Project No. 4578, District No. 85, to Nodak Contracting be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING
DISTRICT NO. 545, PROJECT NO. 4561

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 545, Project No. 4561, paving in Garden View Estates First Addition, had expired on March 24, 1997, and that he had received no written protests.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7281 - Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Hanson that we do hereby find and determine an insufficiency of protest against Paving District No. 545, Project No. 4561, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 10 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF
TOTAL COST AND AWARD CONTRACT, PAVING
PROJECT NO. 4561, DISTRICT NO. 545

The city auditor presented and read tabulation of bids which had been received and opened on March 24, 1997 for Paving Project No. 4561, District No. 545, paving in Garden View Estates First Addition, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$173,817.31: Document No. 7282 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4561, District No. 545, in the amount of \$221,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Paving Project No. 4561, District No. 545, paving in Garden View Estates First Addition, and recommended that we accept the low bid of Valley Contracting Company in the amount of \$173.817.31.

It was moved by Council Member Klave and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 10 votes affirmative.

14867

April 7,

1997

Council Member Klave introduced the following resolution which was presented and read: Document No. 7283 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Beyer that this resolution awarding the contract for Paving Project No. 4561, District No. 545, to Valley Contracting Company be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING
DISTRICT NO. 546, PROJECT NO. 4517

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 546, Project No. 4517, paving on 24th Avenue South from South 38th Street to South 42nd Street, South 40th Street from 24th Avenue South to 29th Avenue South, and on 29th Avenue South from South 38th Street approx. 1,000 feet west, had expired on April 3, 1997, and that no written protests had been received.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

Council Member Beyer introduced the following resolution as to protests which was presented and read: Document No. 7284 - Resolution.

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

Babinchak that we do hereby find and determine an insufficiency of protest against Paving District No. 546, Project No. 4517, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 10 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL COST AND AWARD CONTRACT, PAVING PROJECT NO. 4517, DISTRICT NO. 546

The city auditor presented and read tabulation of bids which had been received and opened on March 31, 1997, for paving on 24th Avenue South from South 38th Street to South 42nd Street, South 40th Street from 24th Avenue South to 29th Avenue South, and on 29th Avenue South from South 38th Street approx. 1,000 feet west, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$453,924.50: Document No. 7285 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4517, District No. 546, in the amount of \$577,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of bids for Paving Project No. 4517, District No. 546, paving in Birkholz 5th Addition, and recommended that we accept the low bid of Valley Contracting Company in the amount of \$453,924.50.

It was moved by Council Member Klave and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7286 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Beyer that this resolution awarding the contract for Paving Project No. 4517, District No. 546, to Valley Contracting Company be and is hereby adopted.

Upon roll

14868

April 7, 1997

call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING DISTRICT NO. 547, PROJECT NO. 4526

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 547, Project No. 4526, paving in English Coulee Center Second Addition, had expired on April 3, 1997, and that no written protests had been received.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

Council Member Beyer introduced the following resolution as to protests

which was presented and read: Document No. 7287 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Paving District No. 547, Project No. 4526, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 10 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, PAVING PROJECT NO.
4526, DISTRICT NO. 547

The city auditor presented and read tabulation of bids which had been received and opened on March 31, 1997 for Paving Project No. 4526, District No. 547, paving in English Coulee Center Second Addition, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$90,780.70: Document No. 7288 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4526, District No. 547, in the amount of \$115,500.00, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of bids for Paving Project No. 4526, District No. 547, paving in English Coulee Center Second Addition, and recommended that we accept the low bid of Valley Contracting Company in the amount of \$90,780.70.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7289 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Paving Project No. 4526, District No. 547, to Valley Contracting Company, be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

CLOSE PUBLIC COMMENT PERIOD FOR GRANTEE
PERFORMANCE REPORT

The city auditor reported that the 15-day comment period had been opened on March 15, that the Office of Urban Development has to file documentation with the federal government on the grants that they have received, and they are required to have a public comment period. It was noted that no comments had

14869

1997

April 7,

been filed.

It was moved by Council Member Beyer and seconded by Council Member Sande to close the 15-day public comment period. Carried 10 votes affirmative.

REPORTS OF OFFICERS

The city auditor presented the investment report for the period as of March 31, 1997. It was moved by Council Member Hanson and seconded by Council Member Carpenter to receive and file the report. Carried 10 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 97-05, dated April 7, 1997, and totaling \$1,810,704.08, 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 Babinchak and seconded by Council Member Carpenter 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, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

ADOPT RESOLUTION RELATING TO ISSUANCE OF UP TO \$50 MILLION OF UNITED HOSPITAL BONDS

Committee No. 1, Finance, reported having considered the matter of issuing up to \$50 Million of United Hospital bonds (proposed Health Care System Revenue Bonds, Series 1997 [Altru Health System Obligated Group]), and recommended to adopt the resolution relating to the issuance of revenue bonds on behalf of the United Hospital or The United Hospital and one or more of its affiliates, and call for a public hearing on may 5, 1997.

It was moved by Council Member Bakken and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Bakken introduced the following resolution which was presented and read: Document No. 7290 - Resolution.

It was moved by Council Member Bakken and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

APPROVE EXTENSION OF E-911 SURCHARGE

Committee No. 1, Finance, reported having considered the matter of renewing/ extending 911 service telephone surcharge, and recommended that we confirm the action taken by the (PSAP) Public Safety Answering Point Authority in ex- tending the E-911 surcharge for six years retroactively from July 1, 1995 to July 1, 2001.

Committee No. 2, Public Safety, reported having considered the matter of renewing/extending 911 service telephone surcharge, and recommended to retroactively extend surcharge for 911 from July 1, 1995 to July 1, 2001.

It was moved by Council Member Bakken and seconded by Council Member Babinchak 14870
April 7, 1997

that these recommendations be and are hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE INCREASE IN FEES FOR HOUSING
INMATES AT GRAND FORKS COUNTY CORRECTIONAL CENTER

Committee No. 1, Finance, reported having considered the matter of increase in fees for housing inmates at Grand Forks County Correctional Center, and recommended to approve increase to \$25.00 per day per inmate.

It was moved by Council Member Bakken and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE BUDGET AMENDMENTS

A request to amend the City Hall budget in the amount of \$3,000.00 for repair/ alteration in finance office to bring into compliance with ADA requirements was presented and read. It was moved by Council Member Bakken and seconded by Council Member Babinchak that the budget amendment be approved. Carried 10 votes affirmative.

A request to amend the Emergency Management budget in the amount of \$18,000.00 for 1997 flood fight was presented and read. It was moved by Council Member Bakken and seconded by Council Member Babinchak that the budget amendment be approved. Carried 10 votes affirmative.

APPROVE AFFORDABLE HOUSING PLAN, AND
INTRODUCE ORDINANCES TO IMPLEMENT

The Planning and Zoning Commission reported having considered the matter of review of the proposed affordable housing plan and submittal of recommendations thereof, and recommended to receive and file.

Committee No. 4, Urban Development, reported having considered the matter of affordable housing recommendations, and recommended to approve as follows: items 1) through 11) and 13) to adopt as presented; 12) to adopt as presented, but only for affordable housing districts; items 14) and 15) no action; and further to explore additional methods to arrest deterioration of existing housing stock.

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 ft.; 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%, and 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 exemption to \$75,000 (finance committee item); 13) financial institutions to establish a special funding

14871

April 7,

1997

mechanism to assist construction financing (finance committee item); 14) real estate agencies limit fee to 5% for initial sale (finance committee item).

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.

Committee No. 1, Finance, reported having considered the matter of affordable housing plan (and recommendations from the affordable housing committee), and recommended the following: 1) that we limit the initial number of districts to no more than two; 2) that we limit the initial number of lots in each district to no more than 75; items 3) through 11) and 13) and 14) adopt as presented; 12) that the two year tax exemption be \$75,000 for houses up to \$100,000 in value, that the exemption be \$50,000 on houses valued from \$100,001 to \$125,000, and anything over \$125,000 receive zero tax exemption; and further that for determining an affordable housing district that the max. cost of lot and house be no more than \$90,000.

Council Member Carpenter stated that they have conflicting recommendations from committees relating to items 1), 2), 11) and 12), and additional items of defining affordable housing district with a max. cost; and stated that by limiting districts to two and by doing 75 lots per district rather than 100 would reduce the City's exposure for debt by funding 100% upfront vs. the 50%. He stated that item 12) which is the tax exemption is not defined in the affordable housing recommendations as to what the \$75,000 should apply to, and Urban Development limited it more by restricting to affordable housing districts, but prefers the step-down as it gives some incentive to others. He stated that the \$90,000 limitation to the district allows the median income in Grand Forks and does not include cost of infrastructure.

City Attorney Swanson advised council that they have recommendations from five separate committees, some of which are inconsistent, that they either need to defeat some of the committee recommendations or form a

singular committee recommendation, and suggested that there are some things that haven't been discussed and that four different ordinances will need to be amended. He stated he has some concern re. item 10) which deals with council approval of protective covenants. He advised that they could amend all five recommenda- tions into one recommendation containing all of the elements they wish to adopt, but that items re. upfront monies, lot widths and depths, etc. do require ordinance changes that have to go through the planning and zoning commission so wouldn't be able to implement those until May but could implement everything else.

Council Member Hamerlik suggested to refer to special committee of the committee chairs.

Council Member Klave stated that builders don't have problem with the graduated scale but here are dealing with the affordable housing proposal and sees problem with stopping exemption at \$125,000. Council Member Carpenter stated that the recommendation from the finance committee on item 12) re. graduated scale for tax exemption was to apply city-wide in addition to the affordable housing districts.

Council Member Beach moved the adoption of the Urban Development Committee's recommendation; seconded by Council Member Beyer.

It was moved by Council Member Beyer to amend item 1) to limit the initial number of districts to no more than two, and that when the total number of lots available falls below 150, a new district could be established. Council Member Sande seconded the motion.

14872

April 7, 1997

After some discussion Council Members Beyer and Sande withdrew their amendment.

Council Member Carpenter moved to amend to item 2) to limit each district to 75 lots, and also adopt 2a) as presented by the public service committee, ie., that when the total number of lots available falls below 150, a new district could be established. Council Member Beyer seconded by the motion. Carried 10 votes affirmative.

Mr. Swanson reported that item 4) will require amendment to Section 18-0908 and that as he understands the intent, the reduction in up-front monies only applies to those lots within a designated district; that on recommendations 5), 6) and 7) he was uncertain as to what intention is as it relates to zoning districts, and asked if council anticipates whether those districts will be R-1, R-2, R-M zones or all three, that there is no single ordinance where can make a change but will have to change each particular zone which may be used to comprise one of the affordable housing districts. There was some discussion whether this was to be limited to single family houses, or whether townhouses, etc. would also be allowed. Council Member Carpenter stated that the intent was for single family homes, and Mr. Vein stated that initially they were looking at R-1 zoning. Council Member Klave stated that they are establishing lot sizes and lots sizes not adequate for townhouses but only for single family residences. Mr. Vein stated that lot widths not to exceed 60 ft. but could still accommodate townhouses, duplexes, etc. Council Member Bakken stated they were to assist in construction of single family houses, that condos are being built anyway. Mr. Vein stated that in the

affordable housing committee review they felt the only way to insure affordable housing was by restricting lot sizes and not values.

It was moved by Council Beyer to amend items 5) and 6) to designate lot restrictions for R-1 zones. Council Member Hanson seconded the motion. Carried 10 votes affirmative.

Mr. Swanson commented on recommendation in item 10), that he wasn't sure why City would intervene into protective covenants, assuming they even have the authority to do so, it raises significant constitutional issues that constitute state action, ie., defining sq. ft. of home, number of bedrooms, garage stalls, gets into some taking issues; that the City in conjunction with other cities in the state, lobbied the legislature to not adopt a bill which would require municipalities to enforce protective covenants. He suggested that they don't get into game of approving covenants, but rather establish what covenants they are prohibiting from being adopted in these zones, or identify what covenants they want adopted in these zones; and his recommendation is to delete item 10). Mr. Vein stated their intention was to eliminate those things which they thought were restrictive to allowing anyone to be able to build.

Council Member Carpenter moved to amend this provision by deleting the requirement of City approval but requiring that there be no restrictive covenants regarding location or supplier of materials or builders and that there be no protective covenants regarding sodding and landscaping requirements. Council Member Babinchak seconded the motion. Carried 10 votes affirmative.

Council Member Klave moved to amend item 11) to 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; the motion was seconded by Council Member Beyer. Carried 10 votes affirmative.

Council Member Beyer moved to amend item 12) (based on the finance committee

14873

April 7,

1997

recommendation with exemption on a city-wide basis) as follows: that the two-year tax exemption be \$75,000 for houses up to \$100,000 in value, that the exemption be \$50,000 on houses valued from \$100,001 to \$125,000, and that anything over \$125,000 receive zero tax exemption; seconded by Council Member Sande.

After some discussion it was moved by Council Member Klave to amend the amendment to extend the exemption to include exemption of \$25,000 for houses valued from \$125,001 to \$150,000 and over \$150,001 receive zero exemption. Council Member Babinchak seconded the motion.

Mr. Carsen, city assessor, stated that exemption applies only to the improvement value by State law, and that he had suggested that the exemption be graduated based on sq. footage which is a very factual thing as they are sometimes pressured to keep value below certain figures in

order to obtain the exemption. Council Member Klave stated that the tax exemption shouldn't even be a factor when the house is being appraised for value at any time. Mr. Swanson stated that they can't refer to the permit when appraising but based on true and full value as of February 1 of given year. regardless of what ultimate value of the property might be.

Council Member Beach stated that it was his understanding that the recommendations were only within the affordable housing districts and exemption for houses outside the districts would remain as is, and that that was intent of original committee. Mr. Vein stated that it was.

Council Member Carpenter stated that it would simplify to allow the tax exemption only within the affordable housing districts and eliminate any place else. Council Member Klave stated he would be agreeable to leaving the two-year \$50,000 exemption city-wide and to allow \$75,000 only within the afford- able housing districts, and redo at later date. However, Council Member Beyer stated her motion was as recommended by the finance committee.

Upon call for the question on the amendment (to extend tax exemption to include a \$25,000 exemption for properties valued from \$125,001 to \$150,000 and zero exemption for properties over \$150,000), and upon voice vote the motion was defeated.

Upon call for the question on the amendment to establish tax exemptions on city-wide basis on a graduated scale (two-year tax exemption of \$75,000 for houses up to \$100,000 in value, \$50,000 on houses valued from \$100,001 to \$125,000, and houses valued over \$125,000 receive zero tax exemption), and upon roll call the following voted "aye": Council Member Hamerlik, Hanson, Carpenter, Sande, Beyer, Babinchak - 6; voting "nay": Council Members Beach, Polovitz, Klave, Babinchak - 4. Mayor Owens declared the motion carried.

Council Member Carpenter moved an amendment a cap for the affordable housing district that the value of the house and the lot, excluding special assessments, be no more than \$90,000. The motion was seconded by Council Member Hamerlik.

After some discussion the motion was amended by Council Member Hanson and seconded by Council Member Sande to restrict value to \$100,000. After further discussion and upon voice vote, the amendment to the motion was defeated.

Upon call for the question on the original motion and upon voice vote, the motion carried 8 votes affirmative; Council Members Beach and Babinchak voted against the motion.

Upon call for the question on the original motion (recommendation of the Urban Development Committee) as amended, and upon voice vote, the motion carried 10

14874

April 7, 1997

votes affirmative.

Council Member Beyer introduced ordinance(s) entitled "An ordinance

which were introduced and passed on first reading.

AUTHORIZE INSTALLATION OF YIELD SIGNS AT
SOUTH 9TH STREET AND 7TH AVENUE SOUTH

Committee No. 2, Public Safety, reported having considered the matter of yield signs at South 9th Street and 7th Avenue South, and recommended installation of yield signs on South 9th Street.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 10 votes affirmative.

AUTHORIZE FOUR-WAY STOP AT 24TH AVENUE
SOUTH AND SOUTH 17TH STREET

Committee No. 2, Public Safety, reported having considered the matter of request for four-way stop at 24th Avenue South and South 17th Street, and recommended approval of the request.

It was moved by Council Member Beyer that this recommendation be and is hereby approved. Carried 10 votes affirmative.

EXTEND SEASONAL PARKING TO MAY 1

Committee No. 2, Public Safety, reported having considered the matter of request to extend seasonal parking changes (from April 1) to May 1 because of snow conditions.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 10 votes affirmative.

ACCEPT BID FOR FURNITURE FOR HEALTH
DEPARTMENT RENOVATION/EXPANSION

Committee No. 2, Public Safety, reported having considered the matter of bids for health department for exam room furniture, and recommended to accept the low bid meeting specifications, Gaffaney's, in the amount of \$6,000.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BID FOR VEHICLE FOR HEALTH DEPARTMENT

Committee No. 2, Public Safety, reported having considered the matter of bids for health department for replacement of vehicle totaled in accident, and

recommended to accept the low bid of Hansen Ford in the amount of \$14,775.00.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens

14875

April 7,

1997

declared the motion carried.

ACCEPT BID FOR PROJECTION EQUIPMENT FOR
FIRE DEPARTMENT

Committee No. 2, Public Safety, reported having considered the bids for projection equipment for fire department training, and recommended to accept the bid of Demco in the amount of \$4,295.75.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE BUDGET AMENDMENT

A request to amend the Health Department budget in the amount of \$7,983.00 for anticipated expenditures during remainder of year and for expansion, was presented and read.

It was moved by Council Member Sande and seconded by Council Member Beyer that this budget amendment be approved. Carried 10 votes affirmative.

AUTHORIZE ENTERING INTO JOINT EXERCISE OF
POWERS AGREEMENT FOR CITIES, COUNTIES AND
WATER RESOURCE DISTRICTS IN THE DEVILS LAKE
BASIN AND ALONG SHEYENNE AND RED RIVERS

Committee No. 3, Public Service, reported having considered the matter of joint exercise of powers agreement for cities, counties and water resource districts to Devils Lake Basin and along the Sheyenne and Red Rivers, and recommended to authorize entering into the joint powers agreement, and authorize proper City officials to sign the agreement.

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BID FOR BRUSH CHIPPER FOR SANITATION
DEPARTMENT

Committee No. 3, Public Service, reported having considered the matter of bids for brush chipper for sanitation department, and recommended to accept the low bid of Arbor Quip in the amount of \$19,993.00.

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BID FOR CONTAINERS FOR SANITATION
DEPARTMENT

Committee No. 3, Public Service, reported having considered the matter of bids for containers for sanitation department, and recommended to accept the low bid of WasteCo Manufacturing in the total amount of \$117,485.00, and to accept the low bid of Rayfo, Inc. for 2 22-yd. roll-off containers at a cost of

14876

April 7, 1997

\$5,080.00.

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CHANGE ORDERS FOR PROJECT NO.
4438, UPGRADING LIFT STATION NO. 17

Committee No. 3, Public Service, reported having considered the matter of change order for Project No. 4438, upgrading Lift Station No. 17, Moorhead Construction, \$1,767.80 deduct (reuse existing fittings for piping), and recommended to approve the change order.

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the matter of change order for Project No. 4438, upgrading Lift Station No. 17, John's Refrigeration & Electric, \$1,119.00 deduct, (electrical system changes), and recommended that the change order be approved.

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

Council Member Beyer asked to be excused from voting on this matter. It was so moved by Council Members Babinchak and Polovitz. Carried 9 votes affirmative.

Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Babinchak, Bakken -

9; voting "nay": none; Council Member Beyer abstaining. Mayor Owens declared the motion carried.

APPROVE ENGINEERING AGREEMENT FOR DESIGN
AND BIDDING PHASES FOR PROJECT NO. 4643, REHAB
OF LIFT STATION NO. 5

Committee No. 3, Public Service, reported having considered the matter of engineering agreement for design and bid services, Project No. 4643, Rehab Lift Station No. 5, and recommended to approve the agreement for design and bidding phases in the amount of \$25,584.00.

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE PLANS AND SPECS. FOR PROJECT
NO. 4624, 1997 FORCEMAIN VALVE REPLACEMENT

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4624, 1997 forcemain valve replacement, and recommended to approve plans and specifications and authorize call for bids.

14877

April 7,

1997

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4624, 1997 forcemain valve replacement, request for advance purchase of piping, and recommended to authorize purchase of 12" by-pass piping for the project.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

ACCEPT BID FOR UNINTERRUPTED POWER SYSTEM
AT DEMERS AND WASHINGTON INTERSECTION, PROJECT
NO. 4611

Committee No. 3, Public Service, reported having considered the bids for Project No. 4611, Uninterrupted power system for DeMers & Washington Street intersection, and recommended that we accept the low bid of General Traffic in the amount of \$20,077.00, delivered.

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, SEWER PROJECT NO. 4461,
DISTRICT NO. 370

The city auditor presented and read tabulation of bids which had been received and opened on March 24, 1997 for Sewer Project No. 4461, District No. 370, sanitary sewer on South 42nd Street, indicating that Duckstad Contracting, Inc. was the low bidder based upon their bid in the amount of \$256,993.50: Document No. 7291 - Bid Tabulation.

The city engineer's estimate of total cost on Sewer Project No. 4461, District No. 370, in the amount of \$326,500.00, was presented and read.

Committee No. 3, Public Service, reported having considered bids for Sewer Project No. 4461, District No. 370, sanitary sewer on South 42nd Street, and recommended that we accept the low bid of Duckstad Contracting, Inc. in the amount of \$256,993.50.

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

Council Member Babinchak asked to be excused from voting on this matter. It was so moved by Council Members Polovitz and Carpenter. Carried 9 votes affirmative.

Upon call for the question and upon voice vote, the motion carried 9 votes affirmative; Council Member Babinchak abstaining.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7292 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that the resolution awarding the contract for Sewer Project No. 4461, District No. 370, to Duckstad Contracting, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson,
14878
April 7, 1997

Carpenter, Sande, Klave, Beyer, Bakken - 9; voting "nay": none; Council Member Babinchak abstaining. Mayor Owens declared the resolution adopted and the contract awarded.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, WATERMAIN PROJECT
NO. 4462, DISTRICT NO. 247

The city auditor presented and read tabulation of bids which had been received and opened on March 24, 1997, indicating that Soberaski, Inc. was the low bidder based on their bid in the amount of \$343,727.50: Document No. 7293 - Bid Tabulation.

The city engineer's estimate of total cost on Watermain Project No. 4462, District No. 247, in the amount of \$437,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for

Watermain project No. 4462, District No.2 47, watermain on South 42nd Street, and recommended that we accept the low bid of Soberaski, Inc. in the amount of \$343,727.50.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7294 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that the resolution awarding the contract for Watermain Project No. 4462, District No. 247, to Soberaski, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL COST, AND AWARD CONTRACT, WATERMAIN PROJECT NO. 4603, DISTRICT NO. 251

The city auditor presented and read tabulation of bids which had been received and opened on Monday, March 31, 1997 for Watermain Project No. 4603, District No. 251, watermain on 11th Avenue South, indicating that United Crane & Excavation, Inc. was the low bidder based on their bid in the amount of \$24,620.00: Document No. 7295 - Bid Tabulation.

The city engineer's estimate of total cost on Watermain project No. 4603, District No. 251, in the amount of \$31,500.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Watermain Project No. 4603, District No. 251, watermain on 11th Avenue South, and recommended that we accept the low bid of United Crane & Excavating, Inc. in the amount of \$24,620.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7296 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Watermain Project No. 4603, District No. 251, to United Crane & Excavation, Inc. be and is hereby adopted. Upon

14879

1997

April 7,

roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST, AND AWARD CONTRACT, SEWER PROJECT NO. 4620,
DISTRICT NO. 384

The city auditor presented and read tabulation of bids which had been received and opened on Monday, March 31, 1997, for Sewer Project No. 4620, District No. 384, indicating that Molstad Excavating, Inc. was the low bidder based upon their bid in the amount of \$37,930.00: Document No. 7297 - Bid Tabulation.

The city engineer's estimate of total cost on Sewer Project No. 4620, District No. 384, in the amount of \$104,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Sewer Project No. 4620, District No. 384, storm sewer on 24th Avenue South, and recommended that we accept the low bid of Molstad Excavating, Inc. in the amount of \$37,930.00.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7298 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Sewer Project No. 4620, District No. 384, to Molstad Excavating, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

ACCEPT BID FOR WATERMAIN REPLACEMENT
PROJECT NO. 4577

Committee No. 3, Public Service, reported having considered the bids for Watermain Replacement Project No. 4577.02, and recommended that we accept the low bid of Soberaski, Inc. in the amount of 4108,089.50 for the reduced area (South 9th Street).

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 Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried and the contract awarded.

APPROVE BUDGET AMENDMENT

A request to amend the Wastewater Utility budget in the amount of \$275,000 to rehabilitate Pump Station No. 7 and to add a third pump to Pump Station No. 22, was presented and read. It was moved by Council Member Beyer and seconded by Council Member Klave that this budget amendment be and is hereby approved. Carried 10 votes affirmative.

AMEND JOINT POWERS AGREEMENT FOR RIVER

FORKS COMMISSION TO ALLOW APPLICATION FOR
DESIGNATION FROM IRS TO BE RECOGNIZED AS
CHARITABLE ORGANIZATION
14880
April 7, 1997

Committee No. 4, Urban Development, reported having considered the matter of amendment to joint powers agreement for River Forks Commission to allow for application for 501(c)(3) designation from the IRS to be recognized as a charitable organization, and recommended to adopt amendment to Section XII subject to review and approval by the city attorney.

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

Mr. Swanson, city attorney, stated that this amendment would be contingent upon joint action by Grand Forks and East Grand Forks.

Upon call for the question and upon voice vote, the motion carried 10 votes affirmative.

APPROVE STOREFRONT APPLICATIONS AND ALLOCATE
FUNDS

Committee No. 4, Urban Development, reported having considered the matter of storefront applications, and recommended allocation of funds as follows:

1) Satrom Real Estate, 101 South 3rd Street, \$3,500; 2) Satrom Real Estate, 137 South 3rd Street, \$3,500; 3) City of Grand Forks, 27 South 3rd Street, \$7,000; 4) City of Grand Forks 25 South 3rd Street, -0-; 5) LTD Properties, 12 North 3rd Street, -0-; 6) LTD Properties, 12 North 3rd Street, -0-; 7) LTD Properties, 414 DeMers Avenue, -0-; 8) LTD Properties, 414 DeMers Avenue, -0-; 9) Ramesh Kumar Sharma, 311 Kittson, \$3,500; 10) Ramesh Kumar Sharma, 311 Kittson, \$3,500; 11) Ward K. Johnson, 301 North 3rd Street, \$2,000; 12) Norby's Office Services, 630 North 3rd Street, \$7,000; 13) Pearson, Christensen, et al, 24 North 4th Street, \$7,000; 14) O'Hara's Brew Pub, 120 North 3rd Street, \$7,000; 15) Mabel Adamson and Glenn Hansen, 120 South 3rd Street, \$3,500; 16) Todd Nedberg, 313-317 DeMers, -0-; 17) La Parfumerie, 21 South 3rd Street, \$560; 18) Quilted Rabbit, Inc., 6 South 3rd Street, \$250; and Contingencies \$1,690; for a total of \$50,000.

It was moved by Council Member Polovitz and seconded by Council Member Beach that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CHANGE ORDER AND TRANSFER OF FUNDS
TO CONTINENTAL HOMES PROJECT FOR ACCESSIBILITY

Committee No. 4, Urban Development, reported having considered the change order for accessibility at 1902 24th Avenue South, and recommended that we transfer \$9,000 from Housing Rehab account into Continental Homes Project.

It was moved by Council Member Polovitz and seconded by Council Member Beach that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE FINAL PLAT OF REPLAT OF LOT 12 OF
REPLAT OF BLOCK 12, VALLEY PARK 2ND ADDITION,
INCLUDING PORTION OF VACATED SOUTH 19TH STREET

The City Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Sidney B. Bina for final approval of the Replat of Lot 12 of the Replat of Block 12, Valley Park 2nd Addition, including one-half of vacated South 19th Street adjacent thereto, to the city

14881

April 7,

1997

of Grand Forks, North Dakota (located east of South 20th Street on 23rd Avenue South), and recommended final approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Polovitz and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 10 votes affirmative.

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

The City Planning and Zoning Commission reported having considered the matter of the request from Steve Adams on behalf of Art Greenberg, Jr. for final 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 South 23rd Street), and recommended final approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Polovitz and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 10 votes affirmative.

APPROVE PRELIMINARY AND FINAL PLATS OF REPLAT
OF LOT 3, BLOCK 1 AND REPLAT OF LOT B OF REPLAT
OF LOT 2, BLOCK 1, COLUMBIA PARK 11TH ADDITION

The City Planning and Zoning Commission reported having considered the matter of request from CPS, Ltd on behalf of Conndo, Inc. for preliminary and final (fast track) approval of the Replat of Lot 3, Block 1 and a Replat of Lot B of the Replat of Lot 2, Block 1, Columbia Park 11th Addition to the city of Grand Forks, ND (located in the 1800 block of South Columbia Road), and recommended approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Polovitz and seconded by Council member Sande that this recommendation be and is hereby approved. Carried 10 votes affirmative.

APPROVE AMENDMENT NO 1 TO ENGINEERING SERVICES
AGREEMENT FOR THE GRAND FORKS EVENTS CENTER,
PROJECT NO. 4538

The Events Center Core Committee reported having considered the matter of Amendment No. 1 to the engineering services agreement with CPS, Ltd. for the Grand Forks Events Center to cover services from the design phase through final construction based on an hourly rate with a maximum fee, and recommended that Amendment No. 1 be approved for a total of \$496,724.

It was moved by Council Member Babinchak and seconded by Council Member Hanson that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE APPOINTMENT TO AIRPORT AUTHORITY

Mayor Owens announced the appointment of Brad Beyer to the Grand Forks Airport Authority to fill the unexpired term of Doug Norby, which expires in July, 1998, and asked for concurrence in this appointment. It was moved by Council Member Carpenter and seconded by Council Member Beach that this appointment be and is hereby approved.

14882

April 7, 1997

Council Member Beyer asked to be excused from voting on this matter. It was so moved by Council Members Babinchak and Klave. Carried 9 votes affirmative.

Upon call for the question on the motion and upon voice vote, the motion carried 9 votes affirmative; Council Member Beyer abstaining.

AUTHORIZE PAYMENT OF ESTIMATES AS ADVANCE
PAYMENTS

The city auditor reported that due to the storm and people being stranded out of town, didn't receive estimates and summary, but would like authorization to allow his office to pay the estimates as advance payments and to bring in at the next council meeting. It was moved by Council Member Carpenter and seconded by Council Member Babinchak to allow payment of estimates as advance payments. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken - 10; voting "nay": none. Mayor Owens declared the motion carried.

PRESENT VARIOUS ITEMS TO COUNCIL FOR
CONSIDERATION

Various items were presented to the city council for their information and/or consideration.

- 1) Council Member Polovitz suggested that the mayor call committee of the whole meeting to discuss emergency preparedness, why no radio station, auxiliary power for lift stations, etc.
- 2) Mayor Owens reported that the city had received a presidential

disaster declaration and that they will be sending in a team of people to assess damages, retroactive to February 28, on a 75%-25% basis, and dependent upon extensiveness of damage, may increase to 90-10%; and that she will provide that information to the council and to emergency management.

3) Council Member Bakken presented matter of some property owners draining sump pumps into sanitary sewer system rather than outside, what is solution, how to enforce, etc. Mr. Swanson stated that there would be some constitutional issues involved, that inspection of houses could only be on a volunteer basis, that only way to inspect without consent of property owner would be to obtain search warrant, and would have to have probable cause indicating that there is an illegal plumbing hookup; and reviewed some of things they have done in the past (notice to property owners, smoke bombs in sewer, etc. Mr. Vein reported that there are two types of problems: sump pumps and roof drains and these are greatest contributors to inflow and infiltration. He reported they are still pumping 12 mgd at the lagoon, far more than the 8 mgd they are producing, which show that they have a lot of roof drains plus other inflow and infiltration, that they have tried to get the notice out to the people.

ADJOURN

It was moved by Council Member Beach and seconded by Council Member Polovitz that we do now adjourn until Monday, April 21, 1997 at 7:30 p.m. Carried 10 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Patricia A. Owens, Mayor